
Area South Committee

Wednesday 5th June 2019

2.00 pm

**Council Chamber, Council Offices,
Brympton Way, Yeovil, BA20 2HT**

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



The following members are requested to attend this meeting:

John Clark
Nicola Clark
Karl Gill
David Gubbins
Peter Gubbins
Kaysar Hussain
Andy Kendall

Mike Lock
Pauline Lock
Tony Lock
Graham Oakes
Wes Read
David Recardo
Gina Seaton

Peter Seib
Alan Smith
Jeny Snell
Andy Soughton
Rob Stickland

Consideration of planning applications will commence no earlier than **2.30pm**.

For further information on the items to be discussed, please contact the Case Services Officer (Support Services) on 01935 462011 or democracy@southsomerset.gov.uk

This Agenda was issued on Tuesday 28th May 2019.

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 South Committee are held monthly, usually at 2.00pm, on the first Wednesday of the month at the Council Offices, Brympton Way, Yeovil (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>

Area South Committee

Wednesday 5 June 2019

Agenda

Preliminary Items

1. Minutes of previous meeting

To approve the minutes of the Area South Committee held on Wednesday 6th March 2019.

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 District Council's Regulation Committee

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

Councillors Peter Gubbins, Tony Lock, David Recardo and Andy Soughton.

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. Public question time

5. Chairman's announcements

6. Reports from representatives on outside organisations

This is an opportunity for Members who represent the Council on outside organisations to report items of interest to the Committee.

Items for discussion

7. **Yeovil Public Realm Project - Progress Report** (Pages 6 - 9)
8. **Area South Committee Working Groups and Outside Organisations - Appointment of Members 2019/20 (Executive Decision)** (Pages 10 - 14)
9. **Scheme of Delegation - Development Control - Nomination of Substitutes for Chairman and Vice Chairman (Executive Decision)** (Page 15)
10. **Area South Forward Plan** (Pages 16 - 17)
11. **Appeals (For Information Only)** (Pages 18 - 25)
12. **Schedule of Planning Applications to be Determined by Committee** (Pages 26 - 27)
13. **Planning Application 18/03891/FUL - Land North of Tall Elms Broadstone Lane Hardington Mandeville** (Pages 28 - 41)
14. **Planning Application 19/00717/HOU - 10 Westbury Gardens Higher Odcombe Yeovil** (Pages 42 - 47)
15. **Planning Application 19/00609/FUL - 62 Tower Road Yeovil** (Pages 48 - 56)
16. **Planning Application 19/00697/R3D - Yeovil Recreation Ground Chilton Grove Yeovil** (Pages 57 - 60)

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 7

Yeovil Refresh Update

Strategic Director: *Martin Woods, Service Delivery*
Project Manager: *Ian Timms, Yeovil Refresh Project Manager*
Contact Details: *Ian.Timms@southsomerset.gov.uk*

Purpose of the Report

To give a brief update on progress with the Yeovil Refresh projects.

Public Interest

Yeovil is South Somerset's principal town and the Yeovil Refresh is an important commitment by South Somerset District Council (SSDC) to invest in Yeovil town centre, working in close collaboration with local businesses, Somerset County Council and other stakeholders. Public consultation took place in March 2018 and both residents and local businesses provided feedback on the various priority projects identified in the document.

Recommendation

To note progress on all projects and the planned consultation activities related to the public realm work which will be carried out in the next few months.

Background

The Yeovil Refresh was commissioned by SSDC and the document provides a summary of the strengths and weaknesses of Yeovil and a commercial overview of the town. It sets the town within the context of changes within town centres nationally and regionally and in particular, the significant changes occurring in the retail sector.

The Refresh aims to make Yeovil Town Centre a vibrant place to live, work, learn and visit. The revitalised public spaces will celebrate the town's civic life and heritage and help regenerate the town's retail heart.

The Yeovil Refresh details the necessary investigation and further strategy work required in the town centre through a programme of priority projects.

At the Area South Committee (ASC) meeting in January 2018 members approved the reallocation of various capital funds to assist with the delivery of the programme. The Refresh was then released for public consultation in March. The consultation event took place in the town centre on 9th and 10th March and was well attended. The key messages from the public consultation were that residents and businesses would like:

- the main high streets kept clean and better kept with nicer planters and other greenery, while keeping the streets from being too cluttered.
- improvements in vehicular and pedestrian access into the heart of Yeovil for locals and visitors
- concerns addressed about some vehicle access to parts of the town centre (in particular on Middle Street)
- to make the town's open areas more appealing, using the space that is available to encourage visitors.

This consultation has also enabled the final document to carry weight as a material consideration in determining planning applications.

A report was taken to the District Executive and Full Council meetings in May to agree the delivery arrangements for Strategic Development and Regeneration in South Somerset. The arrangements for Yeovil Refresh included establishing a new Yeovil Refresh Programme Board to oversee the delivery of the Refresh. At the same time, significant funding was ring-fenced for this and other Strategic Regeneration programmes contained in the Corporate Plan.

The Yeovil Refresh Board was established in July 2018 and the Regeneration Programme Manager was also appointed in July.

In addition to this board approach there are two other important groups which are intended to support delivery of the Refresh programme.

The first of these is key external stakeholders who have a significant impact on the town and are able to provide input on the programme as it progresses. The second is a grouping of internal officers who meet regularly to co-ordinate activity, share information and address any operational issues relating to the Refresh.

Refresh Programme Update

Following positive public reaction, delivery of the Yeovil Refresh has commenced, phased over a 4-5 year programme

Car Park Review

The review has been completed and a draft document has been produced detailing a new signage strategy, suggested improvements to the car parks and suggestions for possible development opportunities. This review is currently being formed into an action plan.

Yeovil Access Strategy

The first phase of this work is now complete. This phase had two elements: a technical review of possible infrastructure outlined in the Refresh document and updated modelling work based on proposals. The aim of the strategy is to improve access to the town centre by all forms of transport. The work now moves into phase 2 which will be detailed assessment of the initial baseline work.

Work to assess has also begun on the Local Cycling and Walking Infrastructure Plan which will be completed in this financial year.

Public Realm Design Guide and Detailed Drawings

The Yeovil Refresh seeks to improve public spaces in the town centre. The spine from the Borough through to the Bandstand or Entertainment Area and then to the bottom of town is the busiest thoroughfare for pedestrians and the plan is for a sequential improvement of spaces along this spine to create a more pleasant experience. This area is broken into six projects P1 - P6 which are fully described in the Refresh document.

Work is now underway which has three components

1. Production of a Public realm Design Guide to cover the town centre P1
2. Creation of Outline designs for the project areas P2 – P6
3. Creation of detailed designs for P2- P6 to support the build phase

At this stage we intend to consult with key stakeholders during June and are planning a public consultation event on Saturday 6th July combined with materials on the council's website for comment. This will feed into the design process.

Improvements to Middle Street

The top end of Middle Street experiences the highest levels of footfall in the town, yet it currently has the poorest provision for pedestrians with narrow pavements and space dominated by vehicle routes and parking.

As a fore runner to the main project a proposal has been submitted for the use of a Traffic Regulation Order (TRO), which controls vehicle access in that area. The proposal has been submitted to SCC and the completion of the process is currently paused to consider the representations which have been submitted to SCC. There is an ongoing discussion with SCC whilst this consideration continues.

The road was shut on a temporary basis in December 2017 to enable a Christmas Market to take place. This was well received by businesses in the vicinity and they maintain that they would like to see the area used for more specialist markets throughout the year. Specialist Markets and town centre events such as September's Super Saturday and the Christmas Lantern Parade bring people in to the town and are an important element in increasing the vitality of the town centre.

It is important to note that the proposal relocates a number of disabled bays into adjacent streets with possible changes having been identified in the adjoining Union Street, Wine Street and Peter Street areas. This would clarify and improve the parking arrangements in these streets. The proposal would also reverse flow of Wine Street which should minimise traffic passing through the Borough.

Potential Investors in the town

There are a number of opportunities around the Refresh development theme which are progressing. As members will be aware Glovers Walk was purchased in late 2018 by Martin Group Ltd who are developing their plans. We will continue to work with them and hope to see firm proposals in the near future which will inform a planning application. Benson Elliot have taken an option to develop the Old Cattle Market site which is also an exciting opportunity. A Planning Performance Agreement is being finalised with them to enable us to support the development of a planning submission.

In addition to these two main development sites there are a range of other investments occurring such as the introduction of Dun Elm into the town centre. We are also exploring opportunities as they arise where they are connected to the Refresh aspirations.

High Streets Fund bid

A bid was submitted to DCLG on 22nd March 2019 seeking funding to support the Refresh. This bid was aspirational and sought funding of £13.5 million for a wide range of the projects. DCLG are proposing to advise bidders in the summer if they have been accepted to progress to phase 2. Phase 2 will be supported by the government's high streets task force to assist in the development of detailed business cases for projects.

Financial Implications

None directly from this report.

Council Plan Implications

To complete the Yeovil Refresh for Yeovil town centre and progress implementation is one of the priority projects within the Council Plan for 2019/20.

The development of Yeovil town centre also assists the council in meeting several of its corporate objectives including:

- Lobbying for and support infrastructure improvements to enable growth.
- Capitalise on our high quality culture, leisure and tourism opportunities to bring people to South Somerset.
- Progress key infrastructure projects that unlock development

Carbon Emissions and Climate Change Implications

None directly from this report. The quality of regeneration schemes within Yeovil will be designed have a positive impact on future carbon emissions.

Equality and Diversity Implications

None directly from this report. However, Equality and Diversity, including Equality Assessments, will be fully explored in the implementation of the various projects within the Yeovil Refresh.

Background Papers

Yeovil Refresh Document.

Agenda Item 8

Area South Committee Working Groups and Outside Organisations – Appointment of Members 2019/20 (Executive Decision)

Director: Netta Meadows, Strategy and Support Services
Agenda Co-ordinator: Jo Boucher, Case Services Officer – Support Services
Contact Details: jo.boucher@southsomerset.gov.uk or (01935) 462011

Purpose of the Report

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

Recommendations

The Committee is asked to:

1. appoint members to serve on these groups and panels for the municipal year 2019/20.
2. review and appoint members to the outside organisations as set out in the report.

Area South Panels and Working Groups

The following table shows the internal working groups, and their memberships, appointed by this Committee for the municipal year 2018/2019. The Committee is asked to decide whether to re-establish the groups for the new municipal year and agree the memberships of each of the groups.

| Organisation | Representatives 2018/2019 | Frequency of meetings |
|--------------------------------------|---|---|
| Area South Community Forum | Tony Lock Peter Gubbins | Twice a year |
| Yeovil Town Centre Enhancement Group | Mike Lock John Clark Tony Lock David Recardo Wes Read Sarah Lindsay Andy Kendall Peter Gubbins | One meeting a year (June/July) or more if required. |
| Yeovil Market Improvement Group | David Recardo Cathy Bakewell Mike Lock Sarah Lindsay | 6 monthly |
| Birchfield Group | Yeovil East and Yeovil Without Ward Members | Annual meeting (June) |

Outside Organisations

The organisations and groups to which representatives have been appointed by this Committee are set out below. Members will be aware that they reviewed this list of organisations in October 2013 and made several recommendations towards the final policy on the Roles and Responsibilities of Councillors appointed to Outside Bodies, which was adopted by District Executive on 1st May 2014.

Members are now asked to review and appoint members to the outside organisations for 2019/20, having regard to the adopted policy. Please be aware that those appointed should make verbal reports at the Area South Committee as appropriate and prepare a short annual report on request on the activities of the organisation to which they are appointed. Further information is attached at Appendix A.

| Organisation | Representation 2018/2019 | Representation 2019/2020 |
|---|--|--------------------------|
| Abbey Community Association | Alan Smith | |
| John Nowes Exhibition Foundation | Peter Seib | |
| South Somerset MIND | Andy Kendall | |
| Wyndham Trust (Yeovil) | Peter Seib | |
| Yeovil Crematorium and Cemetery Joint Committee | Graham Oakes Rob Stickland Vacancy | |
| Yeovil in Bloom Gardeners Market Steering Group | Wes Read | |
| Yeovil One | Tony Lock | |
| Yeovil Sports Club Board of Management | Andy Kendall | |
| Preston School Strategic Management Group | David Recardo Wes Read | |
| Yeovil Vision Board | Peter Gubbins David Recardo One further Councillor, to be invited at the Chairman's discretion when required | |
| Westfield Community Association | John Clark | |

Financial Implications

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

Council Plan Implications

There are several of the Council's Corporate Focuses which encourage partnership working with local groups, including:-

- Work in partnership to deliver investment and development that local people value with particular emphasis on Yeovil and Chard;
- Work with partners to contribute to tackling youth unemployment;
- Work with partners to combat fuel poverty;
- Ensure, with partners, that we respond effectively to community safety concerns raised by local people and that the strategic priorities for policing and crime reduction in South Somerset reflect local needs;
- Work with and lobby partners to help communities to develop transport schemes and local solutions to reduce rural isolation and inequalities to meet existing needs of those communities.

Carbon Emissions and Climate Change Implications

None

Equality and Diversity Implications

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

Background Papers

Minute 15, Area South Committee, 5 June 2013

Minute 184, District Executive, 1 May 2014

SSDC Policy on the Roles and Responsibilities of Councillors appointed to Outside Bodies.

Area South Committee Working Groups and Outside Bodies – Appointment of Members 2018/19

Area South Outside Bodies Information

| Name of Organisation | Contact Name | Contact Details | Number of Council Nominees | Period of Appointment | Aims & Objectives | Legal Status | Status of Councillor | Frequency of Meetings | Insurance | Venue of Meetings |
|---|-------------------------------|--|----------------------------|-----------------------|---|------------------|-----------------------|---------------------------------------|--|-----------------------------|
| Abbey Community Association | Mrs Jenny Lucas, Secretary | 18 Sandhurst Road Yeovil, Somerset, BA20 2LG 01935 426842 Email: jennylucasbp@gmail.com | 1 | 1 Year | To advance education and to provide facilities in the interests of social welfare for recreation and leisure-time occupation with the object of improving the conditions of life. | Charitable Trust | Charity Trustee | 2nd Wednesday in the month | Legal Defence costs £250,000, Employers Liability £10,000,000, Public/products liability | Abbey Community Centre |
| John Nowes Exhibition Foundation | Amanda Goddard | Amanda.Goddard@battens.co.uk | 1 | 1 Year | To give educational grants for individuals in the Yeovil Area ages 16-25 | Charitable Trust | Trustee | October | | |
| South Somerset Mind | | Unit 4, Yeovil Small Business Centre, Houndstone Business Park, Yeovil Somerset BA22 8WA | 1 | 1 Year | To provide services which improve mental health. | Charity | Board Member/Observer | 3rd Monday of every month at 6.30pm | | The Markwick Centre, Yeovil |
| The Wyndham Trust | Amanda Goddard | Amanda.Goddard@battens.co.uk | 1 | 1 Year | To promote the education of children & young people in Yeovil in the history, archaeology and anthropology of Yeovil and the South and West parts of the county of Somerset. | Charitable Trust | Ex-officio Trustee | 2 per year | | Battens Solicitors |
| Yeovil Crematorium and Cemetery Joint Committee | Amanda Card, Town Clerk | Yeovil Town Council, 19 Union Street, Yeovil 01935 382424 | 4 | 1 Year | Responsible for overseeing the management and operation of Yeovil Crematorium and Yeovil Cemetery | | | Quarterly basis. Wednesdays at 7.00pm | | Yeovil Town Council |
| Yeovil in Bloom Gardeners | Amanda Card, Town Clerk | Yeovil Town Council, 19 Union Street, | 1 | 1 Year | Responsible for overseeing the | | | Mondays at 4.30pm | | Yeovil Town Council |

| Name of Organisation | Contact Name | Contact Details | Number of Council Nominees | Period of Appointment | Aims & Objectives | Legal Status | Status of Councillor | Frequency of Meetings | Insurance | Venue of Meetings |
|---|---------------------------|--|----------------------------|-------------------------|---|----------------------|----------------------|---------------------------------------|---|-------------------------|
| Market Steering Group | | Yeovil 01935 382424 | | | organisation and management of the Yeovil in Bloom initiative | | | | | |
| Yeovil Sports & Social Club Board of Management | | Yeovil Sports & Social Club, Johnson Park, Coronation Avenue, Yeovil, BA21 3DX, 01935 474433 | 1 | 1 Year | The association in a social club of members interested in all amateur sports and pastimes and to promote and encourage the same. The provision and maintenance of a Clubhouse and ground and equipment. | Unincorporated Trust | Board Member | Second Wednesday each month at 7.30pm | Public Liability, Employers Liability, Club Executive Liability | Clubhouse, Johnson Park |
| Preston School Strategic Management Group | Gregg Morrison, Principal | Monks Dale, Yeovil, Somerset, BA21 3JD | 2 | Until position resigned | To ensure community use of the leisure facilities in line with the signed Shared Use Agreement, overseeing service delivery and monitoring the operation and financial performance of the leisure facilities. | Trust | Member of SMG | Once per school term | | Preston School Academy |

2014

Agenda Item 9

Scheme of Delegation – Development Control – Nomination of Substitutes for Chairman and Vice Chairman (Executive Decision)

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

Purpose of the Report

As the Council has entered a new municipal year, the Committee is asked to review the appointment of two members to act as substitutes for the Chairman and Vice Chairman in the exercising of the Scheme of Delegation for planning and related applications. The current member substitutes are Councillors Peter Seib and Tony Lock.

Recommendation

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

Background

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

"A ward member makes a specific request for the application to be considered by the Area Committee and the request is agreed by the Area Chairman or, in their absence, the Vice-Chairman in consultation with the Development Manager. (This request must be in writing and deal with the planning issues to ensure that the audit trail for making that decision is clear and unambiguous). In the absence of the Chairman and Vice-Chairman there should be nominated substitutes to ensure that 2 other members would be available to make decisions. All assessments and decisions to be in writing."

Financial Implications

None as a direct result of this report.

Background Papers: Minute 36, Council meeting of 21st July 2005

Agenda Item 10

Area South Committee Forward Plan

Director: Netta Meadows, Strategy and Support Services
Agenda Co-ordinator: Jo Boucher, Case Services Officer – Support Services
Contact Details: jo.boucher@southsomerset.gov.uk or (01935) 462011

Purpose of the Report

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

Recommendations

Members are asked to:-

1. Comment upon and note the proposed Area South Forward Plan as attached at Appendix A.
2. Identify priorities for further reports to be added to the Area South Forward Plan, developed by the SSDC lead officers

Area South Committee Forward Plan

The forward plan sets out items and issues to be discussed by the Area Committee over the coming months.

The forward plan will be reviewed and updated each month, by the joint lead officers from SSDC, in consultation with the Area Committee Chairman. It is included each month with 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 request an item is placed within the forward plan for a future meeting, by contacting the Democratic Services Officer.

Background Papers

None

Appendix A

Notes

- (1) Items marked in *italics* are not yet confirmed, due to the attendance of additional representatives.
- (2) For further details on these items, or to suggest / request an agenda item for the Area South Committee, please contact the Democratic Services Officer; Jo Boucher.

| Meeting Date | Agenda Item | Background/ Purpose | Lead Officer |
|--|---|---|--|
| 7 August 2019 & 6th Nov 2019 | Council Plan | To agree the strategic priorities for consideration in the wider Council Plan | Specialist, Strategy & Commissioning |
| TBC | <i>Somerset Highways – maintenance programme</i> | <i>A six monthly update report on the current and expected highways maintenance programme in Area South</i> | <i>Assistant Highway Service Manager, SCC Highways</i> |
| TBC | <i>Future demand and requirements for Education in Yeovil</i> | <i>To discuss future demand and requirements for education, in particular the requirement for future secondary school places.</i> | <i>Somerset County Council, Education</i> |
| TBC | <i>Yeovil Eastern Corridor Improvement Works</i> | <i>To give members the opportunity to feedback and discuss the ongoing problems and issues of the scheme.</i> | <i>TBC</i> |

Agenda Item 11

Planning Appeals (For information)

Director: Martin Woods, Service Delivery
Lead Officer: Martin Woods, Service Delivery
Contact Details: martin.woods@southsomerset.gov.uk or (01935) 462071

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.

Appeals Allowed

Ward: Yeovil (Lyde)
Proposal: Change of use of former public house to 8no flats with associated internal, external works and parking.
Appellant: Kenika Properties
Site: Great Western Hotel 47 Camborne Grove Yeovil BA21 5DG

Appeals Dismissed

Ward: Coker
Proposal: Erection of a new close boarded timber fence and gate (retrospective).
Appellant: Miss F Collingborn.
Site: 3 Manor Street, West Coker.

Financial Implications

None

Implications for Corporate Priorities

None

Other Implications

None

Background Papers: Planning application files



Appeal Decision

Site visit made on 7 May 2019

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 May 2019

Appeal Ref: APP/R3325/W/19/3222070
47 Camborne Grove, Yeovil BA21 5DG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Kenika Properties against the decision of South Somerset District Council.
 - The application Ref 18/01122/FUL, dated 5 April 2018, was refused by notice dated 13 November 2018.
 - The development proposed is for change of use of former public house to 8no flats with associated internal and external works.
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use of former public house to 8no flats with associated internal and external works at 47 Camborne Grove, Yeovil BA21 5DG in accordance with the terms of the application Ref. 18/01122/FUL, dated 5 April 2018 subject to the conditions set out within the Schedule attached to this decision.

Main Issue

2. The main issue is the effect of the proposal upon the character and amenities of the area, by virtue of on-site parking provision and having regard to the manoeuvrability of buses.

Reasons

3. The appeal site comprises a former Public House situated at the junction of Camborne Grove and Camborne Place and is within a predominantly residential area comprising two storey terraced and semi-detached housing.
4. There are no parking restrictions within Camborne Street, Camborne Grove or Camborne Place and many houses have off-street parking, either to their front or rear. These streets are accessed off Lyde Road which is a busy urban route; the site is however also located approximately 100m from the Yeovil Pen Mill Railway Station, which along with Camborne Grove, is served by the number 68 bus service. The site is also within a short distance of services, cited as 400m by the Council, and is approximately 1 mile from the Town Centre by a dedicated pedestrian/cycle route. Therefore, I consider that the site is in a sustainable location having regard to its accessibility by a wide range of means of transportation.

5. Policies TA5 and TA6 of the South Somerset Local Plan (2006 – 2028) adopted March 2015 (LP) stipulate, amongst other things, that parking provision in new developments should be design-led and based upon site characteristics, location and accessibility. These policies require the parking standards within the Somerset County Council Parking Strategy to be applied in South Somerset, which for one and two bedroom residential units in Car Parking Zone A, requires one space per dwelling; i.e. 8no. spaces in this case. No visitor parking would be required where more than half the parking would be unallocated to any specific flat.
6. Notwithstanding the above standards, 'Note A' within Chapter 5 of the Parking Strategy states that the standards are optimum ones and that the level of parking they specify should be provided unless specific local circumstances can justify deviating from them. Developments in more sustainable locations that are well served by public transport or have good walking and cycling links may be considered appropriate for lower levels of car parking provision.
7. Furthermore, as this scheme relates to a change of use, one cannot ignore the fallback position, i.e. if the premises in question returned to be used as a Public House. The appellant highlights that based on an internal floor space of 550.3 sq.m., an A4 Use would give rise to a requirement of 12.2 parking spaces; and that was with no parking previously provided on site. Whilst I have not been provided with TRICS data, or actual data in respect of the former operation of the pub, ultimately, and pursuant to the Council's Parking Standards, the residential scheme before me would give rise to a lesser requirement for off-street parking than the pub.
8. I acknowledge that on-street parking is limited by the presence of dropped kerbs, although there is a reasonable amount of unbroken kerb line along the Camborne Place (north-west) boundary of the site. I note third party concerns with regard to existing pressures for on-street parking, although ultimately by virtue of the high proportion of one bedroom flats proposed within the scheme, they are more likely to be occupied by single persons who would be aware of the location, accessible by sustainable means of transport. I say this notwithstanding that I accept that within the preface to LP Policy TA6 that average car ownership levels in the District are higher than the national average; however the site in question is not within a rural location where one would expect car ownership to be higher, therefore I give these statistics limited weight in my determination of this appeal.
9. I note the concerns of the Local Highway Authority (LHA) in respect of increased on-street parking interfering with the manoeuvrability of buses, however they have not substantiated this and in the absence of any other evidence to the contrary I consider that the local bus service would not be unduly hampered by the proposal. Neither would emergency services. Furthermore, I accept that additional on-street parking could create a visual barrier between motor vehicle traffic and crossing pedestrians, although if there were highway safety implications it would be for the LHA to impose parking restrictions in any locations of concern.
10. Therefore, having regard to the above, I consider that notwithstanding that the proposal does not meet the Council's adopted parking standards, the site is located within an area of high sustainable transport accessibility and would not

have a detrimental impact upon the character and amenity of the area, including the manoeuvrability of local buses.

Other Matters

11. I acknowledge the concerns with regard to the principle of the loss of the pub and whilst I have not been provided with great detail, I understand that for some reason the Council decided to not list it as an Asset of Community Value. I also note that some works have taken place to the building prior to this appeal being determined, but that works ceased following the Council's Enforcement Team making contact with the appellant. I am also aware of concerns that the planning application, the subject of this appeal, was not adequately advertised; although it is clear from the number of representations received that a good number of local residents and other third parties had been made aware of the proposal and I have not been given any substantive reason to doubt that the Council did not fulfil its statutory obligations in respect of public consultation.
12. The proposal enables the retention of the laneway which provides access for residents at 20, 22 and 24 Camborne Place and the grant of planning permission, but in any case does not override any civil rights that the occupants of those dwellings have over this means of access.

Conclusion and Conditions

13. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should succeed.
14. Other than the standard time limit condition, the Council recommends that a condition requiring the development to be carried out in accordance with the approved plans is imposed. I consider that this is necessary in the interests of the visual amenities of the area. Furthermore, the Council has also recommended that two further conditions be imposed regarding the disposal of surface water from the site, so as to prevent its discharge onto the highway; and to ensure that the areas allocated for parking are kept clear of obstruction at all times, and shall not be used other than for the parking of vehicles in connection with the development permitted. I consider in the interests of highway safety that these are both necessary conditions and have therefore imposed conditions within the attached schedule to this effect.

C J Tivey

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 3825-BB-XX-001-DR-A-100 RevC, 3825-BB-XX -002-DR-A-101 RevC, 3825-BB-XX-003-DR-A-102 RevB, 3825-BB-XX-004-DR-A-103 RevC, 3825-BB-XX-XXX-DR-A 104 RevC, 3825-BB-XX-XXX-DR-A-105 RevB, 3825-BB-XX-XXX-DR-A-106 Rev C, 3825BB-XX-XXX-DR-A-107 RevB, 3825-BB-XX-XXX-DR-A-108 RevC, 3825-BB-XX-XXX-DR-A-110, 3825-BB-XX-XXX-DR-A-111 & 3825-BB-XX-XXX-DR-A-112.
3. No flat shall be occupied, until details for the disposal of surface water from the site, so as to prevent its discharge onto the highway, have been submitted to and approved in writing by the Local Planning Authority; and implemented in accordance with the agreed details which shall thereafter be maintained at all times.
4. The areas allocated for parking shown on drawing 3825-BB-XX-001-DRA-100 RevC shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.



Appeal Decision

Site visit made on 3 April 2019

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th April 2019

Appeal Ref: APP/R3325/D/19/3222893

3 Manor Street, West Coker, Yeovil BA22 9BJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Miss Fran Collingborn against the decision of South Somerset District Council.
 - The application Ref 18/03795/HOU, dated 24 November 2018, was refused by notice dated 4 February 2019.
 - The development proposed is the erection of a new close boarded timber fence and gate.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The fence and gate have already been erected and therefore I am considering this appeal retrospectively.

Main Issue

3. The main issue is whether the development preserves or enhances the character or appearance of the West Coker Conservation Area.

Reasons

4. The appeal property is a 2-storey house located in the West Coker Conservation Area (the CA), which encompasses a large part of the village. I observed that the special character of the CA is derived from the high proportion of historic buildings, built predominantly of stone with tiled roofs. Boundary treatments in the CA are also, generally, constructed from stone and some of the roadside stone walls are quite high. However, where they form the front boundary walls to the cottages in the centre of the village, they tend to be low, allowing an appreciation of the small front gardens and characterful building facades. The general uniformity of stone building materials and boundary treatments gives the CA a robust appearance and a cohesive historic character.
5. The appeal property lies in the heart of the CA, just off the main village road. It is orientated at right angles to Manor Street, so that its blank gable end abuts the road. Consequently, the front elevation of the house is prominent in views down Manor Street from the main village road. Although the house has pebble-dash rendered walls, it is similar in scale and form to the other cottages in the

area and has the roof tiles that are characteristic of the CA. It has a low boundary wall in keeping with others in the street although, unusually, part of it is brick rather than the prevalent stone. Overall, despite the different materials, the property sits comfortably in the CA, and contributes to its special character.

6. The fence and gate are already in position, so I was able to see their impact on the CA. They amount to a visually discordant feature in the street scene due to their material, height and prominence. The dark-stained timber is not in keeping with the robust stone walls that are so important to the special character of the CA. The pre-existing low boundary walls make a positive contribution to the CA, which is diminished by the uncharacteristic means of enclosure rising above them. Furthermore, the fence results in a loss of views of the front garden and façade of the building, and other historic buildings beyond. The fence and gate do not therefore have regard to the distinctiveness of their context. As they are prominent in views along this stretch of Manor Street in both directions, and also from a length of the High Street, they result in harm to the character and appearance of the CA and would dilute its significance.
7. The appellant has submitted photographs of other timber fences in the village. The locations of the photographs are not identified so I cannot be sure that they all fall within the CA. In any event, I saw from my visit that in the immediate vicinity of the appeal site there were no other similar fences. The presence of fences elsewhere within the village would not be a reason for me to allow a development that causes harm to the character and appearance of the CA.
8. The harm that arises is localised and therefore the impact on the CA as a whole is less than substantial within the meaning of Paragraph 193 of the National Planning Policy Framework (the Framework). The Framework advises that 'less than substantial harm' should be considered in a balanced manner against any public benefits associated with the development. I have no evidence that the fence and gate give rise to any public benefits.
9. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. Paragraph 193 of the Framework advises that any harm to the significance of the CA requires clear and convincing justification and great weight should be given to the conservation of designated heritage assets. There are no public benefits associated with the appeal scheme to outweigh the harm that I have identified to the character and appearance of the CA. I therefore conclude that the proposals would be contrary to Policies EQ2 and EQ3 of the South Somerset Local Plan (2015), which seek to ensure that development respects local context and safeguards or enhances the significance of heritage assets.

Other Matters

10. I acknowledge that the appellant sought advice from the Council and understood that planning permission was not needed for the fence and gate. I also understand that there have been no objections from the owners of the adjacent church or garage. However, these matters do not outweigh the harm that I have identified to the character and appearance of the CA.

11. I understand that the fence and gate have given rise to some legal issues regarding a right of way to a neighbouring property, however my decision has been based only on the planning merits of the case.

Conclusion

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

Nick Davies

INSPECTOR

Agenda Item 12

Schedule of Planning Applications to be determined by Committee

Director: Martin Woods, Director - Service Delivery
Service Manager: Simon Fox, Lead Specialist - Planning
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 South Committee at this meeting.

Recommendation

Members are asked to note the schedule of planning applications.

Please note: Consideration of planning applications will commence no earlier than 2.30 pm.

Members of the public who wish to speak about a particular planning item are recommended to arrive for 2.15pm.

| SCHEDULE | | | | | |
|---------------|----------------------|--------------|---|---|---------------------|
| Agenda Number | Ward | Application | Brief Summary of Proposal | Site Address | Applicant |
| 13 | COKER | 18/03891/FUL | The erection of 3 dwellings and formation of a new vehicular access | Land North of Tall Elms Broadstone Lane Hardington Mandeville | Mr G Boord |
| 14 | COKER | 19/00717/HOU | The erection of a two storey side and single storey rear extension to dwellinghouse (part retrospective/revised applications) | 10 Westbury Gardens Higher Odcombe Yeovil | Mr Liam Delaney |
| 15 | YEOVIL WITHOUT | 19/00609/FUL | Erection of a detached dwelling | 62 Tower Road Yeovil | Mr Murphy |
| 16 | YEOVIL (SUMMERLANDS) | 19/00697/R3D | Crows nest and masts to form part replacement Play Ship | Yeovil Recreation Ground Chilton Grove Yeovil | Mr Robert Parr SSDC |

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

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

Referral to the Regulation Committee

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

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

Human Rights Act Statement

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

Agenda Item 13

Officer Report On Planning Application: 18/03891/FUL

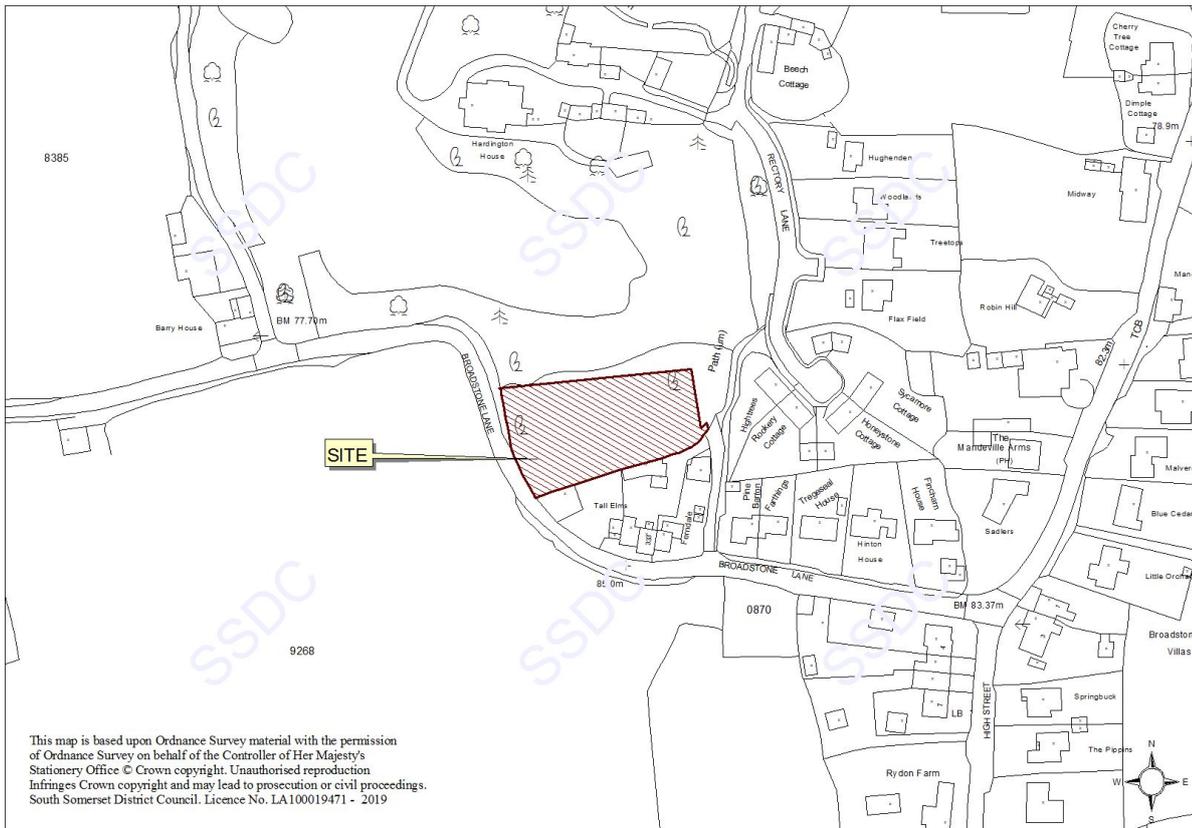
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|-----------------------------------|---|
| Proposal : | The erection of 3 dwellings and formation of a new vehicular access |
| Site Address: | Land North Of Tall Elms Broadstone Lane Hardington Mandeville |
| Parish: | Hardington Mandeville |
| COKER Ward (SSDC Member) | Cllr G Seaton Cllr N Clark |
| Recommending Case Officer: | Linda Hayden- Planning Specialist |
| Target date : | 31st January 2019 |
| Applicant : | Mr G Boord |
| Agent: (no agent if blank) | Brimble Lea And Partners Wessex House High Street Gillingham SP8 4AG |
| Application Type : | Minor Dwellings 1-9 site less than 1ha |

Reason for Referral to Committee

This application is referred to the Committee at the request of the Ward Members with the agreement of the Area Chair to enable discussion of the planning issues.

Site Description and Proposal





The application site forms part of the curtilage to the property known as 'The Walled Garden' to the north of Hardington Mandeville. However, the land was until very recently owned by Hardington House and formed part of the curtilage to the property which is grade II listed. The entire historic curtilage is covered by a group Tree Preservation Order (TPO).

The site is flat and bounded by a Public Right of Way (PROW) to the east and a stone boundary wall along the road side to the west. There is a group of mature trees and shrubs to the north with residential gardens to the south.

This is a full application for the erection of three dwellings, one 2-bedroom bungalow and two 2-storey 4-bedroom houses, to be constructed in hamstone with slate roofs. A new access to the site would be provided from Broadstone Lane at the west of the site with the existing stone boundary wall reconstructed behind the proposed visibility splays and following alongside the new drive way at the entrance to the site.

HISTORY

There is no planning history for the site itself, there are a number of application for works to the listed property, its outbuildings and works to trees covered by the TPO.

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.

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).

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

SD1 Sustainable Development
SS1 Settlement Strategy
SS2 Development in Rural Settlements
SS4 District Wide Housing Provision
SS5 Delivering New Housing Growth
TA5 Transport Impact of New Development
TA6 Parking Standards
EQ1 Addressing Climate Change in South Somerset
EQ2 General Development

National Planning Policy Framework

Chapter 2 - Achieving Sustainable Development
Chapter 5 - Delivering a Sufficient Supply of Homes
Chapter 12 - Achieving Well-Designed Places
Chapter 16 - Conserving and Enhancing the Historic Environment

Planning Policy Guidance

Climate change
Conserving and enhancing the historic environment
Design

The starting point for the exercise of listed building control is the statutory requirement on local planning authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses' (section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990).

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

Somerset County Council Parking Strategy (March 2012)

(Note: In August 2018 a report was accepted by the District Executive that confirmed that the Council is currently unable to demonstrate that it has a 5 year supply of deliverable housing land as required by paragraph 73 of the NPPF. In such circumstances paragraph 11 d) in relation to decision taking is engaged, this states:-

"where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

Footnote 7 to Paragraph 11 explains that:

"This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.")

CONSULTATIONS

Hardington Mandeville Parish Council:

"Hardington Mandeville Parish Council met on Tuesday, 15th January and reviewed the above planning application. Following lengthy discussion, Hardington Mandeville Parish Council voted unanimously to object to this application.

The primary reason for objection is the proposed access for the development. Many parishioners have expressed their concerns, either at the meeting or via email, that providing access on this tight double bend would make an already dangerous section of road even more dangerous. A substantial amount of traffic uses this road, which provides easy access to the A30. This also includes many large agricultural vehicles and the milk tanker on a daily basis. There have already been many accidents in this area, and increasing the volume of traffic here is likely to result in even more.

The legal speed limit is 60 mph and many felt a lot of vehicles drive around this bend at speeds greater than 20-25 mph as suggested in the application. There are no pavements and the road is frequently used by pedestrians, cyclists and horse riders.

It was unclear to the Parish Council as to whether SCC Highways have been consulted on the application, and therefore their views were unknown. The Parish Council would like it clarified as to whether SCC highways have been consulted and if not, why this is the case.

Several Councillors felt that accessing the proposed houses from Rectory Lane would be more desirable and should be investigated as an alternative option.

There were also strong views expressed regarding the effect on the heritage value of the site. Not only will these houses distract from the historic Hardington House, many feel this historic section of wall should not be removed. In addition, the "green door", adjacent to the proposed new access, is recognised as one of several valued village landmarks and should not be disturbed.

A question was raised as to why listed building consent was not required when the development plot lies within the curtilage of a listed building. We would be grateful for clarification as to why it is not required for this development.

Questions were also raised as to whether the proposed dwellings satisfy the criteria outlined in policy SS2, which forms part of the South Somerset Local Plan. The application does not attempt to explain how the proposed dwellings meet an identified local need. Some believe that the village does not require any additional large 4-bedroom houses and that either bungalows for downsizing, or smaller, more affordable properties for young families would be more desirable.

The Parish Council would therefore like to see this application refused, until the issues identified above are addressed."

County Highway Authority :

" Having regard to the fact that traffic speeds and volumes along Broadstone Lane are not high, and appropriate vehicle visibility splays can be provided, the level of intensification created by this proposal

will not create a highway safety or efficiency issue."

In the event of permission being granted, the County Highway Authority recommend that a number of highways conditions be imposed.

Rights of Way Officer (SCC):

Have no objections to the proposal, but provide advice on the need to protect users of the PROW and requirement to carry out any repairs required as a result of construction.

Senior Historic Environment Officer:

"Investigations to the east of the application site have identified the presence of medieval industrial activity. In addition to this, the Hardington Mandeville tithe map shows a house situated adjacent to Broadstone Lane. It is therefore possible that earlier traces of earlier activity and or structures may be present within the application area.

For this reason I recommend that the developer be required to archaeologically investigate the application area and provide a report on any discoveries made as indicated in the National Planning Policy Framework (Paragraph 199). This should be secured by the use of the following conditions attached to any permission granted."

REPRESENTATIONS

35 letters have been received in response to the application, 26 objecting to the application with 9 letters of support.

The objector's comment as follows:

- o There are highway safety issues with regard to the proposed access onto Broadstone Lane; proposed access is dangerous and vehicle speeds are high
- o Unnecessary development that is inappropriate in this part of the village
- o Access could be gained through Rectory Lane
- o Existing trees should be protected
- o Archaeology should be investigated
- o No consultation with community
- o Development should be limited to low cost housing and/or bungalows
- o Development here could lead to a precedent for other undeveloped sites in the village
- o Suggested access at any point off Rectory Lane (as suggested by some objectors) would be unacceptable to immediate neighbours as it would be unsafe and not suitable for additional traffic and require additional tree felling
- o Whilst there has been some changes with the main listed property, the proposal to develop this site would have an adverse impact upon the setting of the listed building 'Hardington House'
- o Recent clearing of trees has opened up the site to views from the listed house
- o Development will result in overlooking and loss of privacy to neighbouring dwellings
- o Suggest one single storey dwelling with access onto Rectory Lane would be preferable
- o Proposal is contrary to Policy SS2
- o Adverse impact of development outweighs any potential benefit
- o Removal of trees from boundary could affect privacy
- o There was no previous access from the site to Broadstone Lane; change to wall will adversely impact the village and listed house
- o Query extent of neighbour notification
- o Construction traffic will damage existing poorly maintained roads
- o Proposed design of dwellings is poor
- o Refer to 1980's decision on a nearby site where permission was refused.

- o Proposals fails to comply with Local Plan and NPPF

The letters of support comment as follows:

- o The proposed access and widening of the road will improve safety for both vehicles and pedestrians
- o Building of houses will enhance this part of the village
- o It is not a large development that would impact on the village
- o A new development will increase the chances of young people coming back to the village
- o The relocation of the wall will improve visibility

CONSIDERATIONS

Principle of Development

Hardington Mandeville is defined in the local plan as a Rural Settlement, where development will be strictly controlled. The starting point for considering development in Rural Settlements is policy SS2 of the South Somerset Local Plan. The proposal is contrary to that policy, as it does not provide employment opportunities, create or enhance community facilities and services, or meet an identified housing need.

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 the proscriptions of that policy in regard to what the development must provide (e.g. meeting an identified housing need), but must accept that the settlement is broadly sustainable and capable of supporting some residential development. As such, although the proposal is contrary to policy SS2 of the local plan, only limited weight can be applied to this adverse impact in the planning balance.

Overall, it is considered that the dwellings proposed would result in an addition to housing stock in an area with an acknowledged lack of provision. Furthermore the housing would be in a location which is relatively accessible by rural standards. There would also be economic and social benefits in supporting employment during construction, and as future occupants would bring trade to nearby services and facilities. As such, it is considered that the proposal can be supported in principle.

Setting of Listed Building and Landscape Impact

The proposal was subject to pre-application discussions with the Conservation Officer (now left) who broadly supported the principle of residential development of the site along with the creation of a low key entrance from Broadstone Lane. The proposal has taken into account the advice although the Conservation Officer indicated a preference for the development to address Rectory Lane. The Conservation Officer noted that the application site does form a separate parcel of land from the main garden to Hardington House with historic mapping indicating that this has always been the case. As such, it is felt that the site can be developed without resulting in substantial harm to the setting of the listed house.

The NPPF advises that in the case of a development proposal leading to less than substantial harm to the significance of a designated heritage asset (paragraph 196), this harm should be weighed against the public benefits of the proposal. In this case, the site forms a separate parcel of land from the main garden to the property and there exists a tree and shrub screen between the site and the garden (the trees are protected by the group TPO). Furthermore, the layout of the site has been designed in order to reduce the potential impact upon the setting of the listed house as two of the dwellings are sited on the southern part of the site and the third is set at right angles to the boundary. In addition, the dwellings have been traditionally designed and will be constructed in natural materials.

The lack of a five year supply of housing land has to be weighed in the balance and as such appropriate weight has to be given to the provision of housing on a sustainable site.

Therefore, it is considered there are public benefits to the scheme that weigh in the schemes favour which allow for a favourable recommendation despite the harm (less than substantial) caused to the heritage asset.

In terms of the wider landscape impact, this is a small site surrounded by residential gardens and as such the development will not result an adverse impact to the wider landscape.

It is therefore considered the site can be developed in a manner to safeguard the setting of the listed building and the wider landscape in general in accordance with the NPPF and Local Policies EQ2 and EQ3.

Scale and appearance

The proposed development is considered to be at an appropriate scale for the site and provides for ample space between the dwellings. The proposal includes a single storey dwelling along with two 2-storey properties with the bungalow being sited on the road side. As such, it is considered that the development will not be unduly prominent within the street scene. In addition, as mentioned above, the properties are of traditional design and will be constructed in ham stone with slate roofs to ensure they respect the character of the surroundings.

Whilst the relocation of the boundary wall will have an impact upon the character of the site from roadside, the access has been designed to be as low key as possible with the existing wall to be rebuilt along the splays. New trees will be planted along the roadside boundary to replace those that will be lost through the relocation of the wall.

Therefore, whilst the development will result in a change to the character of the roadside boundary, appropriate thought has been given to the design of the development and it is not considered that the proposal would result in such an adverse impact as to justify refusal.

Highways and parking

The County Highway Authority have considered the application and advised that they do not object to the application subject to the imposition of conditions. The County Highway Authority advises that traffic speeds and volumes along Broadstone Lane are not high, and appropriate vehicle visibility splays can be provided. Furthermore, given that the access would serve three dwellings they do not believe that the level of intensification created by this proposal will create a significant highway safety impact. In light of this advice, it is not therefore considered that the application could reasonably be refused on the grounds of an adverse impact upon highway safety given that the NPPF (paragraph 109) states that *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

With regard to parking, the proposal includes parking provision that accords with the parking standards and is therefore considered acceptable in this regard.

It is noted that some local residents have suggested that Rectory Lane would be a preferable entrance to the site, however, there has also been local objection to this suggestion. The application has to be determined on the basis of the plans submitted and the County Highway Authority do not object to the proposed location (subject to the imposition of appropriate highways conditions).

Therefore, whilst the clear concerns of local residents regarding the proposed access are noted, the

County Highway Authority considered that the proposal is acceptable in relation to highway safety. Given this professional advice, it is not considered that the impacts of the development will be 'severe' and therefore a reason for refusal on the basis of highway safety could not be substantiated.

The proposals are therefore considered to be in accordance with the NPPF and local plan policies TA5 and TA6.

Residential Amenity

Given the distance to neighbouring residential properties, the existing/proposed boundary treatments and the orientation of adjacent properties it is not considered that the proposal will adversely impact on the amenities of neighbouring residential properties through overlooking or loss of privacy.

The proposal therefore complies with Policy EQ2 in regard to residential amenity.

Trees

The application is accompanied by a Tree Survey and Arboricultural Impact Assessment which advises that the one large tree to be removed is an Ash tree that has been affected by a fungus that will reduce its life to less than 10 years and as such it is not possible to require that it be retained. With regard to the other trees that are to be removed these are relatively young and have a minimal impact on the visual amenity of the local area or the wider landscape.

It is recommended that conditions be attached to ensure protection of retained trees during the course of construction and to require appropriate replacement planting.

Other Matters

Need for listed building consent - an informative can be attached to advise the applicant of the need apply for listed building consent to carry out works to the boundary wall.

Archaeology - The proposal has been considered by the County Archaeologist who has advised that given the history of the site and surroundings a condition be imposed to require a programme of works in accordance with a Written Scheme of Investigation to secure the implementation of a programme of archaeological work.

Precedent - It is not considered that permission in this case will create a precedent as this site had its own unique properties and each planning application is determined upon its own individual merits.

Construction Traffic - The County Highway Authority have requested that a note be attached to advise the applicant that any damage to the carriageway caused by construction traffic will have to be repaired.

Refusal on adjacent site - This was a decision made in the 1980's and there has been significant change in both national and local plan policy since that time. As such, it would not be possible to use this decision to refuse development on the application site.

Extent of notification - Once it became apparent that one of the neighbours had not received a neighbour notification this was rectified. In all seven neighbours were notified and a site notice was displayed at the site and within the local newspaper.

Consultation - The size of the development does not require the developer to undertake a consultation exercise prior to the application being submitted.

Low cost housing/bungalows - The development is under 10 dwellings and it is not therefore possible to require the provision of affordable housing however the proposal does include the provision of a two-bedroom bungalow.

Conclusions and Planning Balance

With no five year supply of housing land in South Somerset, footnote 7 to paragraph 11 of the NPPF is engaged, which explains that, for applications involving the provision of housing, relevant policies are considered out-of-date where "...the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years." As such the tilted balance set out in paragraph 11 of the NPPF is the measure against which the development should be assessed. This states that "For decision-taking this means...where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

In this case there are no specific policies in the NPPF that indicate development should be restricted, so an assessment must be made as to whether the adverse impacts of the development significantly and demonstrably outweigh the benefits.

The benefits of the proposed development are relatively modest, and would be that the proposal would contribute to the shortfall of housing land supply in South Somerset, which is benefit that must be afforded significant weight.

Weighed against the benefit outlined above, the scheme will also cause some harm. The policy is contrary to policy SS2 of the South Somerset Local Plan. However, as highlighted above this particular harm can only be afforded limited weight as policy SS2 must be considered out of date in the absence of a five year supply of housing land. Notwithstanding local objections, no other areas of harm have been identified by statutory consultees and the less than substantial harm to the setting of the listed building is considered to be outweighed by the public benefit.

Given all of the above, it is considered that, on balance, the identified harm does not significantly and demonstrably outweigh the benefits of the scheme and, as such, planning permission should be granted.

RECOMMENDATION

Approve

01. The Council cannot demonstrate a 5-year housing land supply. Hardington Mandeville is an appropriate location for this level of development and the site is suitable in terms of its services. By reason of its juxtaposition with existing built form and its scale the proposal represents appropriate development that would not cause demonstrable impact upon residential amenity, highway safety or upon the character and appearance of the area. The proposal would result in less than substantial harm to the setting of the heritage asset and the public benefits of the proposal outweigh this harm. As such the proposal complies with the policies of the South Somerset Local Plan 2006-2028 and the

provisions of the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No.'s 17223-6 Rev A, 17223-01 Rev F, 17223-04 Rev C, 17223-03 Rev B, 17223-05 Rev B.

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

03. No work shall be carried out in relation to any of the below elements until particulars of that element have been submitted to and approved in writing by the Local Planning Authority:

a) materials (including the provision of samples where appropriate) to be used for the external walls and roofs;

b) the mortar mix and coursing of the external walls (best illustrated through the provision of a sample panel);

c) the recessing, materials and finish (including the provision of samples where appropriate) to be used for all new windows (including any rooflights) and doors;

d) all hardstanding and boundaries

e) the rainwater goods and eaves and fascia details and treatment.

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

Reason: To safeguard the character and appearance of the area in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan.

04. No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

- o Construction vehicle movements;
- o Construction operation hours;
- o Construction vehicular routes to and from site;
- o Construction delivery hours;
- o Expected number of construction vehicles per day;
- o Car parking for contractors;
- o Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- o A scheme to encourage the use of Public Transport amongst contractors; and
- o Measures to avoid traffic congestion impacting upon the Strategic Road Network.
- o On-site vehicle wheel washing facilities

Reason: Broadstone Lane is a narrow rural route and the introduction of larger vehicles will increase conflict with existing highway users during the construction phase. This Authority needs to know that any adverse effects, such as conflict, verge over-running, or surface damage are mitigated against during this phase in the interests of highway safety and efficiency and in accordance with policy TA5 in the South Somerset Local Plan.

05. The proposed access shall be provided prior to occupation and have a minimum width of 5 metres, incorporating radii not less than 6 metres, and shall be surfaced in bound material for the first 5 metres measured from the highway boundary.

Reason: In the interests of highway safety and efficiency and in accordance with policy TA5 in the South Somerset Local Plan.

06. Any entrance gates erected shall be hung to open inwards, shall be set back a minimum distance of 6 metres from the highway edge and shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety and efficiency and in accordance with policy TA5 in the South Somerset Local Plan.

07. The gradient of the proposed access shall not be steeper than 1 in 10. Once constructed the access shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety and efficiency and in accordance with policy TA5 in the South Somerset Local Plan.

08. The ACO drain and soakaway noted on the submitted plan shall be provided within the site for the disposal of surface water so as to prevent its discharge onto the highway. The drainage facilities shall be provided prior to occupation and thereafter maintained at all times.

Reason: In the interests of highway safety and efficiency and in accordance with policy TA5 in the South Somerset Local Plan.

09. The development hereby permitted shall not be occupied until the parking spaces for each dwelling, and a turning space for vehicles has been provided and constructed within the site in accordance with details as shown on plan number 17223-01 F. Such parking and turning spaces shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety and efficiency and in accordance with policy TA5 in the South Somerset Local Plan.

10. There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 33 metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be maintained at all times.

Reasons: To ensure the development is provided with a suitably constructed access which provides appropriate vehicle visibility splays, and allows access to the properties in a controlled manner in the interests of highway safety and in accordance with policy TA5 in the South Somerset Local Plan.

11. Prior to occupation a pedestrian link shall be provided from the development site onto the line of Public Footpath Y10/17 east of the site.

Reason: In order to improve accessibility for different modes of sustainable transport in accordance with policy SS6 and TA1 in the South Somerset Local Plan.

12. Prior to first occupation of the dwellings hereby permitted, electric charging points (of a minimum 16amps) for electric vehicles shall be provided for each dwelling adjacent to their designated parking spaces or garages shown on the approved plan. Once installed such charging points shall be retained and maintained in working order, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development is resilient and sustainable in accordance with Policy TA1 (Low Carbon Travel) of the adopted South Somerset Local Plan and the provisions of the NPPF.

13. Before the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Planning Authority. The WSI shall include details of the archaeological investigation, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme.

Reason: In order to ensure proper investigation of archaeology in accordance with Policy EQ3 of the South Somerset Local Plan 2006-2028.

14. Prior to commencement of the development, site vegetative clearance, demolition of existing structures, ground-works, heavy machinery entering site or the on-site storage of materials, a scheme of tree and hedgerow protection measures shall be prepared by a suitably experienced and qualified arboricultural consultant in accordance with British Standard 5837: 2012 - Trees in relation to design, demolition and construction and submitted to the Council for their approval. Upon approval in writing from the Council, the tree and hedgerow protection measures (specifically the fencing and signage) shall be installed and made ready for inspection. A site meeting between the appointed arboricultural consultant, the appointed building/groundwork contractors and a representative of the Council (to arrange, please call: 01935 462670) shall then be arranged at a mutually convenient time. The locations and suitability of the tree and hedgerow protection measures shall be inspected by a representative of the Council and confirmed in-writing by the Council to be satisfactory prior to any commencement of the development (including groundworks). The approved tree and hedgerow protection requirements shall remain implemented in their entirety for the duration of the construction of the development and the protective fencing and signage may only be moved or dismantled with the prior consent of the Council in-writing.

Reason: To preserve existing landscape features (trees and hedgerows) in accordance with the Council's policies as stated within The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

15. No works shall be undertaken until there has been submitted to and approved in writing by the Local Planning Authority, a scheme of tree and shrub planting. Such a scheme shall confirm the use of planting stock of UK-provenance only, the planting locations, numbers of individual species, sizes at the time of planting, details of root-types/root-volumes and the approximate date of planting. The installation details regarding ground preparation, staking, tying, strimmer-guarding and mulching shall also be included in the scheme. All planting comprised in the approved details shall be carried out within the next planting season following the

commencement of any aspect of the development hereby approved; and if any trees or shrubs which within a period of ten years from the completion of the development die, are removed or in the opinion of the Council, become seriously damaged or diseased, they shall be replaced by the landowner in the next planting season with trees/shrubs of the same approved specification, in the same location; unless the Local Planning Authority gives written consent to any variation.

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

Informatives:

01. The applicant is advised that works to create the new access in the boundary wall will require Listed Building Consent.
02. Please be advised that approval of this application by South Somerset District Council will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice.

You are required to complete and return Form 1 Assumption of Liability as soon as possible and to avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place. Please complete and return Form 6 Commencement Notice.

You are advised to visit our website for further details <https://www.southsomerset.gov.uk/cil>

or

email cil@southsomerset.gov.uk

03. A Condition Survey of the existing public highway along Broadstone Lane will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.

The Highway Services Manager for the South Somerset area may wish to secure a bond or cash deposit to cover the cost of reinstating the lane to its current condition

04. Any proposed works must not encroach onto the width of the PROW.

The health and safety of the public using the PROW must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of a PROW, but only to a standard suitable for the public use. SCC will not be responsible for putting right any damage occurring to the surface of a PROW resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath, public bridleway or restricted byway unless the driver has lawful authority (private rights) to do so.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:

A PROW being made less convenient for continued public use.

New furniture being needed along a PROW.

Changes to the surface of a PROW being needed.

Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would:

make a PROW less convenient for continued public use; or

create a hazard to users of a PROW,

then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure: <http://www.somerset.gov.uk/environment-and-planning/rights-of-way/apply-for-a-temporary-closure-of-a-right-of-way/> .

Agenda Item 14

Officer Report On Planning Application: 19/00717/HOU

| | |
|---------------------------------------|---|
| Proposal : | The erection of a two storey side and single storey rear extension to dwellinghouse (part retrospective/revised application). |
| Site Address: | 10 Westbury Gardens Higher Odcombe Yeovil |
| Parish: | Odcombe |
| COKER Ward (SSDC Member) | Cllr G Seaton Cllr N Clark |
| Recommending Case Officer: | Jacqui Churchill – Case Officer (Service Delivery) |
| Target date : | 26th April 2019 |
| Applicant : | Mr Liam Delaney |
| Agent: (no agent if blank) | Mr Barry Buckley Castellum Tinneys Lane Sherborne Dorset DT9 3DY |
| Application Type : | Other Householder - not a Change of Use |

Reason for Referral to Committee

At the request of the Ward Member and with the agreement of the Area Chairman, this application is referred to Area Committee for full consideration around Policy EQ2 (Design and General Development) of the South Somerset Local Plan 2006-28.

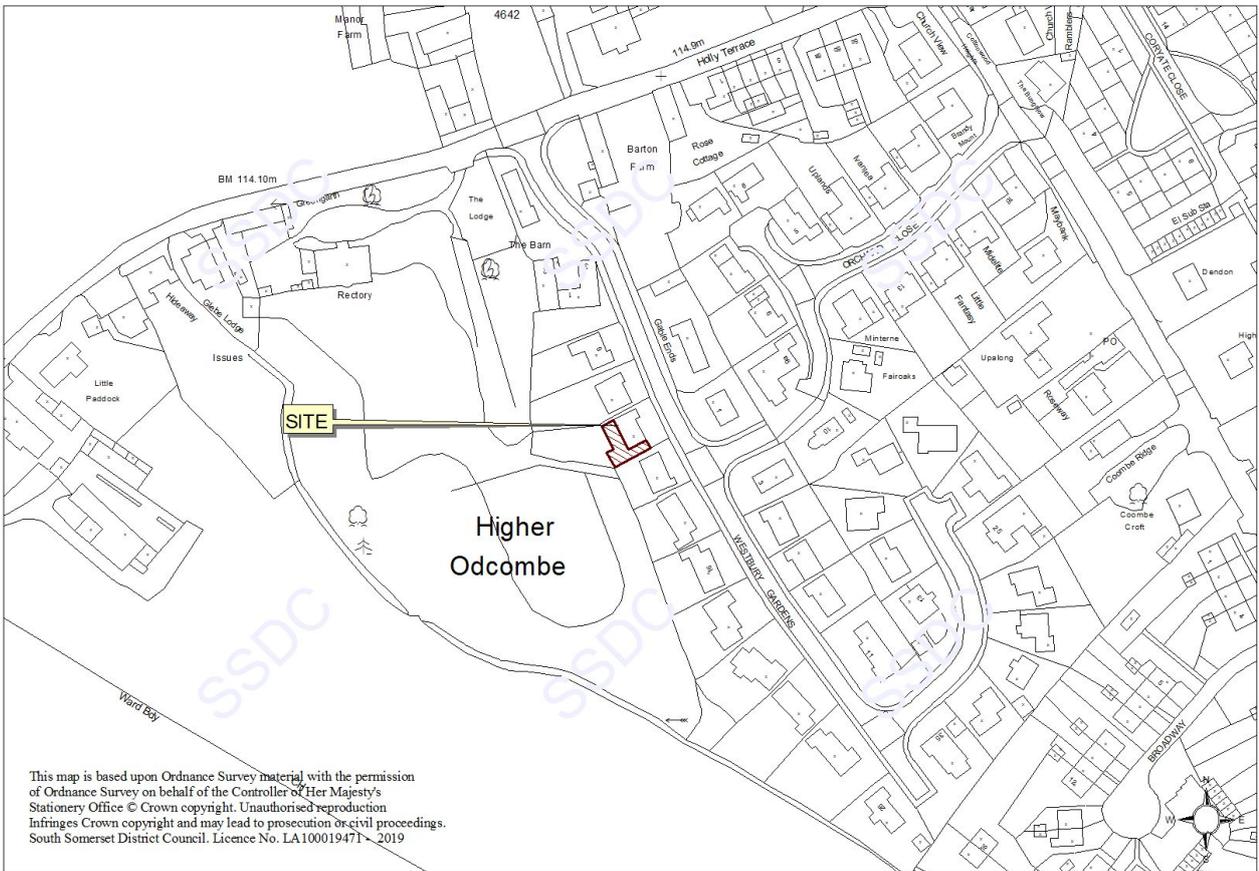
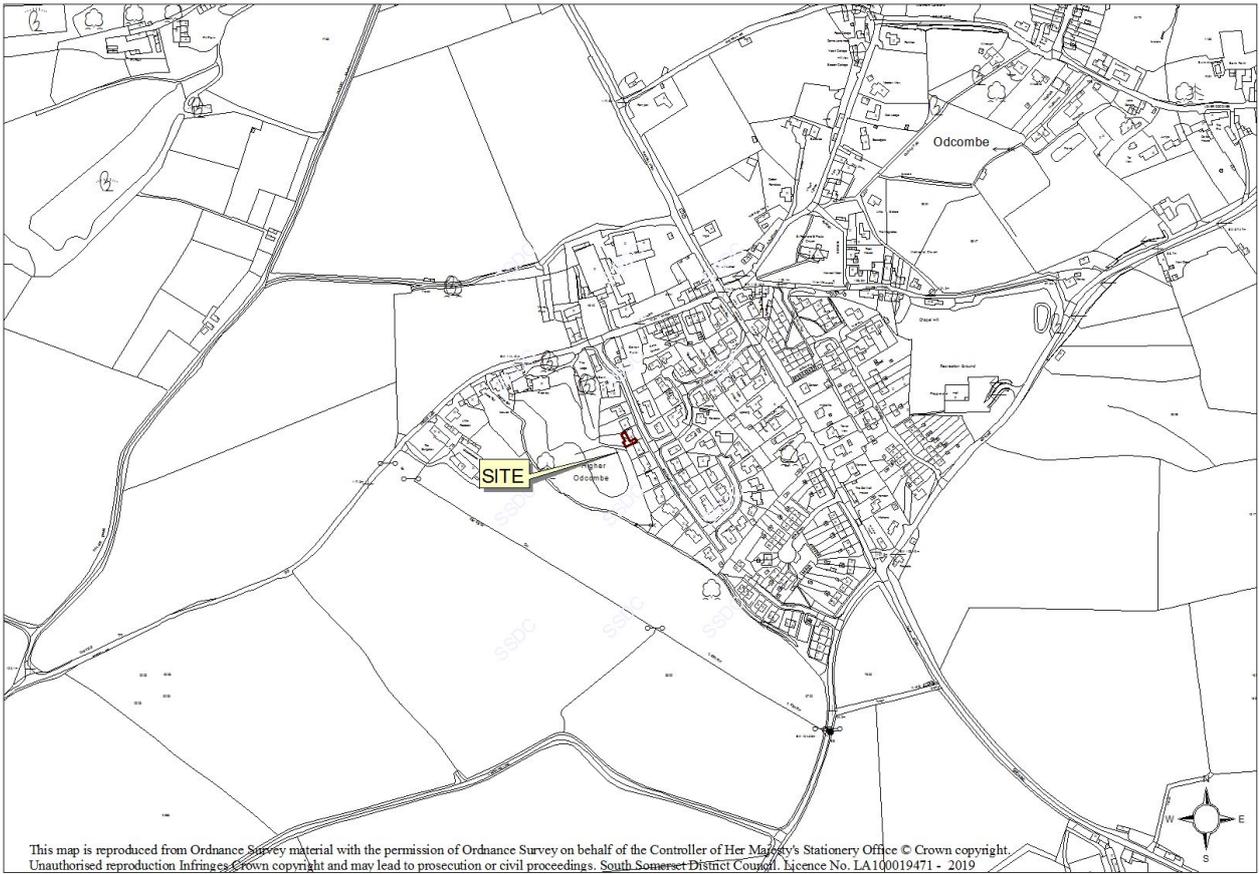
Site Description and Proposal

Date of site visit: 19.03.19

Neighbours/consultees correct: Yes

Description: 10 Westbury Gardens is a two storey detached dwellinghouse constructed of recon stone under a double roman tiled roof with white uPVC windows and doors.

This application seeks permission for the erection of a two storey side extension and single storey rear extension.



History:

18/02667/FUL - The erection of a two storey side and single storey rear extension - refused by Committee 08.11.2018. Dismissed at appeal 05.02.2019.

18/00364/OPERA - Pending consideration

17/04274/FUL - The erection of a single storey side and rear extension - permitted with conditions 04.12.17

Policy:

South Somerset Local Plan 2006-28:

Policy SD1- Sustainable Development

Policy SS1 - Settlement Hierarchy

Policy EQ2 - Design and General Development

Policy TA5 - Transport Impact of New Development

Policy TA6 - Parking Standards

NPPF:

Chapter 7 - Requiring Good Design

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

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

Odcombe Village Design Statement - updated 2015

Town/Parish Council: Odcombe Parish Council - Recommend refusal. "This application in no way addresses the concerns raised in application 18/02667/FUL. Whatever materials are used makes no difference to the fact that the additional height is overbearing to the property adjacent. By its height and close proximity to the immediate neighbour, this development is contrary to Policy EQ2 of the South Somerset Local Plan and design policies in NPPF 2018, and should be REFUSED".

Other Consultees:

Highways Authority: Standing advice applies (in this case, Amber Zone location and consequent need for 2.5 off- street car parking spaces)

Highways Consultant: No highways issues, no objections.

Neighbour Comments: 7 neighbours were notified and a site notice was displayed. The following representations were received:

12 Westbury Gardens - "We strongly object to the erection of a two storey side extension to the above application as it is very oppressive and overbearing, this is not helped by the building in such close proximity to our bungalow. Our ground level is almost a metre lower than No. 10. We feel that if this building goes ahead the value of our property will be substantially reduce as the two storey extension is so dominant from all viewpoints at the rear of our property."

31 Westbury Gardens - The above application for the 2-storey extension is completely out of keeping with the surroundings. In a village environment with open countryside all around to squeeze in a towering building overhanging a small one-storey bungalow would stick out like a sore thumb. The house concerned already has a massive extension and has scaffolding on the poor neighbours'

property for a year at least. This overdevelopment is certainly not conducive to the environment it's in, as this village is not a high density built-up area. I and many residents in the road I have spoken with are appalled that this might be allowed.

Officer response - although house value and use of scaffolding are not material planning considerations, other points will be dealt with under considerations below.

CONSIDERATIONS

Principle of Development

The proposal is made for the alteration and extension of an existing dwelling in Higher Odcombe. The extension of existing properties is usually acceptable in principle subject to the proposed development being in accordance with Development Plan policies and proposals.

In this case, a previous proposal reference 17/04274/FUL for the erection of a single storey side and rear extension was approved with conditions on the 04.12.2017. A further application reference 18/02667/FUL for the erection of a two-storey side and single storey rear extension was refused by Committee 08.11.2018 and subsequently dismissed at appeal 05.02.2019.

The main considerations in assessing this revised scheme will be the impact on the residential amenity of neighbouring residents, the impact on visual amenity of the area and impact on highway safety.

Scale and Appearance

This is a revised application from 18/02667/FUL for the erection of a two-storey side and single storey rear extension which was refused at Committee for the following reason:

01. The proposed development, and specifically the proposed and now part constructed two storey side extension, by virtue of its inappropriate use of render to the southern elevation; its height and its close proximity to the southern boundary, would lead to an overbearing and negative visual impact on the street scene. As such, the proposal is contrary to policy EQ2 of the South Somerset Local Plan and design policies in NPPF 2018

The only revision in this application is the use of matching stone on the side elevation of the two-storey side extension instead of render.

Policy EQ2 of the South Somerset Local Plan requires the proposal, in terms of density, form, scale, mass, height and proportions, to create a quality place, respect local context and character and to have regard to South Somerset District Council's Development Management advice and guidance. The National Planning Policy Framework (NPPF) also highlights the importance of high quality design. SSSDC have published a Residential Extension Guide which further protects the amenity of neighbouring properties, stating that extensions must not reduce the existing amenities of neighbours by overlooking or overshadowing. It also protects the character of the house, requiring extensions to be in keeping with the character of the building by neither dominating the building nor upsetting the balance of its original design.

When considering such a proposal it is important to ensure that the design, scale and appearance is appropriate to avoid dominating the existing house. In this case the property is located in a residential road of differing style properties with the neighbouring property to the south being a bungalow. The proposal has been revised to include a two storey side element to provide a dressing room and ensuite bathroom at first floor level. The two-storey side extension extends almost to the boundary with the neighbouring bungalow. The proposed two storey side extension, is set slightly lower than the

host dwelling's ridgeline and set back from the principal elevation resulting in a subservient appearance to the host dwelling in line with SSDC's design guide.

In the previous appeal decision following refusal of 18/02667/FUL, the Planning Inspector stated that the proposed use of render on the two storey side extension would cause harm to the present attractive uniformity of design in the area. This revised application has addressed that concern with the use of matching stone on the flank elevation of the two storey side extension. The Inspector concluded that the two storey side extension itself would not cause harm to the street-scene and that the two-storey stepped-down continuation of the existing house would be acceptable, but without the use of render, and would accord with Policy EQ2 and the aims of the Design Guide, as well as guidance on design in the Framework

As such, it is not considered that the proposal causes demonstrable harm to visual amenity and therefore accords with policy EQ2 of the South Somerset Local Plan 2006-28 and the provisions of the NPPF 2019.

Residential Amenity

The revised application introduces a two storey side element following the previously approved single storey extensions.

The occupants of the neighbouring bungalow to the south (12 Westbury Gardens) have raised an objection on the basis that the proposal is oppressive and overbearing. It is noted that the two-storey element will exceed the height of the adjoining bungalow's ridge. The west side of Westbury Gardens is made up of two storey properties to the north and single storey properties to the south. As a result of the proposal there is approximately a 1.8m gap between the application property and the bungalow to the south. Although the previously approved single storey element extends beyond the rear elevation of the application property, the two-storey element is limited to the depth of the existing dwellinghouse which extends approximately 1m deeper to the west (rear) than the rear elevation of the neighbouring bungalow. Therefore, due to the design of the extension including the two storey element being limited to the existing side elevation and the residual gap between the neighbouring properties, it is not considered that the proposed extension would cause an unacceptable sense of overbearing development. Furthermore, due to the orientation of the application property to the north of the bungalow, it is not considered to cause a significant loss of light. It is considered reasonable, bearing in mind the concerns of the Parish Council and neighbours to impose a condition to restrict permitted development rights in relation to alterations to the roof which could facilitate more development on the site in the form of a dormer window.

It is noted that there are no proposed side windows at either ground or first floor level in the two-storey side extension to avoid overlooking. The proposed window at first floor on the rear elevation will serve a bathroom and as such will be conditioned to be retained as obscure glazing. As such it is not considered that the proposal introduces overlooking or any significant loss of privacy.

The Planning Inspector raised no issues around residential amenity. Whilst sympathetic to the concerns of the neighbours, on balance and in the context of the recent appeal decision it is not considered that the proposal causes demonstrable harm to residential amenity and therefore accords with policy EQ2 of the South Somerset Local Plan 2006-28 and the provisions of the NPPF 2019.

RECOMMENDATION

Approve for the following reason:

01. The proposal, by reason of its size, scale and materials, respects the character of the area and causes no demonstrable harm to residential amenity in accordance with the aims and objectives of Policy EQ2 of the South Somerset Local Plan (2006-28) and the provisions of the National Planning Policy Framework 2019.

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 date stamped as received 01 March 2019 and reference:

As Proposed - Ground Floor plan, Roof plan, Site/Block Plan, Location Plan, Section and Elevations
First Floor Plans and Cross Sections

And the external surfaces of the development shall be of materials as indicated in the application form and no other materials shall be used without the prior written consent of the local planning authority.

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

03. Prior to the development hereby approved being first brought into use the first floor window on the rear elevation shall be fitted with obscure glass and shall be permanently maintained in this fashion thereafter.

Reason: In the interests of residential amenity in accordance with Policy EQ2 of the South Somerset Local Plan 2006-28

04. Notwithstanding the provisions of Class B and C of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional or other alterations to the roof of the dwellinghouse including dormer windows, shall be carried out without the prior express grant of planning permission:

Reason: In the interests of residential amenity and to avoid overdevelopment in accordance with policy EQ2 of the South Somerset Local Plan 2006-28 and the provisions of the National Planning Policy Framework 2019.

Agenda Item 15

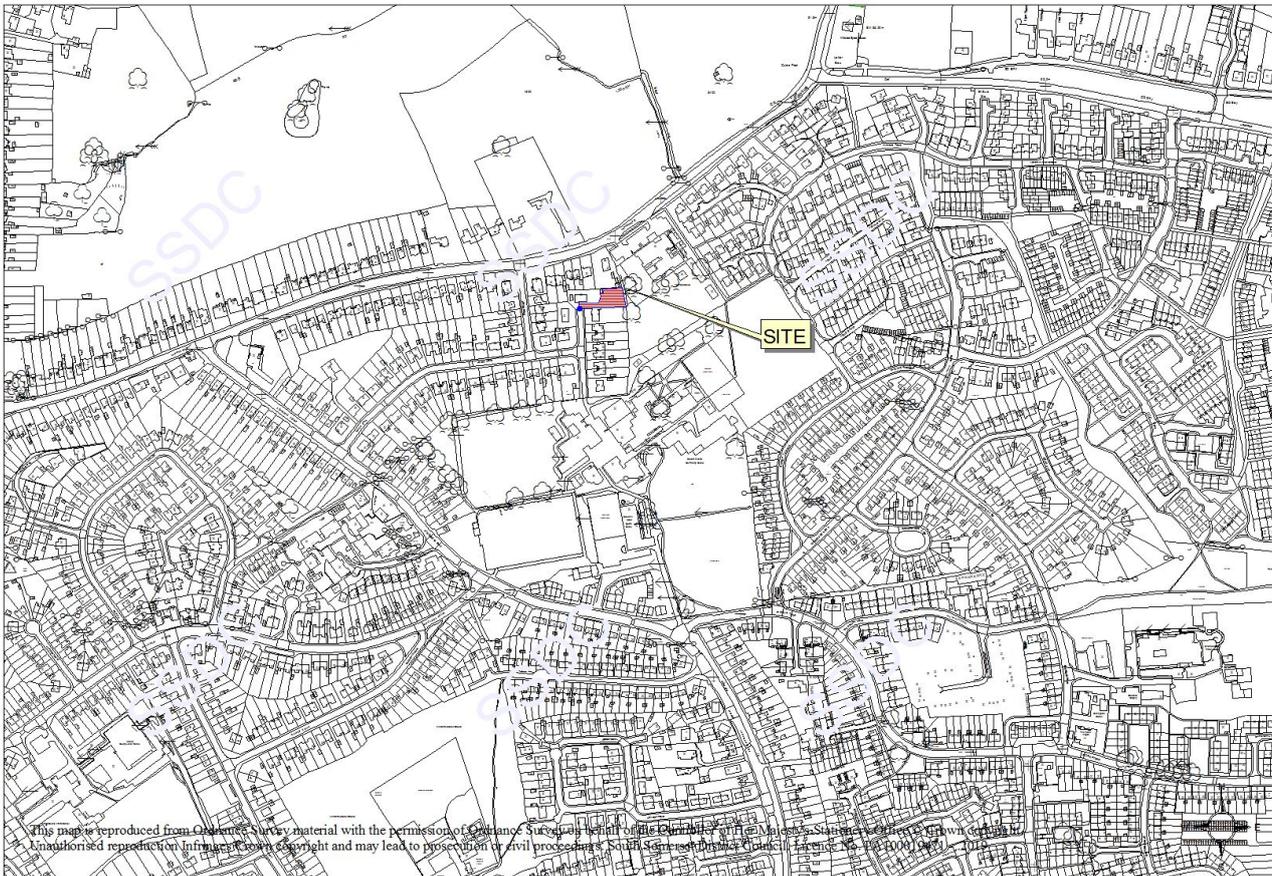
Officer Report On Planning Application: 19/00609/FUL

| | |
|---|--|
| Proposal : | Erection of a detached dwelling |
| Site Address: | 62 Tower Road Yeovil BA21 4NQ |
| Parish: | Yeovil Without |
| WARDS OF YEOVIL WITHOUT Ward (SSDC Member) | Cllr R Strickland Cllr M Lock Cllr G J Oakes |
| Recommending Case Officer: | Jane Green – Case Officer Service Delivery |
| Target date : | 6th May 2019 |
| Applicant : | Mr Murphy |
| Agent: (no agent if blank) | Mr Nigel Trent NT Building Design Ltd 47 Wyke Road Weymouth DT4 9QQ United Kingdom |
| Application Type : | Minor Dwellings 1-9 site less than 1ha |

Reason for Referral to Committee

The application has been called to Area South Committee by the Chair for further debate.

Site Description and Proposal





The application site lies to the north of Yeovil. The site is located within a residential street of single storey dwellings with Fairmead School abutting the boundary to the east and the gardens of residential properties to the north.

The surrounding residential streets are dominated by red brick single storey and two story dwellings.

Full planning permission is sought for the erection of a detached chalet type property of brick to be agreed. The proposal is of a simple design, in keeping with the existing properties in the road. The roof will be concrete tile to be agreed.

HISTORY

880004 - The erection of an extension to dwelling - Conditionally approved February 1988

19129/17/B - Extension to existing private garage - Approved August 1961

19129/17/A - Erection of bungalow, formation of vehicular access - Approved October 1956

19129/17 - Erection of 5 Bungalows, formation of vehicular accesses - January 1956

19129/E - Development of land by erection of houses and bungalows with services, provision of estate roads, formation of pedestrian and vehicular accesses - Conditionally approved - October 1955

19129/A Outline: Development of land by erection of dwellinghouses with services, provision of estate roads incorporating turning space for vehicles, formation of vehicular and pedestrian accesses - Conditionally approved September 1954

19129 - Outline: Development of land by erection of dwellinghouses with services, provision of entrance roads, formation of vehicular and pedestrian access - Conditionally approved March 1953

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.

South Somerset Local Plan (2006 - 2028)

The most relevant policies are:

SD1 - Sustainable Development

SS1 - Settlement Strategy

SS4 - District Wide Housing Provision

SS5 - Delivering New Housing Growth

SS6 - Infrastructure Delivery

HG3 - Provision of Affordable Housing

HG4 - Provision of Affordable Housing - Sites of 1-5 Dwellings

YV1 - Urban Framework and Greenfield Housing for Yeovil

TA1 - Low Carbon Travel

TA5 - Transport Impact of New Development

TA6 - Parking Standards

EQ2 - General Development

National Planning Policy Framework February 2019

Chapter 2 - Achievable sustainable development

Chapter 6 - Delivering a sufficient supply of homes

Chapter 7 - Ensuring the vitality of town centres

Chapter 8 - Promoting healthy and safe communities

Chapter 9 - Promoting sustainable transport

Chapter 11 - Making effective use of land

Chapter 12 - Achieving well-designed places

National Planning Practice Guidance

Paragraph: 031 Reference ID: 23b-031-20160519 (This follows the order of the Court of Appeal dated 13 May 2016, which give legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014). This basically says that contributions should not be sought for developments less than 10 dwellings.

Other Relevant Considerations

Somerset County Council Parking Strategy (September 2013)

Somerset County Council Highways Development Control - Standing Advice (June 2017)

CONSULTATIONS

Yeovil Without Parish Council: Recommend refusal - Concerns with the impact the proposed dwelling could have on the existing drainage system in the area. The windows overlooked the school. Concern over the proposed driveway and reduction in turning relating to the existing property. Adverse to the street scene.

On the amended plans: Comments not changed from previous

County Highway Authority: Standing advice applies

Highways Consultant: I have looked at the means of access to the proposed new dwelling in terms of its width and alignment.

The bend to the right on entry is very sharp given that a wall would be erected between the driveway leading to the new dwelling and the parking area for the existing dwelling. It is very tight and therefore as a minimum I recommend the pillar on the right hand side of the access is removed. To provide absolute clarity that the entry/exit manoeuvres can be performed, you could request the applicant/agent undertakes a swept path analysis of the movement using a large estate car (4.8m long). After all, it would be in the applicant's own interest to make sure that the access would be usable (if permission is granted) and not result in conflicts with the proposed boundary to the driveway. I would suggest that the first initial length of the dividing wall from the rear of the pavement is lowered to a maximum height of 900mm to provide some inter-visibility between the two driveways; however, it would seem more sensible in light of the comments I have made above, not to have a wall at all for the first 2m from the rear of the pavement as this would improve the manoeuvrability for vehicles entering and exiting both access points.

On the amended plans: I note the first section of dividing wall has now been removed as I recommended previously and it would appear that the pillar on the right hand side would be removed. Consequently, I have no further comments to make. I recommend a condition is imposed ensuring that the car parking provision accords with the Somerset Parking Strategy optimum standards independent of the proposed turning area

b REPRESENTATIONS

5 letters of representation have been received making the following comments:

- o Cul-de-sac of very limited parking
- o Lack of access/turning for construction vehicles
- o Concerns for lack of turning
- o Vehicles in back would lead to a high level of noise and pollution
- o Narrow access
- o Dwelling would look out of proportion
- o Overlooking/loss of privacy
- o Drainage
- o Block sunlight/overshadowing
- o Noise and disturbance from use
- o Visual impact
- o Location of sewage/drainage tank

ENVIRONMENTAL IMPACT ASSESSMENT

None required.

CONSIDERATIONS

Principle

The site is located on Tower Road, within the Urban Framework of Yeovil, where the principle of new housing is accepted and focussed (policies SD1, SS1, SS4, SS5 and YV1). Within the expectation that Yeovil will deliver 7441 new homes over the Local Plan period, there is a reliance on windfall developments such as that proposed to make up a significant proportion of the new units. The location of the proposed development site being within easy walking distance of commercial and community services, places of employment, and public transport links, so in general terms a new residential unit in this location would be considered to comprise sustainable development. The scheme would accord with the terms and objectives of Policies SD1, SS1, SS4 and YV1 and with

policies contained in the NPPF 2019.

Visual Amenity / Character of the Area

It is considered that the dwelling has been designed to reflect the character of the area and include design features that ensure the new building will sit appropriately within the street scene. Materials are to match those used in the surrounding area with exact detail to be agreed by condition.

On this basis the proposal complies with Policy EQ2.

Residential Amenity

This is an existing residential area of two and single storey dwellings of which in this street are single storey. 62 Tower Road benefits from a large garden to the east, which abuts the boundary with Fairmead School.

Amended plans have been received during the course of the application to address concerns raised for the potential for overlooking from the proposed rooflights on the east facing roofslope. The amended plans now show only 2 rooflights to serve an ensuite and a bathroom, both are proposed to be obscure glazed to a minimum level of 3 with the cills at 1.7metres above floor level. It is therefore considered the potential for overlooking towards the school is now mitigated against.

The changes have resulted in an additional rooflight on the west facing roofslope. The occupiers of 262A requested a site visit to view the proposal from their garden. This was done on 30 April 2019. Given the window layout and the gardens to the north are set at an oblique angle it is considered no demonstrable harm by overlooking is caused by the proposal. There is an element of overlooking by the properties adjacent to each other on Mudford Road in any case.

No side windows (north and south) are proposed and any future ones at first floor level would require planning permission anyway.

It is considered necessary to impose a condition relating to the details of the proposed fence on the east boundary with the school to mitigate potential for overlooking.

In terms of impact upon light or 'overbearing' impact the proposed dwelling is single storey and situated with sufficient distance from neighbouring residential properties to cause little impact in this regard and as such it is not considered that the proposals will result in unacceptable loss of light or an overbearing impact.

It is considered that the proposed garden is acceptable and an acceptable level of amenity will be provided for future residents.

It is therefore considered that the proposed development would not result in an unacceptable level of overlooking of, cause disturbance to or be overbearing upon neighbouring properties, and the new units would benefit from a reasonable standard of amenity. Subject to suitable conditions, the proposals are considered to comply with Policies Policy EQ1 and EQ2 of the South Somerset Local Plan (2006-2028) and in guidance contained in the NPPF 2019.

Highway Safety and Parking

The County Highways Authority refer to their standing advice, which relates to a safe means of access and the number of parking spaces for a property of this number of bedrooms in this location.

The Council's highway consultant raised some concerns with the access and amended plans were

received which shows the first section of the dividing wall removed and the right hand pillar is removed which will enable a safer ingress and egress.

Given the access is from an unclassified road then it is not essential that vehicles have to enter and exit the site in a forward gear. That said there is sufficient space, independent from parking, to turn within the site. The optimum parking standards in this location are two spaces of dimensions 2.4 m by 4.8 m each, which the plans demonstrate.

Therefore the proposal is considered to comply with policies TA5 and TA6 of the South Somerset Local Plan.

Other Matters

Occupiers of nearby properties have raised construction traffic as a potential issue. Whilst this may pose a short term inconvenience for residents this cannot be a reason to refuse the application.

Also raised is the siting of a sewage/drainage tank/public sewer. This again is a matter for the developer to overcome as part of the building regulations application with Wessex Water.

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 fewer or 1,000 square metres or fewer.

It is considered that whilst policies HG3 and HG4 are valid, the most recent legal ruling must be given significant weight and therefore it is not possible to seek an affordable housing obligation from this development. In addition, it is no longer appropriate to seek any contributions towards Sports, Arts and Leisure (Policy SS6) as the same principle applies.

The development is liable to pay the Community Infrastructure Levy (CIL) liable at £40 per m² and in this respect Form 0 has been completed.

Summary

The site is located within the development area of Yeovil and the proposal is considered to be acceptable in relation to design and materials and will form an appropriate addition to the area.

The proposal is considered to be acceptable in relation to residential amenity, highway safety and parking provision.

RECOMMENDATION

Approve

01. The dwelling is in a sustainable location and respects the character of the area, is of a suitable design and considered to have limited impact upon visual and residential amenity. Suitable access and parking can be provided. On this basis the proposal complies with policies SD1, SS1, SS4, SS5, YV1, TA5, TA6 and EQ2 of the adopted South Somerset Local Plan (2006 -2028) and the aims and objectives of the NPPF

SUBJECT TO THE FOLLOWING:

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

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

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

Drawing Numbers: 18/162/02 revision A, 18/162/03 Revision A, 18/162/04 Revision A, 18/162/04 Revision A and location plan (scale 1:1250)

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

03. No building operations above damp proof course level of the dwelling shall take place until details of the materials to be used in the construction of the external surfaces (doors/windows/stonework/render/brick/roof finish) of the dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity and to accord with policy EQ2 of the South Somerset Local Plan.

04. Prior to the construction of the dwelling, the finished internal ground floor levels shall be submitted to and agreed in writing by the local planning authority. The development shall then be carried out strictly in accordance with the agreed details.

Reason: In the interests of visual and residential amenity, and in accordance with policy EQ2 of the South Somerset Local Plan (2006-2028) and the aims and objectives of the NPPF.

05. No works shall be undertaken until there has been submitted to and approved in writing by the Local Planning Authority, a scheme of landscaping. The submitted scheme shall clearly confirm the details and dimensions of any intended tree or shrub planting, earth-moulding, seeding, turfing and surfacing. All planting stock shall be confirmed as UK-grown, and details shall be provided in regards to the planting locations, numbers of individual species, sizes, forms, root-types/root volumes and the intended timing of planting. The installation details regarding ground-preparation, weed-suppression, staking/supporting, tying, guarding, strimmer-guarding and mulching shall also be included within the submitted scheme. All planting comprised in the approved scheme shall be carried out within the dormant planting season (November to February inclusively) following the commencement of any aspect of the development hereby approved; and if any trees or shrubs which within a period of ten years from the completion of the development die, are removed or in the opinion of the Council, become seriously damaged or diseased, they shall be replaced by the landowner in the next planting season with trees/shrubs of the same approved specification, in the same location; unless the Local Planning Authority gives written consent to any variation.

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

06. The parking areas including the garage space as shown on the Site Plan (Drawing number 18/162/02 Revision A) shall be provided prior to first occupation of the dwelling hereby permitted and shall be retained and maintained, for vehicles ancillary to the dwelling hereby permitted, thereafter unless agreed in writing by the local planning authority.

Reason: To ensure that there is an appropriate level of on-site parking and in the interests of highways safety, in accordance with policies TA5 and TA6 of the South Somerset Local Plan (2006 - 2028) and the aims and objectives of the NPPF.

07. Prior to occupation details of the proposed timber fence for the east boundary shall be submitted to and agreed in writing by the local planning authority. The development shall then be carried out strictly in accordance with the agreed details and shall be retained and maintained as such unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of visual and residential amenity, and in accordance with policy EQ2 of the South Somerset Local Plan (2006-2028) and the aims and objectives of the NPPF

08. Prior to first occupation of the dwelling hereby permitted, an electric charging point (of a minimum 16amps) for electric vehicles shall be provided adjacent to the designated parking area as shown on the approved plan. Once installed such parking point shall be retained and maintained in working order, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development is resilient and sustainable in accordance with Policy TA1 (Low Carbon Travel) of the adopted South Somerset Local Plan and the provisions of the NPPF.

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

Reason: In the interests of neighbouring amenity, visual amenity and ensure the size of the dwelling remains proportionate to the plot to accord with policy EQ2 of the South Somerset Local Plan (2006-2028).

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) 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 18/162/04 Revision A) shall be formed in the roof slope (east facing) of the building without the prior express grant of planning permission. The proposed rooflights on the east facing roofslope shall remain 1.7m above floor level and permanently retained as such.

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

Informatives:

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

You are required to complete and return Form 1 Assumption of Liability as soon as possible and to avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place. Please complete and return Form 6 Commencement Notice.

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

Agenda Item 16

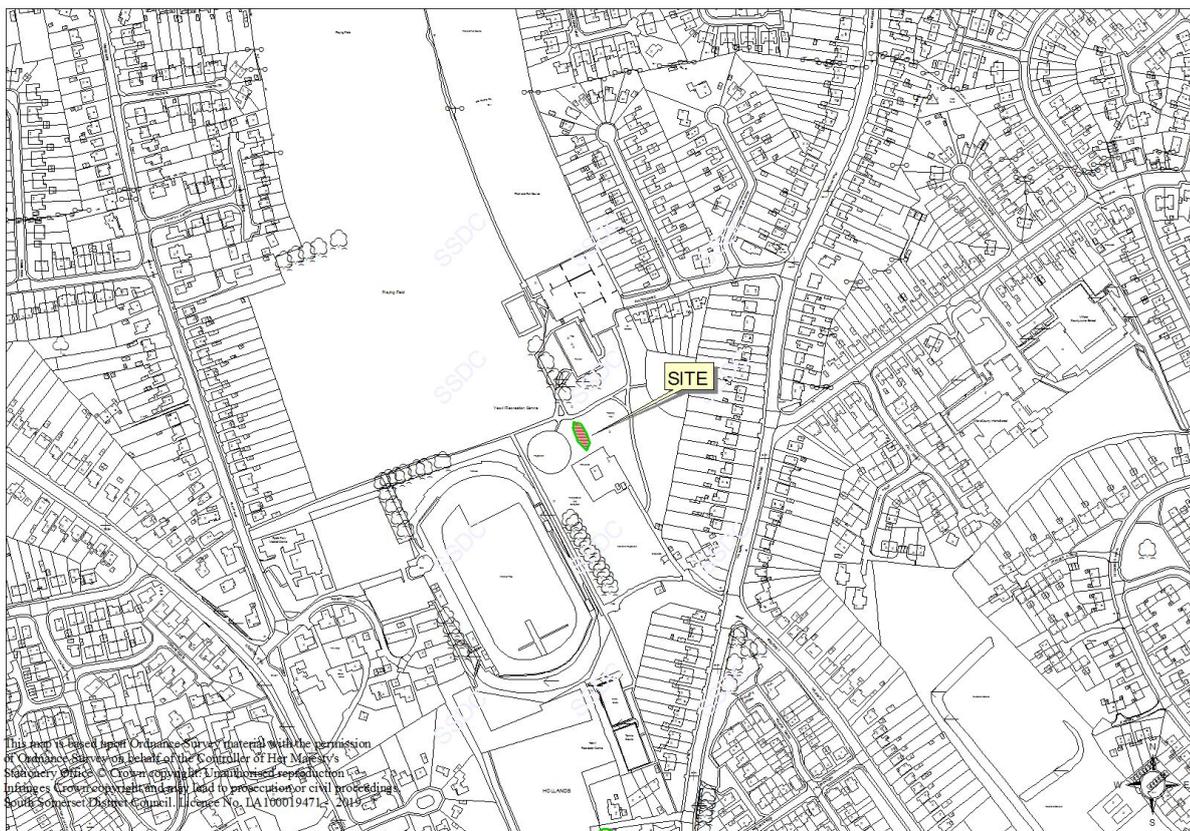
Officer Report On Planning Application: 19/00697/R3D

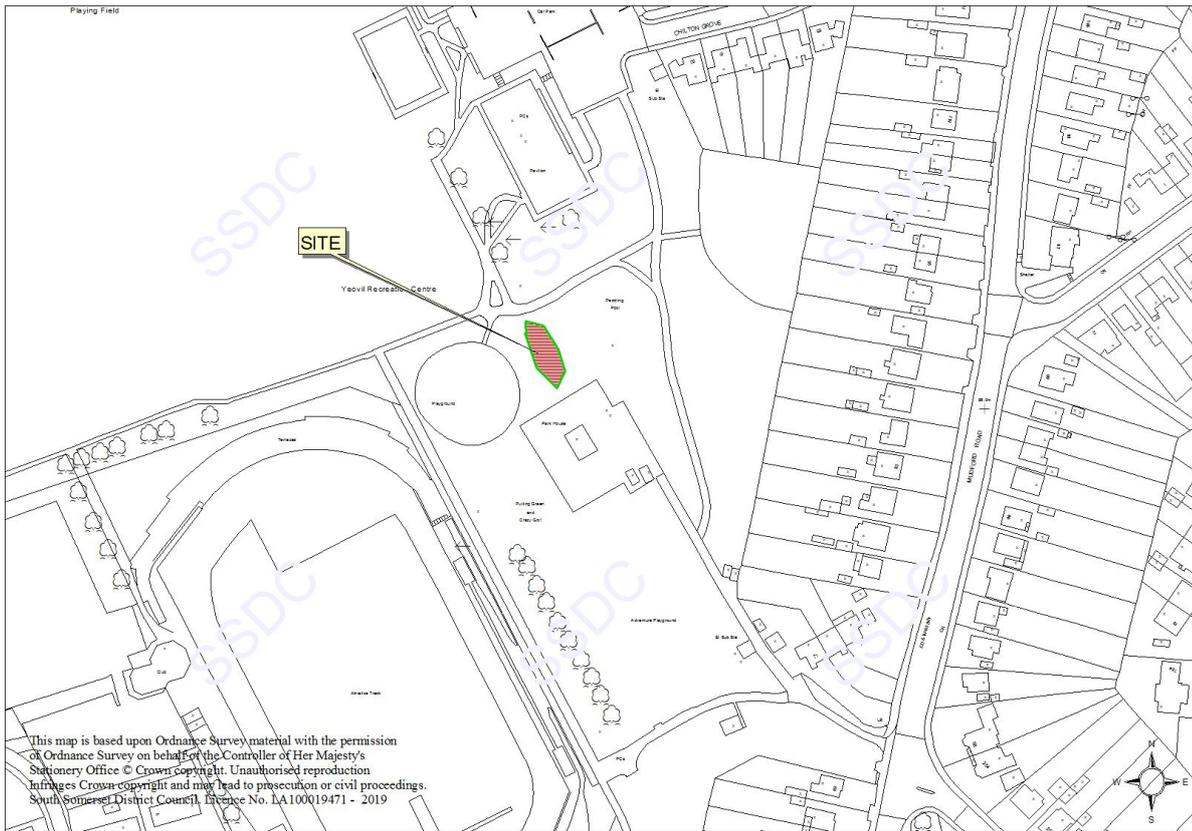
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|--|---|
| Proposal : | Crows nest and masts to form part of replacement Play Ship. |
| Site Address: | Yeovil Recreation Ground Chilton Grove Yeovil |
| Parish: | Yeovil |
| Yeovil (Summerlands) Ward (SSDC Member) | Cllr J Clark Cllr W Read Cllr P Lock |
| Recommending Case Officer: | Linda Hayden – Planning Specialist |
| Target date : | 6th May 2019 |
| Applicant : | Mr Robert Parr |
| Agent: (no agent if blank) | |
| Application Type : | Minor Other less than 1,000 sq.m or 1ha |

Reason for Referral to Committee

In line with the Council's Scheme of Delegation, this application has been brought before the Area South Committee because the case officer's recommendation is contrary to the comments of neighbours and the application has been submitted by South Somerset District Council.

Site Description and Proposal





The application site relates to the play area at Yeovil Recreation Ground which lies to the west of Mudford Road with the main means of access off Chilton Grove.

The application proposes the installation of play equipment within the existing play area comprising a crow's nest and masts to form part of a replacement Play Ship. The majority of the work constitutes permitted development, the only parts that require planning permission are those over 4 metres in height.

HISTORY

There is a lengthy planning history for the site, the most recent and relevant application is:

09/03834/R3D - The installation of new play equipment with associated hard and soft landscaping, retaining walls, mounding and planting (Partially Retrospective Application). Approved 5/1/2010.

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.

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:

South Somerset Local Plan (2006-2028):
SD1 - Sustainable Development
SS1 - Settlement Strategy
EQ2 - General Development

National Planning Policy Framework:
8. Promoting healthy and safe communities
12. Achieving well-designed places

Planning Practice Guidance
o Design

CONSULTATIONS

Yeovil Town Council :

Approve subject to taking into account the comments of the neighbour where possible.

County Highway Authority

No observations.

Highways Consultant (SSDC):

No highways issues - no objection.

REPRESENTATIONS

Two letters of representation/objection have been received making the following comments (summarised):

- o Impingement of privacy
- o Increase noise pollution
- o Suggest that recently removed trees and shrubs should be replaced
- o There have been issues with anti-social behaviour request that the replacement play ship is placed to maximise distance from adjoin property (Park House) and height of platforms kept to a minimum.

CONSIDERATIONS

Principle of Development

This site has historic permission to be used as a recreation ground. It is considered that this development would benefit the wider community by enhancing facilities on an established recreation ground within a settlement and the proposed development is considered to be acceptable and in accordance with the aims and objectives of the National Planning Policy Framework.

Visual Amenity

The proposal is for a new crow's nest and mast for part of a replacement play ship within the existing play area at the recreation centre. The only parts of the development that require permission are the masts and the crow's nest (the standing level within the crow's nest is 3 metres above ground level) as they are over 4 meters high. It is considered that as the proposals sit within an existing play provision within the larger recreation ground there is no objection on the basis of visual amenity. It is not felt that the relatively modest amount of development justifies additional landscaping at the site.

Residential Amenity

With regard to the issues raised about possible noise and disturbance, it has to be borne in mind that this is an existing recreational facility and the proposal is for additional play equipment within the existing play space. Therefore the issue for consideration is whether the installation of the equipment would result in such a significant increase in noise/disturbance as to warrant refusal of this application. It is not considered that this relatively modest proposal could reasonably be refused on such grounds.

In terms of anti-social behaviour, whilst the concerns of the neighbour are recognised, it is not considered that the proposed equipment will result in such a significant change to the existing situation as to justify refusal of the application.

With regard to concerns about loss of privacy, the height of the crow's nest platform is 3 metres which is in line with similar equipment in the play area and it is not considered that the use of the raised platform would result in an unacceptable impact through loss of privacy to neighbouring properties given the distances to neighbouring properties.

Highway Safety

The County Highway Authority and Council's Highway Consultant raise no objection to the proposal.

Summary

For the reasons given above the proposed development is considered not to cause significant harm to visual or residential amenity and is not considered to be prejudicial to highway safety and as such is recommended for approval.

RECOMMENDATION

Approve

01. The proposed development, due to its location, scale and nature, is not considered to result in any demonstrable harm to residential or visual amenity and therefore accords with the aims and objectives of EQ2 (General Development) of the South Somerset Local Plan (2006-2028) and the principles of the National Planning Policy Framework (2019).

SUBJECT TO THE FOLLOWING:

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans; Drawing No.'s; LP1; Base Rev C; NRO-SHIP900029.

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