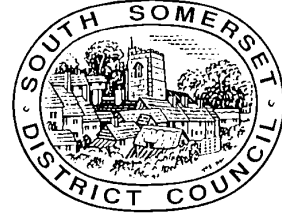


South Somerset District Council

Notice of Meeting



Area East Committee

Making a difference where it counts

Wednesday 14th November 2018

9.00 am

**Council Offices, Churchfield,
Wincanton BA9 9AG**

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



The following members are requested to attend this meeting:

Mike Beech
Hayward Burt
Tony Capozzoli
Nick Colbert

Sarah Dyke
Anna Groskop
Henry Hobhouse
Mike Lewis

David Norris
William Wallace
Nick Weeks
Colin Winder

Consideration of planning applications will commence no earlier than **10am**.

For further information on the items to be discussed, please contact the Case Services Officer (Support Services) on 01935 462038 or democracy@southsomerset.gov.uk

This Agenda was issued on Monday 5 November 2018.

Alex Parmley, Chief Executive Officer

This information is also available on our website
www.southsomerset.gov.uk and via the mod.gov app



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 East Committee are held monthly, usually at 9.00am, on the second Wednesday of the month in the Council Offices, Churchfield, Wincanton (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

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 East Committee

Wednesday 14 November 2018

Agenda

Preliminary Items

1. Minutes of Previous Meeting

To approve as a correct record the minutes of the previous meeting held on Wednesday 10th October 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 Tony Capozzoli, Nick Weeks and Colin Winder.

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

Members are asked to note that the next scheduled meeting of the committee will be at the Council Offices, Churchfield, Wincanton on Wednesday 12th December at 9.00am.

5. Public Question Time

6. Chairman Announcements

7. Reports from Members

Items for Discussion

- 8. Report for Area East Committee on the Performance of the Environmental Services Team** (Pages 6 - 9)
- 9. Highways Update Report** (Pages 10 - 11)
- 10. Area East Committee Forward Plan** (Pages 12 - 13)
- 11. Planning Appeals (For Information Only)** (Pages 14 - 25)
- 12. Schedule of Planning Applications to be Determined by Committee** (Pages 26 - 27)
- 13. 18/01883/FUL - Chapel Yard Workshops, Main Street, Babcary** (Pages 28 - 36)
- 14. 18/02664/FUL - 37 High Street, Castle Cary** (Pages 37 - 45)
- 15. 18/02668/LBC - 37 High Street, Castle Cary** (Pages 46 - 50)
- 16. 18/02880/FUL - Grangeleigh House, Church Road, Sparkford** (Pages 51 - 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

Report for Area East Committee on the Performance of the Environmental Services Team

Portfolio Holder: Jo Roundell Greene - Environment Portfolio
Director: Clare Pestell - Commercial Services and Income Generation
Lead Officer: Chris Cooper – Environmental Services Manager
Contact Details: chris.cooper@southsomerset.gov.uk or (01935) 462840

Purpose of the Report

To update and inform the Area East Committee on the performance of the Environmental Services team in the Area for the period March 2018 to October 2018

Recommendation

Members are invited to comment on the report

The major focus of the service so far for this period, are listed below.

- Routine annual work schedule for cleansing and grounds maintenance
- South West in Bloom
- Service transformation
- Development of the MOT facility in the vehicle workshops
- Annual budget outcomes

Operational Works

As always the main focus of the service has been to deliver the annual work schedules, as if these are delivered according to the plan, a successful service outcome is inevitable, resulting in low levels of complaints and good numbers of compliments, and once again we are pleased to inform members that this is currently being delivered to plan.

We are now completing the summer work programmes, namely weed control and mowing operations, which are always the main focus of the teams. This was initially difficult this year due to wet weather, but was followed by the dry, hot summer which enabled us to remain focussed on the operations although we did have to change our working patterns to manage the effects of the heat on our teams.

The season has been further complicated by the unfortunate long term sickness absence of a couple of our team, but we are working to address these matters with the individuals.

We have also started the winter litter picking of the main roads through the district. In Area East so far we've cleaned the A37 from Yeovil to Ilchester (removing 28 bags of litter) and the A359 from Yeovil to Bruton (clearing 33 bags of litter) and the team will continue to focus on this work over the coming months. The team has a plan to clean all of these roads and we are seeking advice regarding the required accreditation needed by the team to work on sections of the A303 if coned off to clean the central reservation.

We are still confident that we can install additional bins into the lay byes to help to reduce the volumes of litter that we find along this road and we are planning on installing these towards the end of the financial year.

In addition to this cleansing, we will be starting to deliver the program of cleaning the multitude of lanes through our district in the early New Year.

Should any town or parish based group wish to organise group litter picks of their neighbourhoods, our team will be delighted to support these through the provision of tools, equipment, protective clothing and removing the waste that is collected.

We are continuing with our highway weed control work plans and we are on schedule to complete the herbicide applications through all of the towns in the district before Christmas, with the villages being treated in the New Year in early springtime.

As always, we continue to focus on managing the number of flytips found in the district, the chart below shows the numbers of fly tips collected from Area East over the period since the last report. The figures indicate a healthy reduction in occurrences when compared to the same period last year when we cleared 160 fly tips across the area.

As always, we continue to focus on managing the number of flytips found in the district, the chart below shows the numbers of fly tips collected from Area East since the last report.

| AREA EAST: | Mar 18 | April 18 | May 18 | June 18 | July 18 | Aug 18 | Sept 18 | Total |
|-----------------------|---------------|-----------------|---------------|----------------|----------------|---------------|----------------|--------------|
| Abbas &T/combe | | 3 | 1 | 1 | | | 1 | 6 |
| Alford | | | | | | | | |
| Babcary | | | | | | | | |
| Barton St David | | | | 1 | | | | 1 |
| Bratton Seymour | | | | | | | | |
| Brewham | | | | 1 | | | | 1 |
| Bruton | | | | | | | 1 | 1 |
| Castle Cary & Ansford | | | | | 1 | 1 | | 2 |
| Charlton Adam | | 1 | | | | | | 1 |
| Charlton Horethorne | | | | | | | | |
| Charlton Mackrell | 1 | | | | | | | 1 |
| Charlton Musgrove | | | | | | | | |
| Chilton Cantelo | | | | | 1 | 2 | 2 | 5 |
| Compton Pouncefoot | | | | | 1 | 2 | | 3 |
| Corton Denham | | | | | | | | |
| Cucklington | | 2 | | | | | 1 | 3 |
| Henstridge | 2 | 2 | 1 | 1 | | | 1 | 7 |
| Holton | | 1 | | | | | 1 | 2 |
| Horsington | | | | | | 1 | | 1 |
| Ilchester | | | 1 | | | 1 | | 2 |
| Keinton Mandeville | | | | | | 1 | | 1 |
| Kingsdon | | 1 | | | | | | 1 |
| Kingweston | | | | | | | | |
| Limington | | 2 | | | | | | 2 |
| Lovington | | | | | | | | |
| Maperton | | 1 | 1 | | | | | 2 |
| Marston Magna | 1 | | 1 | | | | | 2 |
| Milborne Port | 1 | 1 | | | 2 | | 2 | 6 |

| | | | | | | | | |
|------------------------|-----------|-----------|----------|----------|----------|-----------|-----------|-----------|
| Mudford | 3 | 2 | | 1 | 1 | | 1 | 8 |
| North Barrow | | | | | | | | |
| North Cadbury | | | 1 | 1 | | | | 2 |
| North Cheriton | | | | | | | | |
| Penselwood | | | | | | | | |
| Pitcombe | | | | | | 1 | | 1 |
| Queen Camel | | 2 | | | | 1 | | 3 |
| Rimpton | | | | | | | | |
| Shepton Montague | | | | | | | | |
| South Barrow | | | | | | | | |
| South Cadbury | | | | | | | | |
| Sparkford | | | | | 1 | 1 | | 2 |
| Stoke Trister | 1 | | | | | 1 | | 2 |
| West Camel | | | | | | | 1 | 1 |
| Wincanton | 8 | 3 | 2 | 1 | | 3 | 1 | 18 |
| Yarlington | | | | | | | | |
| Yeovilton | 1 | | | | | | | 1 |
| TOTAL AREA EAST | 20 | 21 | 8 | 7 | 7 | 15 | 12 | 88 |

Each year the South West in Bloom competition takes place and we were delighted to see that Milborne Port, Wincanton and Templecombe had excellent results which reflected the huge amount of work that was carried out by the 'In Bloom' teams in these towns. We offer our well-deserved congratulations to them and we were pleased to be able to assist and work with these groups to help present their neighbourhoods in the best possible manner.

Our winter horticultural maintenance plan is currently being developed and the parish bulb scheme is once again open to requests for spring flowering bulbs. We have a mixture of small bulbs that can be planted in a range of locations and provide not only colour in the springtime, but also nectar for a range of insects looking for this food source. We have also planned to undertake tree planting in Wincanton and Templecombe. Should members have any suggestions for further planting locations, we would be delighted to discuss these with you.

Looking forwards into the New Year, we will once again be offering the Christmas Tree recycling scheme to towns and parishes across the district, this has proven to be a great success over the last few years and we are delighted to be able to offer it once again,

We continue working with Somerset Waste Partnership in procuring a new collection contractor and the selection process is progressing well and we are confident that we will secure a service provider who will enable us to increase our recycling targets to meet national expectations.

The government is releasing information later this year regarding the scope of the Deposit Return Scheme a form of which has been introduced in Scotland, where a cash amount is refunded on the return of plastic bottles. The industry predicts an impact on recycling service as the volumes of recyclables collected at the kerbside will probably be affected, and the effect on street cleaning may result in a reduction in littering.

I will update members on these issues as we receive clear guidance.

The Yeovil Crematorium refurbishment continues to progress and the existing cremators have recently been serviced and some repairs carried out to ensure that they are able to provide reliable service throughout the refurbishment until the replacement models are installed. The overflow carpark has also been built and the project is developing to deliver a facility that is fit for the future.

The service continues to work with a number of Parishes across the district through the 'parish ranger scheme', offering a higher level of service and a solution to all of those little jobs which are so difficult to address. Should any parishes interested in this solution to local issues, we will be delighted to talk with them in more detail regarding this scheme and how we might be able to work together in the future. My thanks to all of those involved at the Parish Councils who make this scheme such a success.

On a positive note, we continue to invest in our staff through training and six of our staff are currently studying for an NVQ level 2 Amenity Horticulture, we believe that this will greatly benefit both the staff and the unit alike and shows our commitment to developing our teams.

Looking forwards we are also researching the various fuel sources and engine configurations we can choose from when we replace our vans and other commercial fleet. We have six vehicles approaching the end of their lease terms with us and we are planning to extend these arrangements until we have been able to fully research the other available options which will enable us to manage our workload effectively, efficiently and environmentally. I will update members on our findings in the next report.

Finally, I am pleased to inform members that the services all ended the last financial year with positive outcomes.

What's coming next?

- Delivery of the annual winter work programmes
- Completion of the main road highway litter picking program
- Installations of additional bins on A303 lay byes
- Completion of the highway weed control program
- Christmas tree recycling scheme
- Further progress on the selection of a waste and recycling contract provider

Financial Implications

All of the matters highlighted in the report have been achieved within service budgets.

Implications for Corporate Priorities

- Continue to deliver schemes with local communities that enhance the appearance of their local areas
- Continue to support communities to minimise floodwater risks.
- Maintain street cleaning high performance across the district.

Background Papers

Progress report to Area Committees on the Performance of the Streetscene service.

Agenda Item 9

Highways Update Report - Area East

Lead Officer John Nicholson Assistant Highway Service Manager
Contact Details County Roads - countyroads-southsom@somerset.gov.uk

Purpose of the Report

The Report is to inform members of the work carried out by the County Highway Authority at this stage through the financial year and schemes remaining on the work programme for the rest of the year.

Verge Cutting

The highway network exceeds 3500km in length, and the size of the task is significant. Grass cutting updates, policy and program now on <https://www.travelsomerset.co.uk/grass-cutting/>

The 2018 programme is due completion by the end of September.

Surface Dressing

Weather this year has been reasonably kind to our surface dressing program. It commenced in June and was completed through various phases by the end of August. The period of hot weather caused some bitumen to rise but these sites were dusted and will receive remedial action following a winter inspection. The 2019 program has been submitted and preparatory patching works due to commence in October 2018.

Schemes for 2018/2019

The below table identifies significant schemes planned to be implemented in South Somerset (Area East), where Green = completed.

| | | |
|---------------------|------------------------------|-----------------------|
| Wincanton | A371 Holbrook Roundabout | Principal Resurfacing |
| Wincanton | A371 Anchor Hill Rbt | Principal Resurfacing |
| Alford | B3153 Cary Road | Resurfacing |
| Mudford | Manor Farm Road | Resurfacing |
| Wincanton | Common Road | Resurfacing |
| Wincanton | Carrington Way | Footway |
| Milborne Port | East Street | Drainage |
| Yeovilton | Podimore Lane | Drainage |
| Sutton Montis | Sutton Montis Rd | Drainage |
| Charlton Horethorne | B3145 Charn Hill (2 Phases) | Drainage |
| Sutton Montis | Allotment Rd | Drainage |
| Bruton | Dropping Lane | Drainage |
| Bruton | Strutters Hill – Tree maint | Earthworks |
| Babcary | Babcary Lane | Earthworks |

Winter maintenance

The winter maintenance programme has now started, with effect from 1st October.

You are no doubt aware of the changes to this seasons gritting network but details may be found on <https://www.travelsomerset.co.uk/>

In addition, the changes to the provision of bags/dumpy bags and filling of grit bins will be cascaded to all Parish and Town Council's via email.

Agenda Item 10

Area East Forward Plan

Service Manager: Tim Cook, Area Development Lead (East)
Lead Officer: Kelly Wheeler, Case Services Officer (Support Services)
Contact Details: Kelly.wheeler@southsomerset.gov.uk or 01935 462038

Purpose of the Report

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

Recommendation

Members are asked to:-

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

Area East Committee Forward Plan

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

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

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

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

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

Background Papers: None

Appendix A

Area East Committee Forward Plan

| Meeting Date | Agenda Item | Background and Purpose | Lead Officer |
|-----------------------|--|--|--------------------------|
| 12 December 18 | Heart of Wessex Rail Partnership update report | To update members on the progress of the partnership and to consider funding contributions | Tim Cook |
| 12 December 18 | Wincanton Town Centre Strategy Draft | To develop a draft Strategy for Wincanton Town Centre | Peter Paddon |
| 12 December 18 | Community Grant Applications | To consider Community Grant Applications | Pam Williams |
| 9 January 19 | Policing in Area East | To update members on recent issues in Area East | Avon and Somerset Police |

Agenda Item 11

Planning Appeals

Director: Martin Woods (Service Delivery)
Service Manager: Simon Fox, Lead Specialist - Planning
Lead Officer: 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.

Recommendation

That the report be noted.

Background

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

Report Detail

Appeals Received

None

Appeals Allowed

17/04728/OUT - Land Rear of Cottons House, Castle Street, Keinton Mandeville
Outline application for the erection of 7 No. Bungalows including formation of new access road to the west of Cotton House and associated works (Officer delegated decision)

Appeals Dismissed

17/04632/OUT- Land East Of Hales Meadow, Mudford
Outline application for Self-Build and Custom Housebuilding (Officer delegated decision)

Enforcement Appeals

None

Background Papers: None



Appeal Decision

Site visit made on 16 August 2018

by **M Allen BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8 October 2018

Appeal Ref: APP/R3325/W/18/3202052

Cotton House, Castle Street, Keinton Mandeville, Somerton TA11 6DX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Mary-Jane Ellinas against the decision of South Somerset District Council.
 - The application Ref 17/04728/OUT, dated 4 December 2017, was refused by notice dated 2 February 2018.
 - The development proposed is the erection of 7 bungalows to the North of Cotton House, including formation of new access road to the West of Cotton House and associated works.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of 7 bungalows to the North of Cotton House, including formation of new access road to the West of Cotton House and associated works at Cotton House, Castle Street, Keinton Mandeville, Somerton TA11 6DX in accordance with the terms of the application, Ref 17/04728/OUT, dated 4 December 2017, subject to the conditions set out in the attached Schedule.

Procedural Matters

2. The application was submitted in outline. The application form indicates that approval was sought only for access, layout and scale. I have determined the appeal on this basis.
3. Since the appeal was submitted the Government has published a new National Planning Policy Framework (the Framework). Comments were sought from the Council and the Appellant and I have had regard to any comments received. As the main parties have had the opportunity to provide comments no injustice has been caused. I have considered the appeal on the basis of the revised Framework.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. Cotton House lies to the north of the B3153 and is accessed directly off the highway. A garden area lies to the side and rear of this property. The appeal

site lies beyond and to the north of the rear garden area and appears to have been utilised previously as an extended garden area. The appeal site currently has a somewhat domesticated appearance with domestic paraphernalia present, such as a trampoline and wooden garden structures. At the southern extremity of the site is a building which appears to formerly have been utilised for domestic purposes ancillary to the dwelling.

6. The appeal site is enclosed by mature hedging to its boundary with Cotton's Lane to the east and by trees to the west and north boundaries, which are also demarcated by walls. As a consequence of the well-established boundary features, the site shares little affinity with the surrounding countryside. Furthermore there are limited views from within the site of the countryside beyond; and vice versa. The existing domesticated appearance of the site serves to reinforce its character as being distinctly different from that of open countryside. Consequently, given the presence of strong, well-defined boundaries the proposal would not intrude into the rural landscape.
7. The proposed scheme would result in residential development extending northwards from existing dwellings which front the highway. However such departures from the linear arrangement along the B3153 highway are also evident to the west of the appeal site along Coombe Hill, where development extends north along a secondary highway. Reference has been made to the historic 'T' shape of the village, however this arrangement of development has over time been changed and additions have been made to the form of the village. There appears to have been significant development to the south of the B3153 such that the linear form of the settlement around the principal roads of the village is no longer so distinct.
8. As such, whilst the appeal proposal would be accessed from the B3153 and would be to the rear of an existing dwelling, it would comprise a linear layout which whilst not following a principal highway would in my view be reflective of the existing built form of the settlement. Consequently the scheme in terms of its form would not be at odds with the existing form of the settlement and would be well-related to it.
9. An additional concern is that once the proposed dwellings are constructed there would be pressure to remove the existing boundary hedge along Cotton's Lane, particularly to create secondary access points. In this regard I note that the application site excludes this boundary hedge and as such the removal of the hedge is not part of the proposed scheme. Moreover, the matter of the layout of the development is for consideration at this stage and the details provided show each dwelling having vehicular access from the estate road with parking, together with in some cases garages, being served from the estate road. I therefore consider it highly unlikely that there would be a desire to create further, secondary accesses from Cotton's Lane.
10. Furthermore, there is sufficient separation between the proposed dwellings and the boundary hedge so that the living conditions of occupiers would not be adversely affected by loss of light, overshadowing or restricted outlook. Therefore there is unlikely to be pressure to remove the hedge for this reason. Consequently I have no substantive reason to find that there would be any future harm to the character and appearance of the area in this regard.
11. I acknowledge that another Inspector dismissed an appeal for a residential scheme in the village, albeit it was found that its effect on the character and

appearance of the area would be acceptable. I am also aware that the Council granted planning permission for new houses along Coombe Hill in 2015. To my mind these show that small residential schemes are acceptable in the village, but I have determined this appeal on the basis of the particular site circumstances. Comment has been made that the design of the dwellings is unattractive, whilst the Council raise no objection to bungalows, the detailed design of the dwellings will be determined under a subsequent reserved matters application.

12. In light of the above, the proposed development would have an acceptable effect on the character and appearance of the area and would comply with the landscape conservation aims of policy EQ2 of the South Somerset Local Plan (SSLP) and the Framework. There would also be no conflict with policy EQ5 of the SSLP, which seeks to protect green infrastructure.

Other Matters

13. Concern has been raised by interested parties in respect of highway safety, including concerns over the location of the proposed vehicular access adjacent to the existing access to playing fields, access by refuse vehicles and refuse storage, possible conflict with vehicles accessing the playing fields and using the layby, volume of traffic when events take place at playing fields, congestion along the highway, availability of visibility and the safety of children accessing the school bus. Whilst I note these concerns there is no substantive evidence before me demonstrating that the proposal would result in a risk to highway safety, for vehicular traffic or pedestrians. Furthermore I am mindful that the Council and the Highways Authority has considered the proposed scheme and raised no objections. I therefore have no strong reason to conclude that the proposed scheme would have a detrimental effect on highway safety.
14. Additional concerns have been raised in respect of the ability of the sewerage system to accommodate flows from the development, the ability to cater for adequate surface water drainage, pressure on existing services within the village, possible effect on playing fields and the effect on wildlife. However no significant evidence of any adverse existing pressures on these services and facilities has been provided to show that there is a problem and given the relatively small scale nature of the scheme, these concerns do not justify the dismissal of the appeal.
15. Comment has been made in respect of whether there is a need for further development within the village. However I have found the scheme to be acceptable on its merits. Therefore, while local concern about this aspect of the proposal is noted, it has very little bearing on the outcome of the appeal. Reference has been made to the backland nature of the proposal. However, the positioning of the access is such that there is separation between the estate road serving the proposed scheme and the existing dwelling. As such the scheme would not result in the adverse effects of vehicles manoeuvring in close proximity to dwellings, sometimes associated with backland arrangements.

Conditions

16. I have imposed standard conditions relating to the submission and timing of reserved matter applications and the commencement of development. A condition is also required to ensure compliance with the submitted plans, but only in respect of layout, scale and access as these are not reserved matters. I

- note that should the floorspace of the development exceed 1000 square metres, a requirement for affordable housing would be triggered. As such a condition limiting the floorspace to below this figure is necessary.
17. The Council has recommended a condition in respect of the provision of footway works along the highway linking the site to the existing footways within the village. This would eliminate the need for pedestrians to cross the road to join a footway, would allow safe movement for pedestrians into the village and is necessary in this instance. In the interests of highway safety I have also imposed a condition requiring the submission of details preventing the discharge of surface water onto the highway.
 18. Also suggested by the Council is a condition requiring construction details of highways elements within the scheme, which is necessary in the interests of highway safety. Additionally, whilst the existing accesses on Cotton's Lane lie outside of the application site, landscaping details showing the closure of these accesses within the site could be satisfactorily secured at reserved matters stage and I have included a condition in this respect in the interests of safeguarding the character and appearance of the area.
 19. A condition requiring the construction of the turning areas, as well as the provision of parking spaces is necessary in the interests of highway safety; as is a condition requiring the visibility splays to be provided and retained free from obstruction. In order to prevent any risk to highway safety during the construction period I have also imposed a condition requiring the submission of a Construction Method Statement. A condition has been recommended in respect of investigating the potential for pollution to be present within the site, in the interests of health and safety a condition is required in this respect.
 20. A condition requiring electric charging points to be installed has been recommended. Little justification has been given for this and a copy of the policy referred to has not been provided and therefore I cannot conclude this condition would be necessary.
 21. The Council has recommended a condition requiring the dwellings not to exceed one storey in height. However, scale is for determination at this stage and is not a reserved matter. A condition is also recommended in respect of materials, however as appearance is a reserved matter the materials to be utilised will be determined under a subsequent application. As such these conditions are not necessary.
 22. The recommended condition preventing any other use of the garages is not necessary as a use not ancillary to the dwelling would require separate planning permission and no evidence has been put forward to demonstrate why additional ancillary accommodation would be unacceptable. A condition is recommended requiring that a biodiversity survey and mitigation proposals be submitted with a subsequent reserved matters application. However the Council has not provided any evidence to demonstrate any likelihood that biodiversity would be adversely affected. As such the recommended condition in this regard would not meet the test of necessity.
 23. Garages are only indicated to Plots 5 -7 and sufficient space is shown in front to allow for the safe manoeuvring of vehicles, levels of the access road are shown on the plans and no exceptional justification has been provided for

removing permitted development rights for works to the dwellings or other works; as such conditions in these respects are also not necessary.

Conclusion

24. For the reasons given above I conclude that the appeal should be allowed.

Martin Allen

INSPECTOR

Schedule of conditions

- 1) Details of the appearance and landscaping, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing number 2017/MJELLINAS/03
- 5) The gross combined floorspace of the dwellings shall be less than 1000 square metres.
- 6) No dwelling shall be occupied before a footway has been provided, linking to the existing footway to the west of the site, in accordance with details that have been previously submitted to and approved by the local planning authority in writing.
- 7) No dwelling shall be occupied until measures to prevent the discharge of surface water onto the public highway have been implemented in accordance with details that have been previously submitted to and approved by the local planning authority in writing. The measures shall be retained as approved at all times thereafter.
- 8) No dwelling shall be occupied until the estate road, footways, verges and driveways have been constructed in accordance with details that have been previously submitted to and approved by the local planning authority in writing. Such details shall include plans and sections showing the design, gradients, surfacing materials and method of construction.
- 9) The reserved matters application in respect of landscaping shall include details showing measures preventing the future use of the existing access points along Cotton Lane's. These approved measures shall be implemented prior to the occupation of any dwelling.

- 10) No dwelling shall be occupied until the turning areas and parking spaces for that dwelling have been provided, in accordance with drawing number 2017/MJELLINAS/03. The turning areas and parking spaces shall thereafter be retained and kept available for that purpose.
- 11) The visibility splays as shown on Drawing Number 2017/MJELLINAS/03 shall be provided prior to the occupation of any dwelling. No obstruction shall be placed, and no shrubs, trees or other vegetation shall be allowed to grow, above 0.6 metres in height within the approved visibility splays.
- 12) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) wheel washing facilities; and
 - v) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 13) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 14 days of the report being completed and approved in writing by the local planning authority.



Appeal Decision

Site visit made on 16 August 2018

by **M Allen BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8 October 2018

Appeal Ref: APP/R3325/W/18/3201425

Hales Lea, Up-Mudford Road, Mudford, Yeovil BA21 5TA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Hales Lea Partnership against the decision of South Somerset District Council.
 - The application Ref 17/04632/OUT, dated 27 November 2017, was refused by notice dated 22 January 2018.
 - The development proposed is for land to be developed for Self-Build and Custom Housebuilding.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by South Somerset District Council against Hales Lea Partnership. This application is the subject of a separate Decision.

Procedural Matter

3. The application was submitted in outline with all matters reserved for subsequent approval. I have dealt with the appeal on this basis.
4. Since the appeal was submitted the Government has published a new National Planning Policy Framework (the Framework). Comments were sought from the Council and the Appellant, the Appellant responded stating that following publication of the revised Framework their position has not changed. Both main parties have been given the opportunity to make comments on the revised Framework and so no injustice has been caused to any of the appeal parties. I have considered the appeal on the basis of the revised Framework.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

6. The appeal site lies to the south east of the village of Mudford and currently comprises part of a larger agricultural field, affording views over the surrounding agricultural landscape. Mudford is predominantly arranged in a linear manner either side of the A359 road, on a north-south alignment. There

are departures from this linear arrangement of dwellings, most notably the development known as Hales Meadow which lies directly adjacent to the appeal site, with a number of the dwellings within Hales Meadow having a frontage to Up-Mudford Road. However most of the dwellings within this existing development do not front Up-Mudford Road but lie behind the dwellings which face the A359; an arrangement that is at odds with the prevailing pattern of development within the remainder of the settlement. I note comments that the essential linear form of the settlement has been lost. However, in my view the village, to a large extent, retains a well-defined linear layout either side of the main road.

7. It has been put to me that the proposed scheme would be viewed in relation to Hales Meadow and would not appear as an isolated parcel of land. However the proposal would be clearly distinct from Hales Meadow in its form. It would extend away at a right angle from the outer edge of the village, intruding into the countryside and eroding the rural character of the location. This would have an incongruous appearance, divorced from the main linear pattern of the settlement. The Hales Meadow estate does not set a precedent for allowing a further extension of development on this side of the village.
8. It is acknowledged that the appellant has provided historical evidence relating to the evolution of the village to support the case that the development of this site would be acceptable. Whilst I have had regard to this, the effect of the proposal still comes down to an assessment of its impact on the physical character and appearance of the area as it is now. Therefore, whether or not this was evidence that was available to the previous Inspector who dismissed an appeal for residential development on this site in October 2017 (APP/R3325/W/17/3173173), it does not cause me to reach any different conclusion.
9. Therefore the scheme would result in significant harm to the existing character and appearance of the area. The proposal would consequently be contrary to the local distinctiveness and landscape character protection aims of policy EQ2 of the South Somerset Local Plan and the Framework.

Other Matters

10. The main parties agree that the Council cannot demonstrate a 5 year supply of housing land; the provision of 10 dwellings as proposed would provide a contribution towards meeting a housing demand. I am also mindful that the appellant proposes that the scheme would be for custom and self-build housing, as envisaged by the policy requirements and expectations of the Framework and Planning Practice Guidance. It is the case as well that the proposal would bring economic and social benefits. However even with these issues in mind, I find that the harm resulting from the proposed scheme would significantly and demonstrably outweigh the benefits of providing the additional housing. Consequently, the Framework as a material consideration does not indicate a decision other than in accordance with the development plan.
11. I am also aware of the appellant's references to other appeal decisions. I agree that sometimes the need for housing, including self-build and custom houses, can in the overall balance mean that appeals are allowed. However, the outcome of the planning balance is affected by the circumstances of each case taking into account factors such as the degree of harm. Therefore, just

because balances in other decisions have been favourable to appellants does not mean that this should always be the case.

Conclusion

12. For the reasons given above I conclude that the appeal should be dismissed.

Martin Allen

INSPECTOR



Costs Decision

Site visit made on 16 August 2018

by M Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 October 2018

Costs application in relation to Appeal Ref: APP/R3325/W/18/3201425 Hales Lea, Up-Mudford Road, Mudford, Yeovil BA21 5TA

- 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 South Somerset District Council for a full award of costs against Hales Lea Partnership.
 - The appeal was against the refusal of planning permission for land to be developed for Self-Build and Custom Housebuilding.
-

Decision

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

Reasons

2. The Planning Practice Guidance advises 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. An appellant will be at risk of an award of costs if an appeal follows a recent appeal decision in respect of the same, or a very similar, development on the same, or substantially the same site where the Secretary of State or an Inspector decided that the proposal was unacceptable and circumstances have not materially changed in the intervening period.
4. The appeal follows a previous appeal for residential development on this site which was dismissed by the Inspector due to the unacceptable effect on the character and appearance of the area. In determining the appeal I have reached the same conclusion.
5. The appellant states that additional information was submitted to overcome the concerns raised within the previous Inspectors decision. However, this was principally based on showing how the village has evolved over time. While this might add to an understanding of how and why development happened, it does not change the physical appearance of the village as it is now and the assessment about whether the effect of the development on the character and appearance of the area would be acceptable. That issue was comprehensively assessed and discussed in the previous appeal decision.
6. Moreover, the appeal site was the same and although the previous application was described as being for residential development, whereas this time around it was for self-build and custom housing, both schemes were in essence the same. The main issue was the same and the previous Inspector also had

regard to a very similar background which was the custom housing matter in the same context of the Council being unable to demonstrate a five year housing land supply. While I have carefully considered the evidence in the current appeal, the two proposals are essentially the same and the circumstances have not materially changed in the intervening period of only 12 months.

7. I note that the appellant makes reference to correspondence from the Council which set out the Council's intention to decline to determine the planning application and I am mindful that, despite this, the Council proceeded to issue a decision on the application. Nevertheless, the appellant then chose to pursue a further appeal in the knowledge that the Council was of the view that a previous very similar application was considered to be unacceptable by it and a previous Inspector. This was a clear risk.
8. Against this background, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated and that a full award of costs is justified.
9. I note that the appellant refers to errors made by the Council during the validation of the planning application. However as these are outside of the appeal process these are not matters that I can consider as part of this decision.

Costs Order

10. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that the Hales Lea Partnership shall pay to South Somerset District Council, the costs of the appeal proceedings described in the heading of this decision such costs to be assessed in the Senior Courts Costs Office if not agreed.
11. The applicant is now invited to submit to the Hales Lea Partnership, to whose agent a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Martin Allen

INSPECTOR

Agenda Item 12

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 East Committee at this meeting.

Recommendation

Members are asked to note the schedule of planning applications.

Planning Applications will be considered no earlier than 10.00 am.

Members of the public who wish to speak about a particular planning item are recommended to arrive for 9.45am.

| SCHEDULE | | | | | |
|---------------|---------|--------------|--|--|----------------------------------|
| Agenda Number | Ward | Application | Brief Summary of Proposal | Site Address | Applicant |
| 13 | CARY | 18/01883/FUL | Erection of 5 no. dwellings and formation of new vehicular access | Chapel Yard Workshops, Main Street, Bab Cary | Mr Peter Wright |
| 14 | CARY | 18/02664/FUL | Change of use of ground floor from bank to restaurant (Use class A3 food and drink) to include internal and external alterations (Revised Application) | 37 High Street, Castle Cary | Mr and Mrs Tim and Jordan Oliver |
| 15 | CARY | 18/02663/LBC | Internal and external refurbishment works (Revised Application) | 37 High Street, Castle Cary | Mr and Mrs Tim and Jordan Oliver |
| 16 | CAMELOT | 18/02880/FUL | Alterations and the erection of extensions to dwellinghouse | Grangeleigh House, Church Road, Sparkford | Mr D Wheeler |

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.

Agenda Item 13

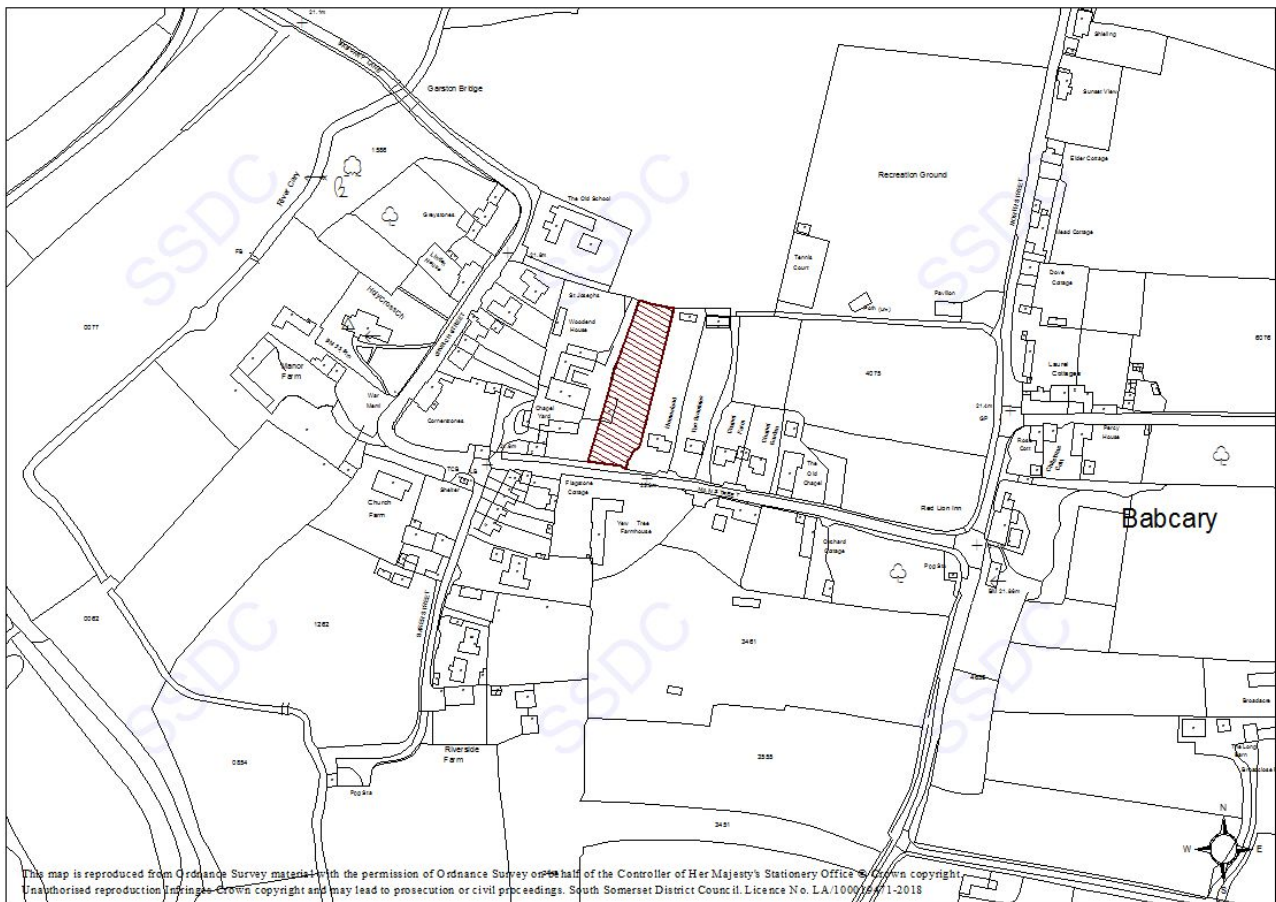
Officer Report On Planning Application: 18/01883/FUL

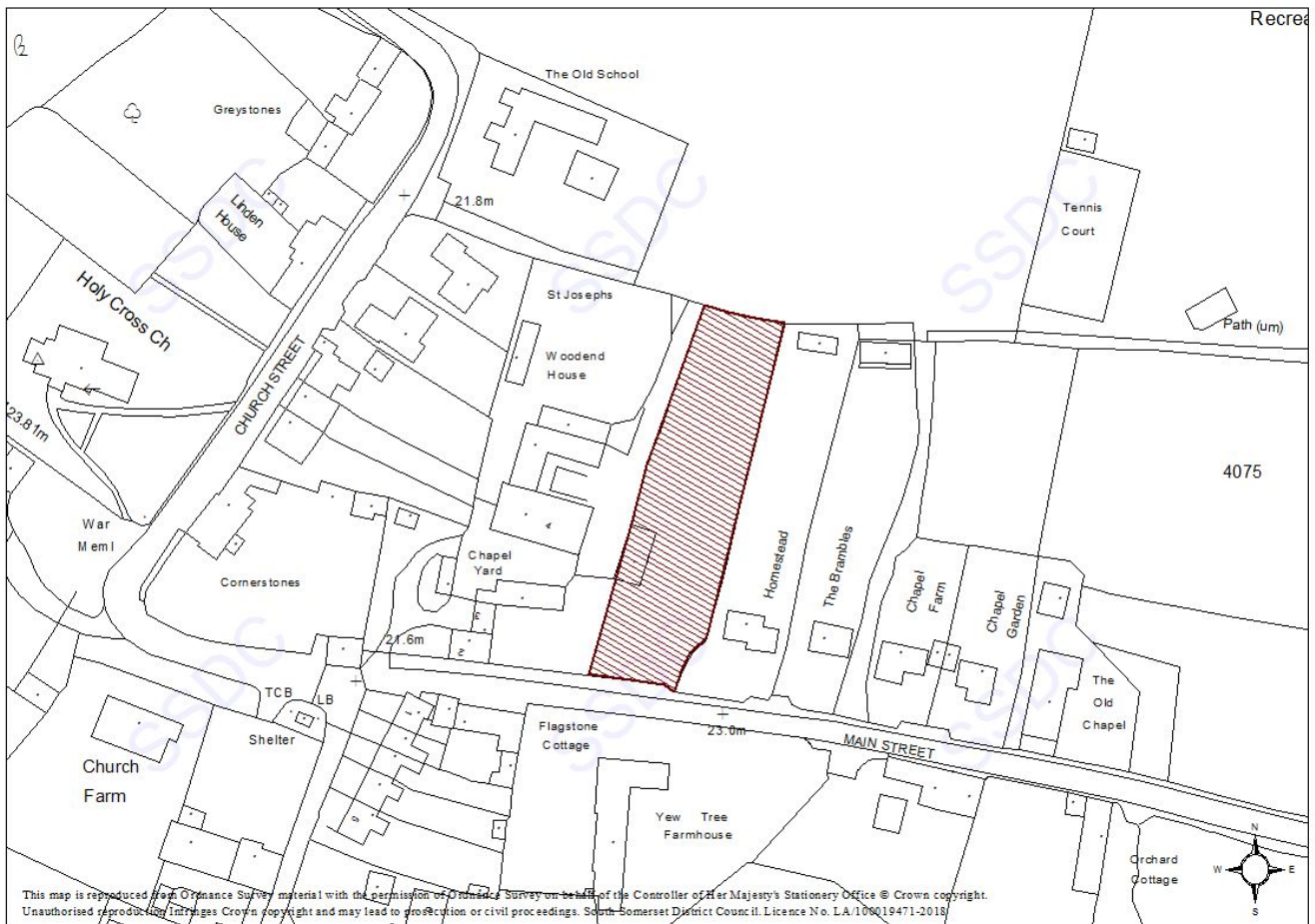
| | |
|---------------------------------------|--|
| Proposal : | The Erection of 5 No dwellings and formation of new vehicular access |
| Site Address: | Chapel Yard Workshops Main Street Babcary |
| Parish: | Babcary |
| CARY Ward (SSDC Member) | Cllr Nick Weeks Cllr H Hobhouse |
| Recommending Case Officer: | Richard Hawkey Tel: 01935 462578 Email: richard.hawkey@southsomerset.gov.uk |
| Target date : | 9th August 2018 |
| Applicant : | Mr Peter White |
| Agent: (no agent if blank) | Wright Consult LLP Bay Tree Cooks Lane West Cranmore Somerset BA4 4RH |
| Application Type : | Minor Dwellings 1-9 site less than 1ha |

REASON FOR REFERRAL

This application is referred to committee at the request of the Ward Member as agreed by the Vice Chair. This will allow the committee to consider the implications of Policy SS2 against local representations.

SITE DESCRIPTION AND PROPOSAL





The proposal seeks consent for the erection of 5 No. dwellings and formation of a new vehicular access on land at Chapel Yard Workshops, Main Street, Bab Cary.

This level application site is located on the north side of Main Street on an area of currently vacant land within the rural settlement of Bab Cary. It is bordered on three side by existing residential development with land to the north being undeveloped countryside. The site is directly opposite Yew Tree Farmhouse which is a Grade II listed building.

The proposal will see the construction of three two storey terraced dwellings along the frontage of the site with a further two detached bungalows set further back. The existing access road into the site will be slightly extended and a turning and car parking area created. Each plot will have its own cycle parking area and refuse / recycling area.

HISTORY

There is no planning history relating specifically to the application site itself however The adjoining site an extensive history from 2014 back to 2011. The most relevant are detailed below:

| | |
|---------------|--|
| 14/05270NMA | Change to surface materials |
| 14/04989/DOC | Discharge of conditions 3 (materials) and 4 (external finishes) |
| 14/03900/FUL | Re-build stable building to be one 2 bed dwelling |
| 14/00922/S73A | Application to amend condition 2 of consent 11/04528/FUL |
| 13/00190/S73 | Application to vary condition 2 of planning consent 11/04528/FUL |

11/04528/FUL Conversion of barns to form 7 dwellings and construction of vehicular access

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF (July 2018) state that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

The policies of most relevance to the proposal are:

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

Policy SD1 - Sustainable Development
Policy SS1 - Settlement Strategy
PolicySS2 - Development in Rural Settlements
Policy EQ2 - General Development
Policy EQ3 - Historic Environment
Policy TA5 - Transport Impact of New Development
Policy TA6 - Parking Standards

National Planning Policy Framework

Chapter 2 - Achieving Sustainable Development
Chapter 5 - Delivering a Sufficient Supply of Housing
Chapter 12 - Achieving Well Designed Places
Chapter 15 - Conserving and Enhancing The Natural Environment
Chapter 16 - Conserving and Enhancing The Historic Environment

CONSULTATIONS

Babcary Parish Council - "The parish council considered this application for five new houses in Chapel Yard and we object for the following reasons:

Greenfield site:

First and foremost this site is wrongly described in the application as "brownfield". This is simply wrong. This half of the Chapel Yard site has always been greenfield and has been treated separately all along as a consequence. We have all the myriad planning applications for this site back to 1996 and it is clearly shown as greenfield on SSDC's own plans. The existing development was only permitted on the footprint of the redundant outbuildings and this half left alone due to it's greenfield status.

As a basic principle we should not be building on green field unless there is some overriding need. There is none here. Babcary has dozens of greenfield spaces between houses that, if this application were granted, would be open to developers; but this is simply not sustainable. There is a pub, a church and a playing field but nothing else. No shops, no jobs and no meaningful public transport. This plan adds 14 parking spaces which clearly indicates the additional traffic load from people who would need to work and shop elsewhere. This would be a very dangerous precedent. On this basis alone the application should be rejected.

Other considerations:

- These are not "Affordable" or "starter" homes. With an estimated sale price of
- £300 - 350K these properties would be of no help to the children of Babcary families who have been forced to leave the village because they cannot afford house prices here either to buy or

rent. On the contrary they would, in all probability, be snapped up as weekender's cottages. This plan does not address the specific housing needs of this community.

- The developer cites SS2 - Development in Rural Settlements..... This plan does not meet any of these criteria and as such there can be no justification for building over a greenfield site.
- Although modest in scale on the current plan we have concerns from past experience on this site that the developer will extend the planning brief during the building process and we will end up with somewhat larger and therefore more expensive units.
- There is no adequate public transport for this development....The short lived village shop at the Red Lion has just closed. Traffic levels and speed are already a problem and this will make it worse.
- The site is full square in front of the listed building and listed wall of Yew Tree Farm
- SSDC's own planners have described the nature of the built development of this village as one with widely dispersed houses with green spaces in between. This is one such green space. It adds to the character, appearance and charm of the centre of the village and could easily be used as a paddock or occasional grazing. It is neither unsightly or unusable."

In response to amended plans the Parish Council made the following additional comments: "The Parish Council has considered the revised plans and we have no objection to the changes. We don't have any objections to the specifics of the design as such but we do continue to object to the overall proposal as outlined in our previous submission..."

SCC Rights of Way Officer: "We have no objections to the proposal..."

SSDC Conservation Officer: "I am broadly in support of this application subject to details of finishes and materials which need to be sympathetic and of high quality to be in keeping with the setting of the listed building and the adjacent development. This is particularly important for the road facing front of the site. The spacing of the houses and finish of the west elevation has been addressed by the submission of amended plans. I am pleased to see that local blue lias stone for the walls and reclaimed clay double roman tile roofs have been specified for the row at the front..."

The Conservation Officer has requested details of materials for the following elements:

- Means of enclosure
- Surfacing: finish of footpaths, paving / surface finishes between houses and kerbing
- Buildings: lintels, windows, rainwater goods and porches.

SCC Highways: In response to the originally submitted plans raised no objection to the proposal subject to appropriate conditions being imposed.

In response to revised plans being received the Highway Authority did not raise an objection to the proposal subject to conditions.

SSDC Highways Consultant: "Refer to SCC comments."

South West Heritage Trust: - "As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections..."

Environmental Protection Unit : - No comments received

SSDC Open Spaces Officer : - No comments received

SSDC Leisure Policy Co-Ordinator : - No comments received

REPRESENTATIONS

Four letters of support have been received from the occupiers of nearby residents in which the following comments were made:

- I fully support this application. Chapel Yard has been a mess in the centre of the village for far too long and this is a scheme of quality in keeping with the local townscape
- The mix of unit sizes will provide much needed smaller new homes into the village
- The applicant has already demonstrated the development skills and positive intention with the eastern side of the site / phase 1 is a huge improvement on what was there before
- The site is not of any appreciable utility and has become overgrown with weeds
- The proposed dwellings on plots 1,2 and 3 would be consistent with properties at present adjoining that part of Main Street and Baker Street. Plots 4 and 5 would be largely shielded from public view
- This would not signal an extension of the village boundary rather it would be a sympathetic infill
- The application achieves high quality development and promotes local distinctiveness in line with Policy EQ2
- The development would be undertaken by a local firm rooted in the local community
- One letter which made general observation about the availability of plans was received.

CONSIDERATIONS

Principle of Development

The application site is located within the small rural settlement of Babcary and under policy SS2 of the adopted local plan this settlement would be considered as part of the countryside. In order for the principle of residential development to be considered acceptable such proposals would need to meet the criteria set out by SS2. One of which would be to meet an identified housing need, particularly affordable housing. The proposal is contrary to that part of the policy however as SSSC cannot currently demonstrate a five year supply of housing land, elements of that policy must be considered out of date. As such, it is considered that the LPA cannot rely on this aspect of Policy SS2 in regard to what the development must provide (i.e. meeting an identified housing need). As such only limited weight can be applied to this adverse impact in the planning balance.

Policy SS2 also requires development to be commensurate with the scale and character of the settlement and increase the sustainability in general. This proposal is for five new dwellings with the properties fronting Main Street having been specifically designed to reflect local characteristics. Whilst this proposal would fill in an existing green gap currently existing in the line of development along the north side of Main Street it is not considered that this would be of detriment to the character of the village. The small number of dwellings proposed would mean that it would be commensurate with the scale of the settlement. On this basis the proposal would satisfactorily reflect this aspect of policy SS2.

Policy SS2 requires that proposals for housing development should only be permitted in rural settlements that have access to two or more key services as detailed by the local plan. As the settlement of Babcary has a Pub and a church (both of which are listed by the policy as key services) it is considered that this criteria of the policy is also met.

Although concern has been raised regarding the site being greenfield land this is not a consideration in establishing whether the principle of development would be acceptable under the local plan. The primary consideration is whether the proposed development would accord with the principles of sustainable development and also be suitable for the settlement and the specific position in which it is to be located.

Visual Amenity

The proposed terrace of three dwellings fronting Main Street are to be set back from line of the highway by approximately 13m and this set back would be a similar distance to the adjoining dwellings to the east and west. There is a mixture of dwelling types in the locality of the site with those to the east being two storey and those immediately to the west adjacent to the application site being single storey.

The design, particularly of the dwellings fronting Main Street, has been done in such a way as to be sensitive to the location and the proposed external materials are similarly sensitively chosen. This is of particular importance given that the site is directly opposite Grade II listed Yew Tree Farmhouse with its distinctive front boundary wall. The Conservation Officer is supportive of the proposal and its impact on the setting of the listed building although aspects to do with specific finishes and details has been requested. This may satisfactorily be dealt with by the use of a suitably worded condition. On this basis it is not considered that the proposed dwellings would be out of character with the general locality nor visually obtrusive in the street scene.

The two bungalows proposed on the north part of the site will be secluded from the street scene due to their location behind the three terraced properties. The design and finishes proposed for these dwellings is considered acceptable.

It is considered that the impact of this proposal on the character of the area and the setting of the nearby listed building is acceptable and in compliance with policies EQ2 and EQ3 of the adopted local plan.

Residential Amenity

The dwellings proposed are located on the site in such a way as to not result in over looking either to the other dwellings on the site or to those dwellings adjoining the proposed site. They are also positioned so as to not be over dominant to adjoining dwellings nor result in any over shadowing.

Each dwelling has been provided with a suitable amount of private amenity space in keeping with the size of the dwelling proposed for each plot. As the rear gardens for the terraced properties are north facing a larger front south facing garden areas have been provided.

The existing boundary stone wall along the south boundary of the site adjoining main Road will be retained and is proposed to be supplemented by the planting of a hedge behind it. This will help to soften the development within its setting as well as giving the residents of the terraced properties addition privacy without the use of unattractive fencing. The suitable landscaping of the site may be satisfactorily be controlled by the use of appropriate conditions.

To protect the amenity of the location permitted development rights should be removed for all of the five proposed plots for extensions to the dwellings (including dormer windows), the construction of outbuildings or additional means of enclosure.

The proposal is therefore considered to have no significant impact on residential amenity and is in compliance with Policy EQ2 of the adopted local plan.

Highways

The Highway Authority have considered the proposals and have found them acceptable in terms of highway safety. Furthermore two car parking spaces are to be provided for each dwelling together with an additional 4 visitor parking spaces. This is in alignment with the optimum standards recommended by Somerset County Councils Parking Strategy.

On this basis, subject to suitable conditions being applied which are outlined in the Highway Authority consultation response, the proposal is in compliance with policies TA5 and TA6 of the adopted local plan.

Contributions:

Policies HG3 and HG4 of the adopted South Somerset Local Plan requires either on site provision of affordable housing (schemes of 6 or more units) or a financial contribution towards the provision of affordable housing elsewhere in the district.

In May 2016 the Court of Appeal made a decision (SoS CLG vs West Berks / Reading) that clarifies that Local Authorities should not be seeking contributions from schemes of 10 units or less.

It is considered that whilst policies HG3 and HG4 are valid, the most recent legal ruling must be given significant weight and therefore we are not seeking an affordable housing obligation from this development.

We will also not be seeking any contributions towards Sport, Arts and Leisure (Policy SS6 as the same principle applies).

The proposed development is however subject to the Community Infrastructure Levy. It must be for the developer to establish, at the appropriate juncture, whether any exemptions or relief applies.

Conclusion

The proposed development would represent a sustainable form of development in keeping with the character and scale of the rural settlement of Bab Cary and would help to meet housing need and support local services by the addition of five new dwellings. The new dwellings are also considered acceptable in this location by reason of their size, scale, materials proposed and that it causes no demonstrable harm to residential amenity or highway safety. It is in accordance with policies SD1, SS1, EQ2, EQ3, TA5, and TA6 of the South Somerset Local Plan and the aims and provisions of the NPPF.

RECOMMENDATION

Approve for the following reason:

01. The proposed development would represent a sustainable form of development in keeping with the character and scale of the rural settlement of Bab Cary and would help to meet housing need and support local services by the addition of five new dwellings. The new dwellings are also considered acceptable in this location by reason of their size, scale, materials proposed and that it causes no demonstrable harm to residential amenity or highway safety. It is in accordance with policies SD1, SS1, EQ2, EQ3, TA5, and TA6 of the South Somerset Local Plan and the aims and provisions of the NPPF.

SUBJECT TO THE FOLLOWING:

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans: S5758/100A and S5758/101A received 21st August 2018 and S5758/102 received 14th June 2018.

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

03. No work shall be carried out on site until details of the following have been submitted to and approved in writing by the Local Planning Authority: all means of enclosure (fencing, walls / gates); all proposed surfacing (finish of the footpaths and including kerbing materials); materials to be used on the external faces of the dwellings hereby approved (to include lintels, window framing materials, rainwater goods and porches). The development shall thereafter be undertaken in accordance with the approved details unless written consent to any variation is provided by the Local Planning Authority.

Reason: In the interests of visual amenity and in accordance with Policies EQ2 and EQ3 of the adopted South Somerset Local Plan (2006 - 2028).

04. A scheme of landscaping for the development hereby approved shall be submitted to and approved by the Local Planning Authority. This should include details of all plants and shrubs to be used as well as the details of the proposed species and size at time of planting of proposed hedging plants and trees. The proposed landscaping of the site shall be carried out in accordance with approved details unless any variation to this is agreed in writing by the local planning authority. The details of planting shall be carried out in the first planting / seeding season following the occupation of the building or the completion of development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan.

05. The areas allocated for car parking and turning on the site plan S5758/100A received 21st August 2018, shall be fully provided before the dwellings hereby permitted are first occupied and shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles.

Reason: In the interests of highway safety and in accordance with Policy TA6 of the adopted South Somerset Local Plan (2006 - 2028).

06. The development hereby permitted shall not be brought into use until that part of the service road that provides access to it has been constructed in accordance with approved plan S5758/100A received 21st August 2018.

Reason: In the interests of highway safety and in accordance with Policy TA5 of the adopted South Somerset Local Plan (2006 - 2028).

07. In the interests of sustainable development, none of the dwellings hereby permitted shall be occupied until a footpath connection has been constructed within the development site to link to Public Right of Way L2/34 in accordance with approved plan S5758/100A received 21st August 2018.

Reason: In the interests of sustainable development and in accordance with Policy TA5 of the adopted South Somerset Local Plan (2006 - 2028).

08. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent Order amending or revoking and re-enacting that Order), there shall be no extensions to the dwellings (including dormer windows) on Plots 1 to 5 as shown on

approved drawing S5758/100A received 21st August 2018 unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.

Reason: To maintain the character and amenity of the locality and in accordance with Policy EQ2 and EQ3 of the adopted South Somerset Local Plan (2006 - 2028).

09. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent Order amending or revoking and re-enacting that Order), there shall be no further building, structure or other enclosure constructed or placed on Plots 1 to 5 as shown on approved drawing S5758/100A received 21st August 2018 unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.

Reason: To maintain the character and amenity of the locality and in accordance with Policy EQ2 and EQ3 of the adopted South Somerset Local Plan (2006 - 2028).

Agenda Item 14

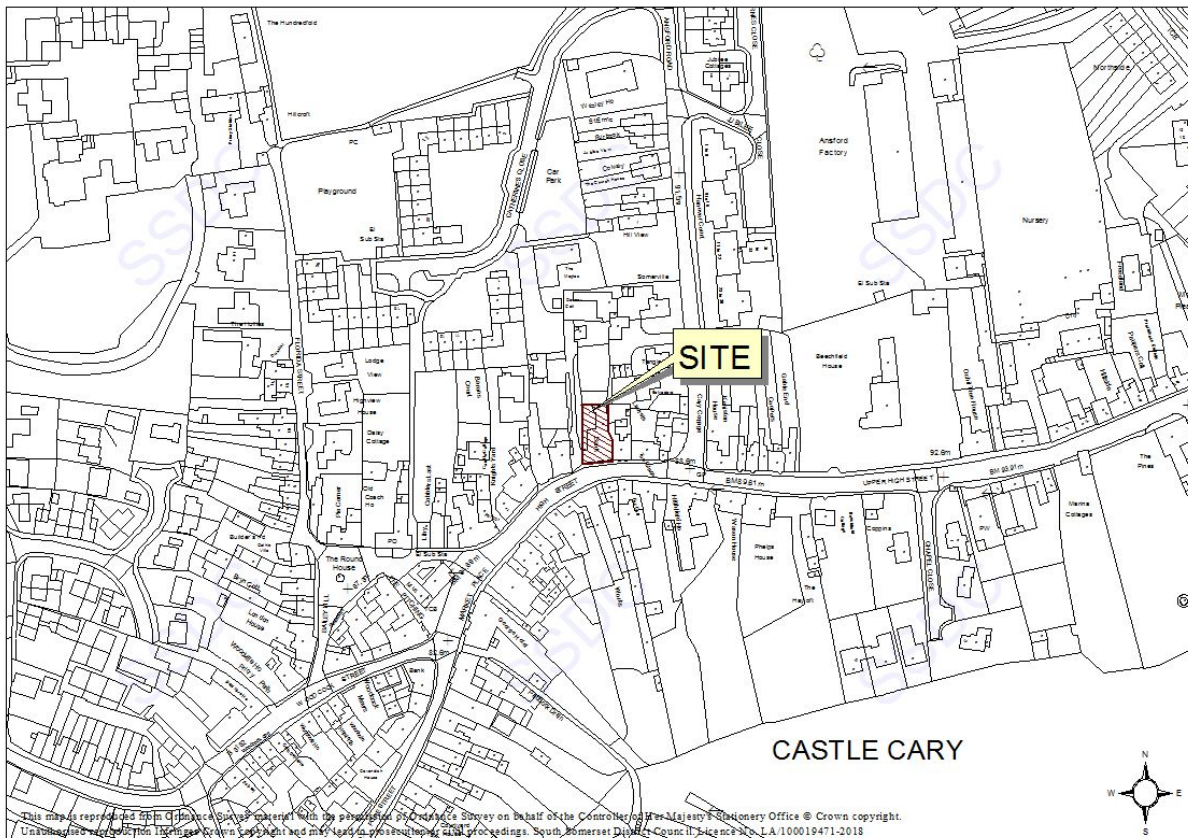
Officer Report On Planning Application: 18/02664/FUL

| | |
|---------------------------------------|--|
| Proposal : | Change of use of ground floor from bank to restaurant (Use Class A3 food and drink) to include internal and external alterations (Revised application) |
| Site Address: | 37 High Street Castle Cary Somerset |
| Parish: | Castle Cary |
| CARY Ward (SSDC Member) | Cllr N Weeks Cllr H Hobhouse |
| Recommending Case Officer: | Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk |
| Target date : | 17th September 2018 |
| Applicant : | Mr And Mrs Tim And Jordan Oliver |
| Agent: (no agent if blank) | Wright Consult LLP Bay Tree Cooks Lane West Cranmore Somerset BA4 4RH |
| Application Type : | Minor Other less than 1,000 sq.m or 1ha |

REASON FOR REFERRAL

This application is referred to committee at the request of the Ward Member as agreed by the Vice Chair. This will allow the committee to consider the representations received concerning residential amenity from the Town Council and local residents.

SITE DESCRIPTION AND PROPOSAL



the NPPF indicate it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

The policies of most relevance to the proposal are:

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

Policy SD1 - Sustainable Development
Policy SS1 - Settlement Strategy
Policy EQ2 - General Development
Policy EQ3 - Historic Environment
Policy TA5 - Transport Impacts of New Development
Policy TA6 - Parking Standards
Policy EP11 - Location of Main Town Centre Uses

National Planning Policy Framework

Chapter 2 - Achieving Sustainable Development
Chapter 7 - Ensuring the Vitality of Town Centres
Chapter 12 - Achieving Well-Designed Places
Chapter 16 - Conserving and Enhancing the Historic Environment

Other Material Considerations

None

CONSULTATIONS

Town Council - Recommends refusal. They identify the following key issues:

Noise: the vent system in the main kitchen (for the cooker and other equipment) appears to not be of a standard robust enough for a commercial kitchen. The concern is that windows/doors will therefore be opened disturbing the resident in the maisonette upstairs & neighbours with noise & odours.

Noise: the wood fired stove in the secondary kitchen is immediately under the bed of the maisonette's occupant with a fanned vent under her bedroom floor leading to a fanned duct in her bedroom chimney. This has background noise potential and could be a fire hazard. We question the need for the wood-fired stove.

Noise: disturbance to upstairs resident & neighbours from the diners arriving/ departing

Odours: apart from food preparation in kitchen (see above), the visitor lavatory vent has a long duct designed to emit outside the kitchen window of maisonette. It is not clear why this vent cannot be immediately outside the toilets' blank wall - through the flat roof.

Vibration from extraction fans in the kitchens are likely to disturb the upstairs resident

Fire Risk heightened by planned installation of an internal wood fired oven

Other issues raised by local residents

Overlooking: A previously opaque un-opening window has been replaced by an opening clear glazed window in main dining area on East side of building looking directly onto a neighbouring private residence.

Opening Hours: Restaurant opening hours will disturb local residents late into the evenings

Land use: this building & its location would appear to be much more suitable for adaptation to retail or office space."

County Highway Authority - Refers to standing advice

SSDC Highway Consultant -

The traffic generation and demand for parking connected with the proposed use of the building is likely to be higher than that associated with the extant use of the building but I concur with the statements made by the applicant in the DAS under 'Access' and given the location of the site within the town centre close to public car parks no highways objection is raised.

SSDC Conservation Officer-

"The generous proportions of the building lend themselves to restaurant use and there are few internal alterations proposed. Furthermore the proposal will provide a positive contribution to the street scene and ensure the building has a viable use into the future, instead of it remaining in its current redundant state. I have no objections to this application."

SSDC Environmental Protection Unit - Initially raised no objections. On receipt of concerns from neighbours and town council they reviewed their recommendation and provided the following response:

"I am not of the belief that we could sustain a recommendation of refusal, based on the information provided by the applicant:

For example

Extraction.

The developer has advised that the development will utilise a commercial self-condensing filter extract system that requires not exhaust externally to the building. Odours will therefore not be emitted from the restaurant.

The type of cooking will not involve the use of highly spiced foods again limiting odours.

Operational Management

We should maybe consider the hours of operation and would suggest the premises should close at 23.00hrs, and not be allowed to open all day so a break between lunch and evening service times should be considered.

No take way service shall be provided, all foods purchased to be consumed on the premises.

Doors and windows to remain closed at all opening times, the applicant should give due consideration to forced air ventilation and noise.

No live music of any sort shall be played on the premises, ambient background pre-recorded music only shall be played on the premises.

Ventilation

The stench pipe serving the toilets shall be extend above eaves height of the building.

The proposed two extractor fan outlets shall be acoustically treated to prevent any discernible noise affecting the upstairs apartment."

The applicant responded to their points at which point they confirmed that they had no further comments to make.

SCC Archaeology - No objections

REPRESENTATIONS

Letter of objection were received from the occupiers of 15 properties in Castle Cary/Ansford and from agents on behalf of such occupiers. One letter of objection was received from the occupier of a property in Horsington and one letter of objection was received from an unknown address. Objections were raised in the following areas:

- Adverse impact on residential amenity by way of noise, vibration and odour
- Increased fire risk
- No provision for disabled access
- Lack of parking and exacerbating existing traffic problems
- Increased pressure on existing services
- No need for additional restaurant use
- Continued need for a bank use
- Conservation officer previously rejected A3 use of premises

CONSIDERATIONS

Principle of Development

The proposal seeks permission for a restaurant use in a town centre location. Restaurants are defined as main town centre uses by the NPPF, and local plan policy EP11 makes it clear that the provision of such uses in town centres will be supported. The policy states that proposals should be of a scale appropriate to the size and function of the town centre and help to sustain and enhance the vitality and viability of the centre. This proposal is considered to accord with this policy and the aims and objectives of the NPPF and, as such, the principle of development is considered acceptable.

Visual Amenity

As the building is a grade II listed building and within a conservation area the SSDC conservation officer was consulted in regard to visual amenity. She raised no objections to the proposal, noting that the generous proportions of the building lend themselves to restaurant use and there are few internal alterations proposed. She states that the proposal will provide a positive contribution to the street scene and ensure the building has a viable use into the future, instead of it remaining in its current redundant state. On this basis, it is considered that there will be no adverse impact on the character and setting of the listed building. The proposal will also have no adverse impact on the character of the conservation area.

As such, the impact on visual amenity is considered to be acceptable in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan.

Residential Amenity

There has been considerable concern expressed by local occupiers and the Town Council in relation to the potential impact of the proposed use on neighbouring residential occupiers, including the first and

second floor residential use in the same building. An application for a change of use to a restaurant use earlier in the year was withdrawn when the SSDC Environmental Protection Unit raised objections to the scheme, make the following comments:

"After further consideration of this application, I completed a site visit on the 22nd August 2017. Following this visit and taking into account the technical information provided by the applicant, I am of the opinion that this application will have a detrimental effect on the amenity of the residential premises situated on the first floor of the building. I would therefore recommend refusal of this application on the grounds of amenity.

The current application has sought to address these concerns in this application by providing a sound insulation report and specifying in more detail how any kitchen operation would work. The SSDC Environmental Protection Unit has considered the scheme in detail and concluded that their concerns have been addressed, subject to certain controls:

- The development will utilise a commercial self-condensing filter extract system that requires not exhaust externally to the building. Odours will therefore not be emitted from the restaurant. *A condition can be imposed on any permission to ensure there is no external exhaust.*
- The premises should close at 23:00 hours and should have a break between lunchtime and evening a service. *An opening hours condition can be imposed to achieve this.*
- No takeaway service should be provided. *A condition could be imposed to secure this.*
- Doors and windows to remain closed at all opening times. *A condition could be imposed to secure this.*
- The stench pipe serving the toilets should be extended above the eaves height of the building. *A condition could be imposed to secure this.*
- The proposed extractor fan outlets should be acoustically treated to prevent any discernible noise affecting the upstairs apartment. *A condition could be imposed to secure this.*

Subject to the above specified conditions being imposed on any permission issued, it is considered that the impacts on neighbouring occupiers (including the occupier of the upstairs apartment), in relation to odour and noise will be acceptable.

Whilst there will inevitably be some noise and disturbance when the restaurant closes, this must be expected in a town centre location. There are existing similar uses in the immediate vicinity, which are either subject to no planning controls at all or similar to those suggested on the current scheme. As such, it would be unreasonable to refuse permission for the proposed use in relation to the amenity impacts of the use on other nearby properties.

On this basis, subject to various conditions and notwithstanding the concerns of neighbouring occupiers, it is not considered that the proposal would have any significant adverse impact on the residential amenity of any adjoining occupiers in accordance with policy EQ2 of the South Somerset Local Plan.

Highways

The highway authority was consulted and referred to their standing advice. The SSDC Highway Consultant therefore considered the scheme in detail and was content that there would be no adverse impact on highway safety arising from the lack of parking provision, given the town centre location in reasonable proximity to public car parks. As such, notwithstanding the local concern raised in this area, it is considered that there will be no adverse impact on highway safety in accordance with policies TA5

and TA6 of the South Somerset Local Plan.

Other Issues

Local concerns have been raised in relation to an increased fire risk from the proposed restaurant use. However, this is a matter that must be controlled through the building regulations and cannot form the basis for a planning reason for refusal.

A local concern has been raised in relation to the lack of provision for disabled access. Whilst this is a legitimate concern, it is an existing situation that disabled access to the building is difficult for whatever publicly accessible use that the building is put to, whether it is bank, a shop or, indeed, a restaurant. It must be for the developer to ensure that they comply with all relevant legislation in relation to accessibility.

A concern has been raised locally as to the potential for increased pressure on existing services. However, it is not clear in what way the proposed use would have any demonstrably impact on local services than the extant use of the building.

A concern has been raised that there is no need for additional restaurant use in Castle Cary. However, as described above, the use is considered to be appropriate for a town centre location in terms of local plan and national policy. It must, therefore, be for the market to dictate whether there are too many restaurants and not for the planning system.

A local concern has been raised that there is a continued need for the existing bank use. Whilst there may be a lack of banks in Castle Cary, the property in question has not operated as a bank for some time and it is not considered that by refusing an alternative use the premises is likely to revert to the bank use. It is notable that the building could change use from A2 (financial institution) to A1 (retail) with no requirement for a planning application.

Finally a neighbour has raised a concern that the SSDC conservation officer previously rejected A3 use of premises. However, the SSDC conservation officer has never objected to the principle of a change to an A3 use, merely the detail of previous schemes.

A concern has been raised by a neighbouring occupier in relation to an existing window, which has been made openable and non-obscurely glazed. However, no planning permission would have been required to make the window openable, as it clear always was, it was just painted shut during the use of the building by the previous bank occupier. The change of the window from obscure glazing to clear glazing, would arguably have required planning permission, however a decision was taken that it would not be expedient to pursue enforcement action against this change as the window faces onto an area of no-man's land and a blank wall on a neighbouring property. The use of clear glazing therefore raises no issues of any overlooking.

Conclusion

The proposed development is considered to be acceptable in principle and will have no adverse impact on the character of the conservation area or the listed building, and will cause no demonstrable harm to residential amenity or highway safety in accordance with policies SD1, SS1, EQ2, EQ3, TA5, and TA6 of the South Somerset Local Plan.

RECOMMENDATION

Approve for the following reason:

01. The principle of development is considered to be acceptable in this location and the proposal, by

reason of its size, scale and materials, respects the character of the conservation area, and causes no demonstrable harm to residential amenity, the character and setting of the listed building, and highway safety in accordance with the aims and objectives of Policies SS1, SD1, EQ2, EQ3, TA5, and TA6 of the South Somerset Local Plan and the aims and provisions of the NPPF.

SUBJECT TO THE FOLLOWING:

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans: 6121W-15B and 6121W-16C dated 28 August 2018 on the Council's website.

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

03. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), there shall be no external exhaust serving a kitchen extraction system fitted to the building unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of residential amenity and in accordance with policy EQ2 of the South Somerset Local Plan.

04. The use hereby permitted shall not be open to customers outside the following times:

0900 - 1500 and 1700 - 2300, Tuesdays - Saturdays
1100 - 1400 Sundays.

Reason: In the interests of residential amenity and in accordance with policy EQ2 of the South Somerset Local Plan.

05. There shall be no operation of a takeaway service from the restaurant use hereby permitted.

Reason: In the interests of residential amenity and in accordance with policy EQ2 of the South Somerset Local Plan.

06. Other than for access and egress, all doors and windows shall remain closed when the restaurant is open to the public.

Reason: In the interests of residential amenity and in accordance with policy EQ2 of the South Somerset Local Plan.

07. Prior to the first use of the restaurant use hereby permitted the stench pipe serving the toilets shall be extended above the eaves of the building in accordance with details to be agreed in writing the Local Planning Authority.

Reason: In the interests of residential amenity and in accordance with policy EQ2 of the South Somerset Local Plan.

08. Prior to the first use of the restaurant use hereby permitted the proposed extractor fan outlets shall be acoustically treated in accordance with details to be agreed in writing the Local Planning Authority.

Reason: In the interests of residential amenity and in accordance with policy EQ2 of the South Somerset Local Plan.

Agenda Item 15

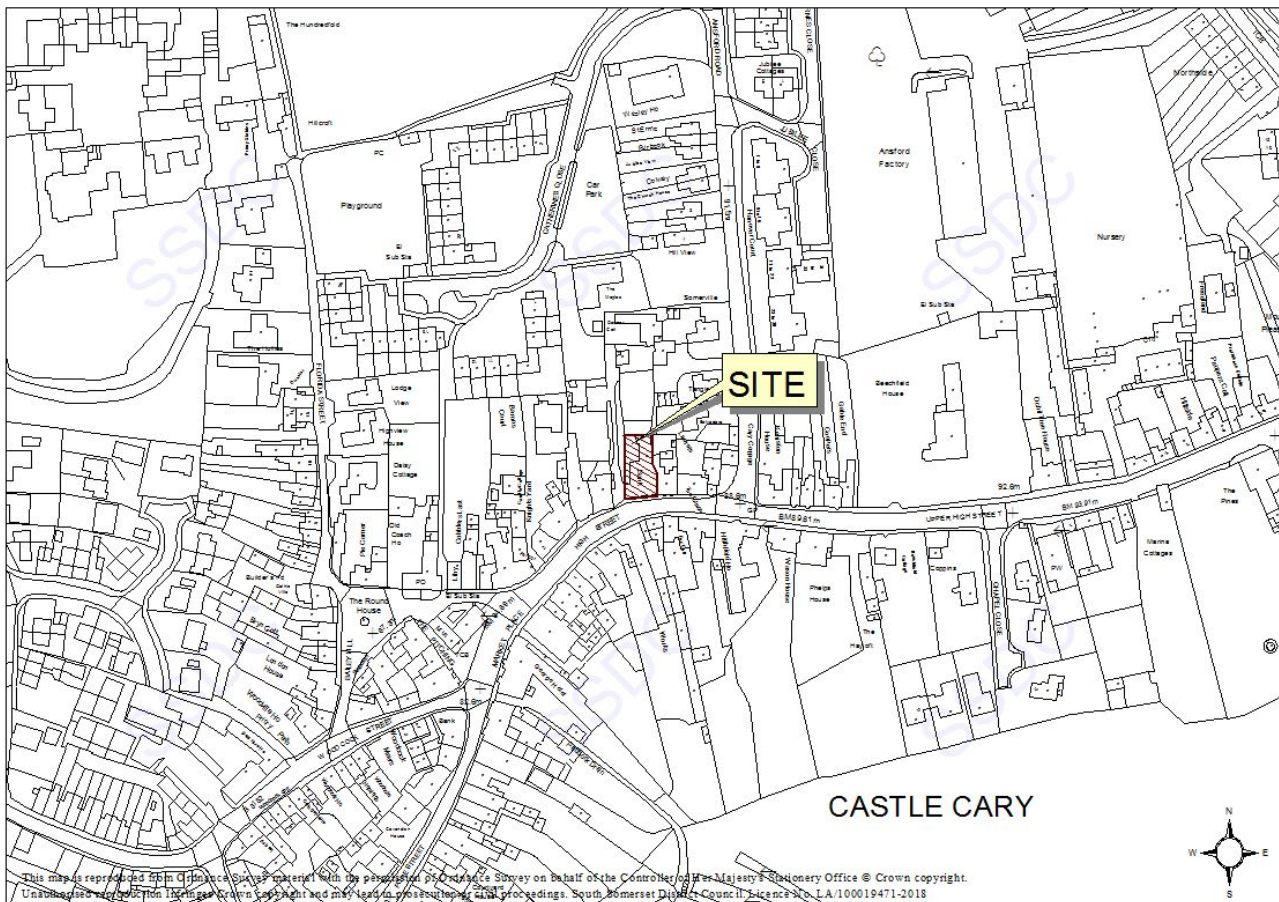
Officer Report On Planning Application: 18/02668/LBC

| | |
|---------------------------------------|--|
| Proposal : | Internal and external refurbishment works (Revised Application) |
| Site Address: | 37 High Street Castle Cary Somerset |
| Parish: | Castle Cary |
| CARY Ward (SSDC Member) | Cllr Nick Weeks Cllr Henry Hobhouse |
| Recommending Case Officer: | Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk |
| Target date : | 17th September 2018 |
| Applicant : | Mr And Mrs Tim And Jordan Oliver |
| Agent: (no agent if blank) | Wright Consult LLP Bay Tree Cooks Lane West Cranmore Somerset BA4 4RH |
| Application Type : | Other LBC Alteration |

REASON FOR REFERRAL

This application is referred to committee at the request of the Ward Member as agreed by the Vice Chair. This application for Listed Building Consent is linked to the previous item on the agenda and it is suggested the two matters be considered together.

SITE DESCRIPTION AND PROPOSAL



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The proposal seeks consent for internal and external refurbishment works (to facilitate a change of use to restaurant use applied for as part of the concurrent planning application). The site consists of the ground floor of a two storey former bank building. The first floor is in use for residential purposes. The building is finished in natural stone to the front and sides, with a brick rear projection. The building is a grade II listed building, located within a conservation area and a development area as defined by the local plan. The property is close to various residential and commercial properties.

HISTORY

18/02664/FUL - Change of use of ground floor from bank to restaurant (use class A3 food and drink) to include internal and external alterations (revised application) - Pending consideration

17/03076/FUL - Change of use from bank to A3 food and drink. Internal and external refurbishment to include new window and replacement door to side elevation and new extractor flue to the rear elevation - Application withdrawn 06/09/2017

17/03077/LBC - Internal and external refurbishment to include new window and replacement door to side elevation - Application permitted with conditions 09/10/2017

16/04320/LBC - Refurbishment of existing bank premises - Application permitted with conditions 23/11/2016

16/04319/FUL - Refurbishment of existing bank premises - Application permitted with conditions 23/11/2016

POLICY

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

NPPF: Chapter 16 - Conserving and Enhancing Historic Environment is applicable. This advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

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

Relevant Development Plan Documents:

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

Policy EQ3 - Historic Environment

CONSULTATIONS

Parish Council - Recommends refusal. They identify the following key issues:

Noise: the vent system in the main kitchen (for the cooker and other equipment) appears to not be of a standard robust enough for a commercial kitchen. The concern is that windows/doors will therefore be opened disturbing the resident in the maisonette upstairs & neighbours with noise & odours.

Noise: the wood fired stove in the secondary kitchen is immediately under the bed of the maisonette's occupant with a fanned vent under her bedroom floor leading to a fanned duct in her bedroom chimney. This has background noise potential and could be a fire hazard. We question the need for the wood-fired stove.

Noise: disturbance to upstairs resident & neighbours from the diners arriving/ departing

Odours: apart from food preparation in kitchen (see above), the visitor lavatory vent has a long duct designed to emit outside the kitchen window of maisonette. It is not clear why this vent cannot be immediately outside the toilets' blank wall - through the flat roof.

Vibration from extraction fans in the kitchens are likely to disturb the upstairs resident

Fire Risk heightened by planned installation of an internal wood fired oven

Other issues raised by local residents

Overlooking: A previously opaque un-opening window has been replaced by an opening clear glazed window in main dining area on East side of building looking directly onto a neighbouring private residence.

Opening Hours: Restaurant opening hours will disturb local residents late into the evenings

Land use: this building & its location would appear to be much more suitable for adaptation to retail or office space."

SSDC Conservation Officer -

"The generous proportions of the building lend themselves to restaurant use and there are few internal alterations proposed. Furthermore the proposal will provide a positive contribution to the street scene and ensure the building has a viable use into the future, instead of it remaining in its current redundant state. I have no objections to this application."

REPRESENTATIONS

None received

CONSIDERATIONS

As the property is a grade II listed building by association and within a conservation area, the SSDC conservation officer was consulted in regard to visual amenity. She raised no objections to the proposal, noting that the generous proportions of the building lend themselves to restaurant use and there are few internal alterations proposed. She states that the proposal will provide a positive contribution to the street scene and ensure the building has a viable use into the future, instead of it remaining in its current redundant state.

As the opinion of the conservation officer is considered to hold considerable weight in applications of this nature, the proposal is not considered to have a negative impact on the character or setting of the listed building.

It is therefore considered that the proposal does not adversely affect the character of the listed building in accordance with the NPPF, and policy EQ3 of the South Somerset Local Plan.

The concerns of the parish council are noted. However, these relate to planning issues and are better considered as part of the concurrent application for planning permission for a change of use.

As such the proposal should be recommended for approval.

RECOMMENDATION

Grant consent for the following reason:

01. The proposal, by reason of its materials and design is considered to respect the historic and architectural interests of the building and is in accordance with policy EQ3 of the South Somerset Local Plan, and the provisions of the NPPF.

SUBJECT TO THE FOLLOWING:

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans: 6121W-15B and 6121W-16C dated 28 August 2018 on the Council's website.

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

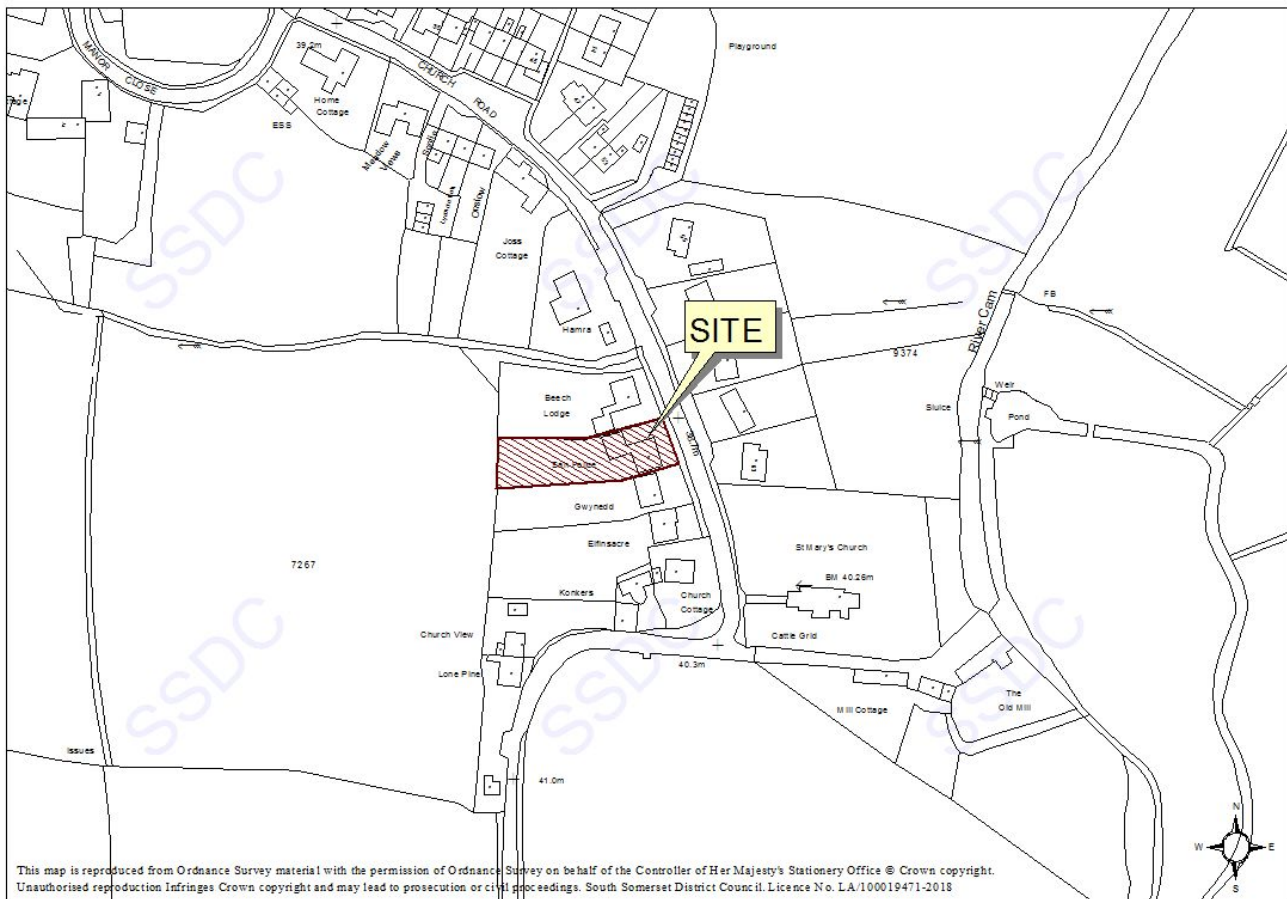
Agenda Item 16

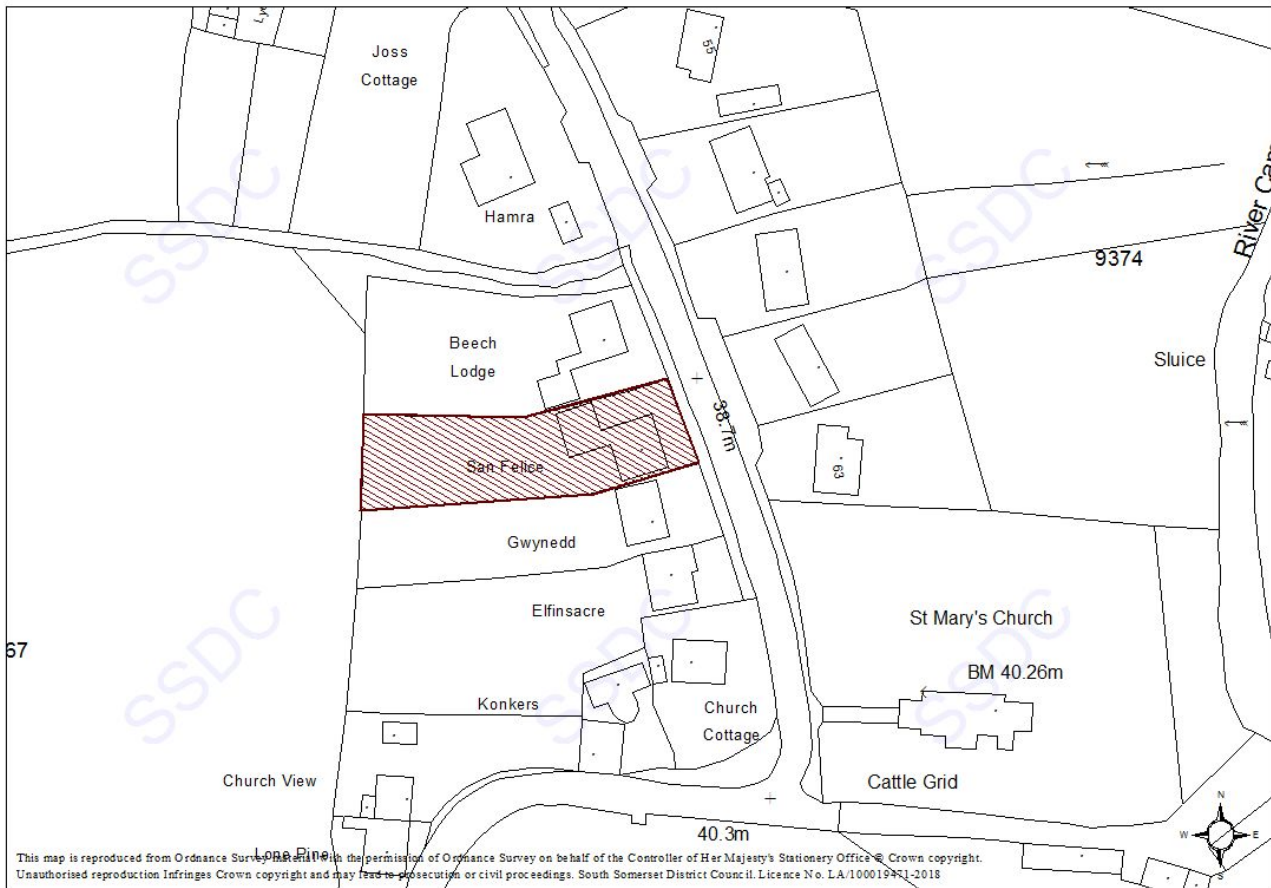
Officer Report On Planning Application: 18/02880/FUL

| | |
|---------------------------------------|---|
| Proposal : | Alterations and the erection of extensions to dwellinghouse. |
| Site Address: | Grangeleigh House Church Road Sparkford |
| Parish: | Sparkford |
| CAMELOT Ward (SSDC Member) | Cllr Mike Lewis |
| Recommending Case Officer: | Jane Green Tel: 01935 462462 Email: planningcaseteam@southsomerset.gov.uk |
| Target date : | 12th October 2018 |
| Applicant : | Mr David Wheeler |
| Agent: (no agent if blank) | |
| Application Type : | Other Householder - not a Change of Use |

This application has been brought before the Area East planning committee because the applicant is related to a member of the Council's staff that has a direct involvement in the planning process.

SITE DESCRIPTION AND PROPOSAL





Grangeleigh House, Church Street is a two storey detached dwellinghouse. It is constructed of reconstituted stone under a concrete double roman tiled roof.

The application seeks planning permission for alterations and the erection of extensions to the dwellinghouse. The plans have been amended during the course of the application to remove two balconies and these have been changed to Juliet balconies.

The proposed alterations see a first floor extension over the garage, a two storey rear extension and a single storey rear extension and a front extension and canopy porch.

HISTORY

None relevant

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, and 12 of the NPPF indicate it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

On the 5th March 2015 the South Somerset Local Plan (2006 - 2028) was adopted. Therefore it is considered that the development plan comprises this plan.

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

SD1 - Sustainable Development

SS1 - Settlement Hierarchy
EQ2 - General Development
TA6 - Parking Standards

National Planning Policy Framework (March 2012)

Chapter 9 - Promoting Sustainable Transport
Chapter 12 - Achieving well-designed places

PPG - Design March 2014

South Somerset District Council Supplementary Guidance - Extensions and Alterations to Houses - A Design Guide

Somerset County Council Parking Strategy (SPS) (Sep 2013) and Standing Advice (June 2017)

CONSULTATIONS

Sparkford Parish Council - No objections

County Highway Authority - No observations

SSDC Highways Consultant - No highways issues, no objections

South West Heritage Trust - As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds

REPRESENTATIONS

2 neighbours were notified and visited and a site notice (general interest) displayed, one representation received from the occupants of Beech Lodge as follows:

"No general objections to the proposal but we would object if the new upstairs window in the north façade above the current kitchen, were not to have obscured glazing. We would also like to point out that any new foundations adjacent to our garage should not undermine the garage as it is only constructed on a concrete slab."

CONSIDERATIONS

Principle of Development

The extension of existing properties is usually acceptable in principle subject to the proposed development being in accordance with Development Plan policies. In this case, the main considerations will be the impact on the visual amenity of the area and residential amenity of neighbouring residents.

Visual Amenity

Policy EQ2 of the South Somerset Local Plan states that development will be designed to achieve a high quality, which promotes South Somerset's local distinctiveness and preserves or enhances the character and appearance of the district. The National Planning Policy Framework (NPPF) also highlights the importance of high quality design.

In this case the property is located in a residential road of similar designed properties, two storey reconstituted stone detached properties, in the immediate location and extensions are evident on these properties.

When considering such a proposal it is important to ensure that the design, scale and appearance is

appropriate to avoid dominating the existing house. It is considered the proposal is of acceptable proportions for the scale of the property and improved the visual appearance of the existing unsympathetic two storey flat roof extension.

With regard to materials the applicant has confirmed that the new additions will be finished in cream render with reconstituted corner stones to match existing reconstructed stonework which will include all of the extension on the rear, the porch extension and the extension above the garage. There is a little render in the road but predominately in the immediate vicinity the main material is reconstituted stone. Given the ability to exactly match this reconstituted stone in a suitable stone is slim, it is considered that the use of render is acceptable in this case. Consideration has been given to the colour of the render and the use of stone quoins to tie in the new material. The impact of the use of render is considered to protect the local character in this instance.

Impact on Residential Amenity

One representation from occupiers of a neighbouring property has been received and future occupants of the neighbouring properties are also considered. Policy EQ2 (General Development) of the South Somerset Local Plan (2006-2028) states the development proposal should protect the residential amenity of neighbouring properties.

Given the position of the extension and location and distance of the adjacent properties it is considered that there are no significant concerns relating to unacceptable overbearing impact, overshadowing and loss of light. The existing first floor windows have the potential to overlook to the adjacent property, "Gwynedd", and this situation would, in fact, be improved with this application proposal.

The applicant has clarified the design of the proposed glazing arrangement on the south east elevation and given the height of the glazing, the nature of the space it is to serve (a landing) and the planting along the boundary with the neighbour then it is considered the potential for overlooking is actually reduced with the proposal.

On the north west elevation (facing Beech Lodge) a first floor window is proposed to serve an ensuite bathroom. It is probable that this window would be glazed with obscure glass. Nevertheless, a condition is recommended requiring this window to be fitted with obscure glazing and this addresses the concern from the neighbour. The concern raised about the foundations is not an overriding material planning consideration.

Any others windows are rear facing and would not introduce any further overlooking than currently exists and the removal of the balconies, amended to Juliet balconies also mitigates the potential for overlooking.

The proposed single storey rear element would sit alongside the neighbour's similar single storey element so this does not raise any concerns.

The first floor side extension would increase the bulk of the property but given the existing position of garages at the application property and Beech Lodge it is considered there is no significant impact in terms of loss of light or overbearing issues with the proposal.

It is therefore considered that the proposal would not demonstrably and or adversely impact upon residential amenity, and is in accordance with Policy EQ2 and with the Core Planning Principles of the National Planning Policy Framework.

Highway Safety

The proposal would see the bedroom provision unchanged and would remain at 4 after the alterations. It would therefore be unreasonable to raise objections on highway safety matters but in any case the

site can accommodate 4 vehicles which meets the Highway Authority's optimum standards anyway.

CIL: This authority does not collect CIL from household development.

RECOMMENDATION

Approve

01. The proposed development, due to its design, scale and materials, is not considered to result in any demonstrable harm to visual or residential amenity, nor would there be any reduction in on-site parking provision, and therefore accords with the aims and objectives of Policies EQ2 (General Development) and TA6 (Parking Standards) of the South Somerset Local Plan (2006-2028) and the principles of the National Planning Policy Framework (2018).

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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Reason: In the interests of visual amenity and to comply with Policy EQ2 (General Development) of the South Somerset Local Plan (2006-2028) and the provisions of Chapter 12 of the National Planning Policy Framework

03. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any revoking and re-enacting that Order with or without modification), no additional windows or other openings (including doors) other than that proposed (drawing number 02B) shall be formed in the first floor flank (north west and south east) elevations or roof slopes of the building without the prior express grant of planning permission.

Reason: In the interests of residential amenity and to accord with Policy EQ2 of the South Somerset Local Plan (2006-2028).

04. The proposed first floor north west facing window to serve the ensuite shall be fitted with obscure glazing and permanently retained and maintained as such.

Reason: In the interests of residential amenity and to accord with Policy EQ2 of the South Somerset Local Plan (2006-2028).
