



Area North Committee

Wednesday 26th February 2020

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:

Neil Bloomfield
Malcolm Cavill
Louise Clarke
Adam Dance

Mike Hewitson
Tim Kerley
Tiffany Osborne
Clare Paul

Crispin Raikes
Dean Ruddle
Mike Stanton
Gerard Tucker

Consideration of planning applications will commence no earlier than **3.00pm**.

For further information on the items to be discussed, please contact the Case Officer on 01935 462596 or democracy@southsomerset.gov.uk

This Agenda was issued on Tuesday 18 February 2020.

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 North Committee are held monthly, usually at 2.00pm, on the fourth Wednesday of the month (except December).

Agendas and minutes of meetings are published on the council’s website

<http://modgov.southsomerset.gov.uk/ieDocHome.aspx?bcr=1>

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>

Ordnance Survey mapping/map data included within this publication is provided by South Somerset District Council under licence from the Ordnance Survey in order to fulfil its public function to undertake its statutory functions on behalf of the district. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey mapping/map data for their own use. South Somerset District Council - LA100019471 - 2020.

Area North Committee

Wednesday 26 February 2020

Agenda

Preliminary Items

1. Minutes

To approve as a correct record the minutes of the previous meetings held on 27 November 2019 and 29 January 2020.

2. Apologies for absence

3. Declarations of Interest

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

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

Planning Applications Referred to the Regulation Committee

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

Councillors Neil Bloomfield, Malcolm Cavill, Adam Dance and Crispin Raikes.

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

4. Date of next meeting

Councillors are requested to note that the next Area North Committee meeting is scheduled to be held at 2.00pm on **Wednesday 25 March 2020** in the Council Chamber, Council Offices, Brympton Way, Yeovil.

5. Public question time

6. Chairman's announcements

7. Reports from members

Items for Discussion

- 8. Presentation on Affordable Housing in South Somerset** (Page 6)
- 9. Community Grant to Compton Dundon Village Hall (Executive Decision)** (Pages 7 - 10)
- 10. Area North Committee Forward Plan** (Pages 11 - 12)
- 11. Planning Appeals** (Page 13)
- 12. Schedule of Planning Applications to be Determined By Committee** (Pages 14 - 15)
- 13. Planning Application 19/02729/FUL - New House Farm, Stowey Road, Fivehead TA3 6PR.** (Pages 16 - 28)
- 14. Planning Application 19/02531/S73 - Old Oak Farm, Back Lane, Curry Rivel TA10 0NY.** (Pages 29 - 37)
- 15. Planning Application 19/00544/OUT - Land Adjoining 28 Eastfield, Martock TA12 6NW.** (Pages 38 - 46)
- 16. Planning Application 19/03252/HOU - Butterwell Farm, Lower Pitney Road, Pitney TA10 9AG.** (Pages 47 - 51)
- 17. Planning Application 19/03253/LBC - Butterwell Farm, Lower Pitney Road, Pitney TA10 9AG.** (Pages 52 - 55)

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

This does not apply to decisions taken on planning applications.

Agenda Item 8

Presentation on Affordable Housing in South Somerset

Director *Martin Woods, Service Delivery*
Lead Specialist *Ian Potter, Lead Specialist (Vulnerable Customers)*
Lead Officer *Leisa Kelly, Case Officer (Service Delivery)*
 Jo Calvert, Specialist (Housing)
Contact Details: *Leisa.kelly@southsomerset.gov.uk 01935 462641*
 Jo.calvert@southsomerset.gov.uk 01935 462040

The Council Plan 2016 – 21 details the Council Plan themes and Areas of Focus:

- Protecting Core Service
- Economy
- Environment
- Housing
- Healthy, Self-Reliant Communities

The Council Plan also includes six Priority Projects for 2019-20 of which priority five covers enabling housing. This priority is to develop proposals to accelerate the delivery of key housing sites and associated infrastructure. One of the key milestones for this priority was to set up Community of Practice (expert working group) to set objectives and outcomes to accelerate the delivery of key housing which includes affordable housing. As part of this work we are attending the four area committees to deliver a presentation along with our main partner registered providers cover the following areas:

- Increase awareness of affordable housing in the district,
- Show how our work links in with the Council Plan and Local Plan,
- The housing needs in each area
- How we work with registered providers to provide this much needed housing.

Council Plan Implications

Council Plan 2016 – 2021 aim:

- Aim to enable housing to meet all needs
- Improve health and reduce health inequalities

Area of focus within the Housing Theme for 2019-20

- Enable sufficient housing in appropriate places to meet community needs
- Maximise the number of affordable homes including providing more affordable home to support rural economies and communities
- Reduce homelessness and rough sleeping
- Match lifelong independent living with appropriate property solutions

Agenda Item 9

Community Grant to Compton Dundon Village Hall (Executive Decision)

Director: Martin Woods, Director of Service Delivery
Manager / Lead Specialist: Tim Cook, Locality Manager
Lead Officer: Adrian Moore, Locality Officer
Contact Details: adrian.moore@southsomerset.gov.uk or 01935 462409

Purpose of the Report

Councillors are asked to consider the awarding of a grant of £1,825 towards a digital projector and screen for the Meadway Hall in Compton Dundon.

Public Interest

Awarding grants is a key way that SSDC supports and helps to deliver community projects sponsored by Parishes and voluntary community organisations in the towns and villages across the district.

The Meadway Hall (Registered Charity Compton Dundon and Littleton Village Hall) has applied to the Area North Community Grants Programme for financial assistance with the costs of installing a digital projector and screen. The application has been assessed by the Locality Officer who is submitting this report to enable the Area North Committee to make an informed decision about the application.

Recommendation

It is recommended that Councillors award a grant of £1,825 to the Meadway Hall, the grant to be allocated from the Area North Community Grants Programme and subject to SSDC standard conditions for community grants (appendix A)

Application Details

Name of applicant:	Meadway Hall
Project:	Projector and Screen
Total project cost:	£3,651
Amount requested from SSDC:	£1,825
Application assessed by:	Adrian Moore

Community Grants Assessment Score

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

Category	Actual score	Maximum score possible
A Eligibility	YES	Y/N
B Equalities Impact	6	7
C Need for project	4	5
D Capacity of organisation	11	15
E Financial need	5	7
F Innovation	3	3
Grand total	29	37

Background

The village has an actively involved and inclusive community with a village hall that includes a post office as a focus and a meeting point. The village hall is well used and has a large amount of local clubs that meet weekly, these include; Craft Club, Garden Club, Short Mat Bowls Club, Toddler Group, University of the Third Age (U3A), Woman's Institute (WI) and a Yoga Group. There is an outdoor play area for children and a recently installed petanque court (a form of Boules) for all ages. The village recently purchased a table tennis table and basketball hoop with funds from the village. The hall attracts visitors who want to run courses and retreats which contribute to the running costs of the hall.

The object of the village hall charity is in the interests of social welfare, to improve conditions of life of the inhabitants of the area by the provision and maintenance of a village hall for meetings, lectures, classes and other forms of recreation and leisure and the provision of a recreation ground.

The village hall recently installed 'smoke detector-door closers' and has achieved hallmark 1 & 2. The hall has increased bookings for local groups and individuals and has hosted events such as folk nights and Christmas events.

Parish information

Parish*	Compton Dundon
Parish Population	800
No. of dwellings	300

*Taken from the 2011 census profile

The project

The project is the purchase and installation of a ceiling mounted, wireless connectivity digital projector and screen. All current user groups will benefit from this new facility. It will result in improved courses and presentations and improved communication of detail for participants at Parish Council meetings.

The project has already involved Compton Dundon and Littleton Parish Council, Meadway Hall Management Committee, representatives of various clubs that use the hall and input from local children and young people. There will be more activities planned for younger residents such as film and game evenings following the installation of the projector.

Local support / evidence of need

Recently, many clubs, user groups and visitors to the hall have requested the installation of a digital projector.

Publicity of this project and all events are published in the monthly village newsletter which is delivered to over 300 homes.

The details of this project and all current activities are posted online on the Meadway Hall website and on the Compton Dundon Facebook page. They are also printed and placed on various notice boards.

Project costs

Project costs	Cost £
NEC P554U Digital Projector	1,828
Projector Screen	213
Projector Ceiling Mount	154
Wireless Connectivity	946
Installation Costs	510
Total	3,651

Funding plan

Funding source	Secured or pending	Amount £
Parish Council	Yes	913
Own Funds	Yes	913
SSDC	Pending	1,825
Total		3,651

Conclusion and Recommendation

It is recommended that a grant of £1,825 is awarded.

Financial implications

The balance in the Area North Community Grants Programme is £6,937.50. If the recommended grant of £1,825 is awarded, £5,112.50 will remain.

Grants are awarded subject to all other funding being secured before the commencement of the project and are on a % basis of the full project costs. Payment of the grant cannot exceed the grant award and is proportionally reduced if full project costs are under budget.

Council Plan Implications

Health and Communities - To build healthy, self-reliant, active communities we will:

- Support communities so that they can identify their needs and develop local solutions
- Help people to live well by enabling quality cultural, leisure, play, sport & healthy lifestyle facilities & activities

Carbon Emissions and Climate Change Implications

None

Equality and Diversity Implications

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

Background Papers

None.

Appendix A

Standard conditions applying to all SSDC Community Grants

The applicant agrees to: -

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

Standard conditions applying to buildings, facilities and equipment

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

Special conditions

None.

Agenda Item 10

Area North Committee – Forward Plan

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

Purpose of the Report

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

Public Interest

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

Recommendation

Members are asked to note and comment upon the Area North Committee Forward Plan as attached, and to identify priorities for any further reports.

Area North Committee Forward Plan

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

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

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

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

Background Papers: None

Area North Committee Forward Plan

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

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

Meeting Date	Agenda Item	Background / Purpose	Lead Officer(s) SSDC unless stated otherwise
<i>TBC</i>	<i>Somerton Conservation Area</i>	<i>Report regarding the Somerton Conservation Area Appraisal and designation of extensions to the Conservation Area.</i>	<i>TBC</i>
<i>TBC</i>	<i>Community Grants</i>	<i>To consider any requests for funding.</i>	<i>TBC</i>

Agenda Item 11

Planning Appeals

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

Purpose of the Report

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

Public Interest

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

Recommendation

That members comment upon and note the report.

Appeals Lodged

19/01609/PAMB – Hazelhurst Farm (former Piggery Building), Windyridge Lane, South Hill, Somerton.
Notification for prior approval for the change of use of existing agricultural building to a dwelling.

Appeals Dismissed

None

Appeals Allowed

None

Agenda Item 12

Schedule of Planning Applications to be Determined by Committee

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

Purpose of the Report

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

Recommendation

Members are asked to note the schedule of planning applications.

Planning Applications will be considered no earlier than 3.00pm.

Members of the public who wish to speak about a particular planning item are recommended to arrive for 2.55pm.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
13	ISLEMOOR	19/02729/FUL	Alterations to agricultural buildings with change of use to D1 non-residential institution use.	New House Farm, Stowey Road, Fivehead.	Mr Neil Coram
14	CURRY RIVEL, HUISH & LANGPORT	19/02531/S73	To vary conditions of permission to allow for wedding venue and to increase event limit from 15 to 40.	Old Oak Farm, Back Lane, Curry Rivel.	Mrs Rebecca Jones
15	MARTOCK	19/00544/OUT	Outline application for pair of semi-detached houses with gardens and parking.	Land Adjoining 28 Eastfield, Martock.	SSDC
16	TURN HILL	19/03252/HOU	Alterations including replacement front porch, two storey side extension, first floor rear extension and conversion of end store to form an annex.	Butterwell Farm, Lower Pitney Road, Pitney.	Mr R Rice.
17	TURN HILL	19/03253/LBC			

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 has been prepared.

Referral to the Regulation Committee

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

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

Human Rights Act Statement

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

Agenda Item 13

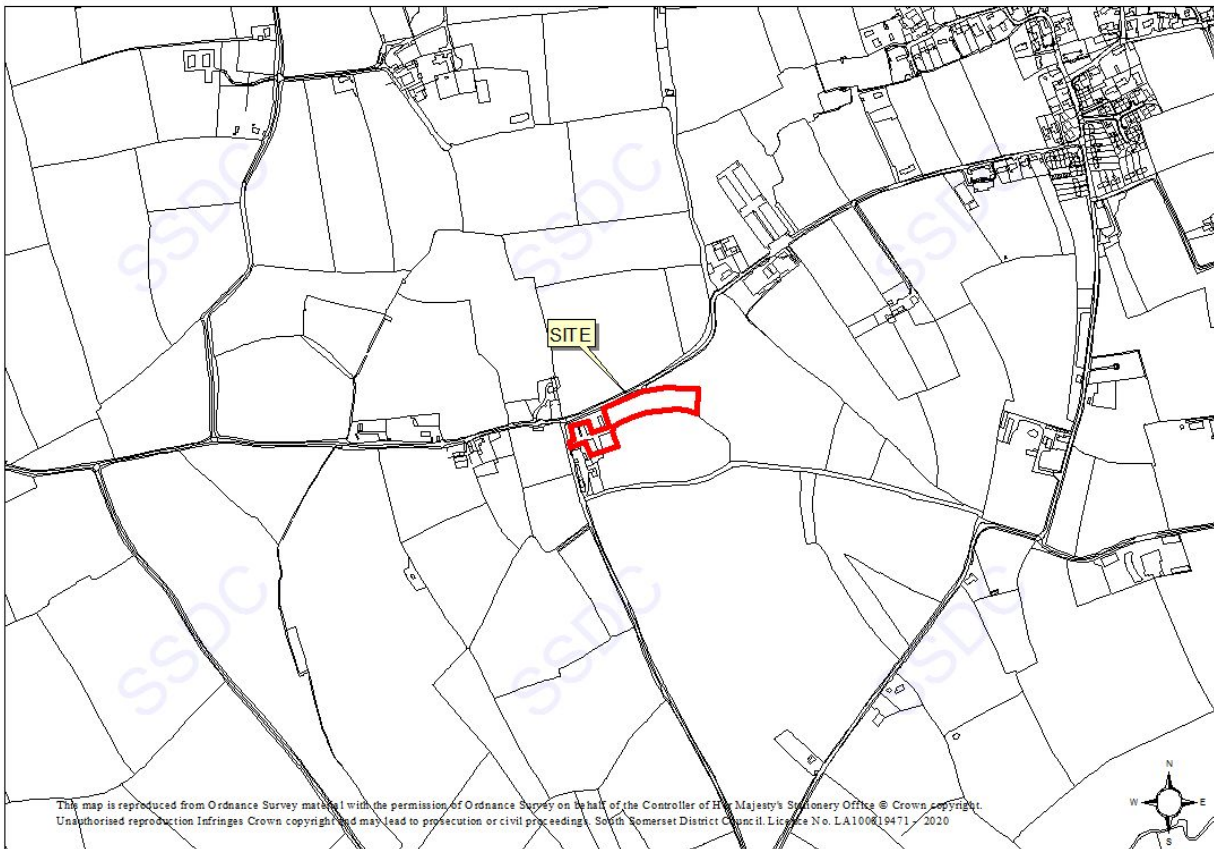
Officer Report On Planning Application: 19/02729/FUL

Proposal :	Alterations to 2No. agricultural buildings with change of use to the buildings and land to D1 Non-residential institution use
Site Address:	New House Farm, Stowey Road, Fivehead TA3 6PR.
Parish:	Fivehead
ISLEMOOR Ward (SSDC Member)	Cllr M Cavill
Recommending Case Officer:	Colin Arnold
Target date :	10th December 2019
Applicant :	Mr Neil Coram
Agent: (no agent if blank)	James Whilding, Addlepool Business Centre, Woodbury Road, Clyst St George, Exeter EX3 0NR
Application Type :	Minor Other less than 1,000 sq.m or 1ha

REASON FOR REFFERAL

The application has been referred to committee by the Director (Service Delivery) in consultation with the relevant Area Chairman, taking into consideration the public interest that, in the interests of transparency, the Committee should consider it.

SITE DESCRIPTION AND PROPOSAL





This is an application for alterations to 2 No. agricultural buildings with change of use to the buildings and land to D1 Non-residential institution use at New House Farm, Stowey Road, Fivehead, Taunton.

The agricultural holding extends to approximately 8.3 acres and has been recently purchased by the applicant. The intention is to seek a change of use of the agricultural buildings to enable his existing construction training business to be relocated to the site. It currently operates from rented facilities on an agricultural holding near Montacute.

Up until recently the farm was in use for livestock being part of a larger County Farm. It should be noted that recently (see History below) permission was granted for an agricultural building on the site to be converted to office use.

It is proposed to use the large steel framed barn furthest from the road to the east for the storage of the construction machinery required for the training.

The barn in the middle of the farmstead is to be converted into the D1 training centre.

The existing silage clamp on the site will be used for a parking area for up to 30 vehicles.

A field to the north and east of the buildings to be converted is to be used for digger training and will be used for excavation training on diggers and similar type machinery.

HISTORY

19/00039/FUL - Demolition and rebuild of a new dwelling. Granted 8 March 2019.

19/02222/P3MPA - Prior approval for proposed change of use of agricultural barn to a flexible use B1. Decided 25 Sept 2019.

And several applications in the 1990's for agricultural buildings

POLICY

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

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

SD1, SS1, SS2, SS4, SS5, TA1, TA5, TA6, EQ1, EQ2, EQ3, EQ4, EP5

National Planning Policy Framework

Chapters 2, 4, 5, 8, 9, 11, 12, 14, 15,

National Planning Practice Guidance

Design, Natural Environment, Effective use of land, Historic Environment, Noise, Transport evidence bases in plan making and decision taking, Use of planning conditions

Policy-related Material Considerations

Somerset County Council Parking Strategy (September 2013)

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

CONSULTATIONS

Parish Council:

Following:

- a) a site visit and meeting with the applicant by Council Members prior to the Public meeting; and
- b) a well-attended Public meeting during which views for and against (the majority of the latter) were expressed;

Fivehead Parish Council voted by a majority to recommend approval of this application.

They wish, however, to raise the following Material Considerations for further clarification and consideration of Conditions:

1. Access and increased traffic movements

- a) The site location on Stowey Road is a narrow winding, country lane with concealed driveways, no passing places and limited verges. Roads around the site are all covered by the national speed limit of 60mph which requires a splay / stopping distance of 160 metres. Clarification is requested on which of the 3 site entrances will be used and how the necessary visibility splays will be achieved.
- b) There are concerns about increased traffic movements. The Council would like to see a Travel Plan or Transport Statement as the site (according to the plans) is 8057 square metres with 30 car and 11 plant parking spaces.

2. Noise and pollution to nearby properties and rural setting

- a) The site is less than 30 metres from neighbouring residential and heritage listed properties. Noise associated with plant machinery and vehicle movements, and dust from excavation work, are concerns. The Noise Impact Assessment (NIA) appears to relate to temporary building sites, not a continuous training centre; also, it only details noise pollution measures affecting employees rather than the wider environment. The Council would like to see an improved NIA and other supporting documentation.
- b) The applicant stated on the Council's recent site visit that the reversing alarms on his vehicles will be mainly the 'white noise' variety. He also said that other silent options are available, which are also supported by the HSE Workplace Transport Safety Guide. The Council would like to see, should permission be granted for the site, the use of silent reversing warning technologies whenever possible.
- c) The Council would like to see an Environmental Impact Survey with controls on noise, screening and damage to the environment.

3. Cumulative impact

There are currently seven applications for development in and around Fivehead. These include three for commercial development on or near Stowey Road which could increase vehicle movements substantially. The road is frequently used by walkers, horse-riders and cyclists.

4. Future expansion of the activity on site

It is requested that consideration be given to imposing a Condition restricting further expansion of activity on the site.

Other points:

1. Please confirm that Application No19/02222/P3MPA for prior approval to convert the barn at the entrance to the site to office space under Permitted Development Rights remains valid if the plan is to install a second floor and office space.
2. Please note that parishioners were disappointed that only 3 residences were sent letters regarding the application; there are 20 properties on Stowey Road and 7 at The Glebe that could be affected by traffic. Residences in Curry Mallet which could also be affected should visitors approach the site from this direction were not consulted.

Case Officer note: The Parish Council also included a 15 page document as by way of background for their decision - this is available for viewing on the Councils website.

SCC Highway Authority:

Initial objection then following then further information:

"We write with reference to the above application, in particular regarding parking and vehicle movements.

The proposal for the site is a construction training centre, moving from its current location in Montacute. We wish to address the issues raised in your letter dated 28 November 2019.

Using the guidance from Somerset Parking Standards we believe that, due to gross floor area, of the B1 and D1 usage, the minimum parking standard would be 22 parking spaces. Our client has suggested 30 as a maximum.

Based on current figures the number of trainees is regularly 5 a day, but can rise to 20, as a maximum, on occasions. There would regularly be 4 staff on site.

Training, on site, will take place between 9am and 4pm, and the busiest accessing of the site would be near to these times.

With the above information in mind, please could you advise on further information needed in order for you to assess the proposal fully and be able support it."

Following the receipt of further information on the above application, received 4 December 2019, I have the following further observations on the highway and transportation aspects of this proposal following consideration of the application details and a site visit.

BACKGROUND AND PROPOSAL

This application seeks consent for the alterations to two existing agricultural buildings and a change of use of the existing buildings and the land to D1 non-residential institution use to enable an existing construction training business to relocate to this site from elsewhere in South Somerset.

The site is accessed from Stowey Lane with the proposed parking area access approximately 36 metres from the junction of Stowey Lane and Stowey Road.

Stowey Lane is a single lane rural unclassified highway, which is derestricted in terms of speed restriction. Due to the nature of the road on site observations suggest that the speed of traffic is, however, significantly lower than 60mph. There are no recorded Road Casualty Accidents in the area.

Stowey Road is a classified highway which is also derestricted in terms of speed. There are several properties, including dwellings, to the west of the junction with Stowey Lane.

There is a Public Right of Way, a Bridleway, that runs along the southern edge of the site.

The Local Planning Authority should ensure that the Public Rights of Way (PRoW) team are consulted on this application.

CONSIDERATIONS

Parking.

Further information has been received that states that the current number of trainees on site on a regular basis is 5, which on occasions rises to 20, along with 4 staff on site. Based on this information

the Highway Authority considers the number of parking spaces to be provided, 30, to be appropriate.

Vehicle Movements

The information received on 4 December provided information regarding the number of regular attendees to the site, along with the hours of attendance of the students to the site.

Based on the information provided the Highway Authority does not consider that the increase in traffic movements will be significant, nor that a Transport Statement is necessary.

Conclusion

Taking the above comments, and the previously supplied comments, into account the Highways Authority does not object to the proposal as set out in this application. I would refer you to my previous response as the comments regarding the visibility splays apply equally. Should the Local Planning Authority be minded to grant permission the Highway Authority would request that the following conditions are imposed:

(see proposed conditions below)

SSDC Highway Consultant:

SCC has stated that it will be providing comments and a recommendation in response to this planning application.

SSDC Environmental Health:

I have reviewed this application and have the following comments to make from an Environmental Health point of view.

At present there is insufficient information on the possible impact of the operation on nearby residential properties.

1. Prior to the commencement of the change of use, the applicant shall, at their own expense, appoint a suitably qualified acoustic consultant with a remit to examine the premises / land and identify what measures, if any, may be necessary to ensure that:

- Compliance with all other consent conditions relating to noise emitted from the site, is achievable and
- Harm to amenity to noise sensitive receptors is unlikely to result.

The consultant shall submit a written report to the Planning Authority which shall detail all measurements taken and results obtained, together with any sound reduction scheme recommended and the calculations and reasoning upon which any such scheme is based. Such a report is to be agreed, in writing, by the Planning Authority and the approved measures shall be implemented in their entirety prior to occupation / reoccupation and use of any part of the premises, unless an alternative period for completion is agreed in writing by the Local Planning Authority.

2. Once in operation the site training hours involving the use of plant and equipment likely to generate high levels of noise shall be restricted to the hours of 09.00 to 16.30Hrs Monday to Friday and no works expected to occur on Saturdays and Sundays.

SCC Ecologist

To inform the proposal Richard Green Ecology carried out an Ecological Appraisal at New House Farm, Stowey Road, Fivehead, Taunton, TA3 6PR on the 26/09/2019. The results of the survey were

as follows:

Designated sites:

The site is not within any statutory designated sites of nature conservation importance and there are no statutory designated sites of nature conservation importance within 500 m of the site.

Habitats:

The site measured approximately 1 ha and consisted of three large modern agricultural buildings surrounded by an area of hardstanding and bare ground. The eastern extent of the site consisted of an arable field (approximately 0.5 ha) surrounded by species-rich hedgerows.

The arable field would be used for training practical skills using construction machinery. The use of heavy plant close to the boundaries of the site could have a negative impact on the hedges surrounding the site, e.g., through soil compaction

Bats:

Given the light, open and exposed nature of the barns, and absence of areas where bats could potentially roost unseen, all three barns were considered unlikely to be used by roosting bats.

The hedges that surround the site are likely to be used by foraging and commuting bats.

Dormice:

Given the availability of connected dormouse habitat in the wider landscape, the site was considered to be of local value to dormice, if present.

Nesting birds:

No evidence of nesting birds was found within the buildings on the site. The hedgerows surrounding the site are likely to be used by nesting birds.

Reptiles:

The hedge margins and the area of ephemeral/short perennial vegetation with patches of bare ground may provide suitable habitat for common reptiles, e.g., slow worms.

Amphibians:

There are no ponds on the site or within 500 m of the site. The hedges and area of ephemeral/short perennial vegetation with patches of bare ground on the site may offer suitable terrestrial habitat for common amphibians, e.g., toad. There is a record of a great crested newt (GCN) licence (from Magic Map) approximately 3.5 km south-west of the site. There are two rivers (Fivehead River and River Isle) between the site and the GCN licence site which are likely to provide a partial barrier to any movement of newts. It is therefore considered unlikely that GCN are on the site.

Badger:

No badger setts or signs of badger activity were seen on the site. However, due to the rural location and suitable habitat it is likely that badgers may use the site for foraging.

Recommendations

To comply with local and national policy, wildlife legislation, and the requirements of the mitigation hierarchy and for biodiversity net gain, please attach the following conditions to the planning permission if granted.

(see conditions listed below)

REPRESENTATIONS

32 letters of objection:

- Noise issues
- Traffic issues, blind bends flooding of highways in wet weather
- I ride my ponies down these lanes and am concerned about safety
- Just because there are no recorded accidents in the vicinity doesn't mean that there hasn't been any (just not reported)
- Bridleway alongside the facility would be rendered unusable between Monday to Friday
- Traffic route for site hasn't been discussed with Curry Mallet Parish Council
- Impact on wildlife
- Impact on neighbours
- How would working hours be enforced?
- Inappropriate development for agricultural site.
- This is dedicated cycle route
- Pollution issues
- Should be an ecological assessment with the application - great crested newts in watercourses (case officer note: the agent has taken assessment as required by our validation checklist and this has confirmed that due to the nature of the proposal a wildlife survey is not required)
- Should be a noise assessment with the application (case officer note - a noise management plan is submitted as part of this application and has been assessed by our environmental health team)
- Should be a heritage assessment with application due to a Listed Building just 36 metres away (Specialist conservation officer consulted and a verbal update will be given at any committee meeting - however given the distances involved the case officer considers that there will not be any adverse impact - in fact a more positive impact by restoring some dated and underused agricultural buildings)
- As there is no longer a shop/post office in Fivehead, villagers use Stowey Road and Marshway to get to the one in Curry Mallet.
- Whilst the proposed route is noted - satnavs will take visitors through Butchers Lane or even narrower Ganges Hill
- Dust problems will occur when weather is dry
- Other applications are in which will affect the character of Fivehead - this application must be taken into context with these
- Helicopters already cause noise issues - this would add to that
- Diesel pollution.

Letter from Somerset Wildlife Trust:

We are concerned that the Ecological Assessment has not fully considered the potential impact of this application on the wildlife for the following reasons:

1. There are two SSSI's within 1km of the site which have not been considered.
2. Data has not been sought from the Somerset Environmental Records Centre and a Local Wildlife Site has been overlooked.
3. Fivehead Arable Fields SSSI supports several protected or notable species that were not considered. In the Ecological Report, it states that; "The arable field had been recently cut and was dominated by arable weeds" but does not state which arable weeds. Given that the site is arable, and there are records of rare arable plants within 600m, it would be advisable for a survey to be carried out to assess whether any rare arable plants are present.
4. Brown hairstreak butterflies have been recorded in the area but are not mentioned in the report and no surveys of the hedgerows have taken place despite Blackthorn being recorded. Since this is the preferred plant for Brown hairstreaks, it is possible that eggs are present in the

- hedgerows at this time of year.
5. Despite noting that the hedgerows surrounding the site are "likely to be used by dormice", there are no recommendations for follow up surveys.
 6. The root buffer zone suggested for the hedgerows (which are classified as species rich) is just 2m. Although this is acceptable in many cases, the nature of the proposed land use - digging, then compacting the soil - is likely to have a much greater, ongoing effect and a buffer of at least 5m would be more appropriate.
 7. Additional enhancements: A 3-year rotational cutting regime for the hedgerows would allow the hedgerows to expand in size and would provide uncut sections each year. This would benefit bats through enhanced foraging habitat and flight lines, breeding birds through enhanced nesting and foraging habitat and Brown hairstreak butterflies by providing areas of undisturbed habitat overwinter.

6 letters of support

- On Thursday 14 November I took advantage of Coram Constructions invitation to visit their site near Montacute along with 7 other Fivehead residents. This was offered at the planning meeting held at the Baptist Church on 11 November.
- The site which Coram Construction currently operate from is situated down small country lanes not dissimilar to the roads around New House Farm. The site looked tidy and well maintained.
- Reversing beepers were loud but it was explained that the noise of the reversing warning beepers would be vastly reduced or eliminated by noise attenuators or a vibration warning device in the protective head gear.
- Traffic would be restricted to in the morning and at early evening when the classes have finished which would be less than if it reverted to agriculture.
- This application is the best use for these barns as it generates little traffic movement and no plant movement on the by roads.
- The noise generated by construction machinery will be no different to the farm machinery when this was a fully operational farm in fact less as this is a Monday to Friday operations.
- As the owner and family intend to live on site I feel sure they will be sympathetic to the village.
- The number of extra vehicles would be small (about 12? per day) and these would be mostly cars or small vans, not the enormous HGVs which travel to other local factories. The recommended route to the site from the A378 would not be through Fivehead village.
- The amount of machinery proposed is fairly small and not much greater than what would be used on a working farm. We were also assured that this would be limited mainly to weekday afternoons, unlike farms which work all hours, every day, and that steps would be taken to minimise noise spread.
- The site obviously needs enthusiasm and investment and I think the completed project could well be a credit to the village.

CONSIDERATIONS

Principle of Development

This is a use which is fairly land hungry and given its very nature of operation requires a countryside location for the training on agricultural vehicles (i.e. requires the field to the north and east of the buildings for digger type training). This type of venture simply wouldn't be practical to undertake on an industrial estate for instance. The proposal must be considered on this basis that it is a locational requirement that it is sited in the open countryside and that there is a beneficial D1 use which would assist with training purposes and provide education.

There is a small employment benefit associated with the proposal for the training staff and the future employment prospect of the students of the classes.

Scale and Appearance

As the buildings are already in situ and there is no new building proposed the scale and appearance will remain largely unchanged save for the car park and when the vehicles are being used outside of the buildings. It should be noted however that were the farm to be in full use again there would be vehicles (tractors etc.) using the site in any case.

Residential Amenity

The Environmental Health department have suggested two conditions namely a noise prevention scheme and an hours of working condition. This will ensure concerns about the reversing beepers of the vehicles can be controlled so that neighbouring properties are not unduly affected in terms of noise from the site. It should also be noted that were the farm use be taken fully up again there would also be noise associated with that use and that is a material consideration as a fall-back position. It is considered with the adequate conditions proposed that noise and disturbance to neighbouring properties will not be an issue.

Highway Safety

Initially the County Highway Authority objected to the proposal (largely based on the number of parking spaces) but following clarification of the nature of the use as supplied by the agent withdrew their objections and considered that the matter could be adequately covered by suitable conditions which are recommended below. In the absence of an objection from the Highways Authority it would be very difficult to defend an appeal should the application be refused on highway grounds. It is important to note that the traffic would be minimal and at specific times of the days mainly (at the start and end of the classes involved)

Impact on heritage assets

The objectors have correctly pointed out that there are two Listed Buildings in the vicinity namely a Hay Store in the farmyard of Stowey Farm and Stowey Farmhouse itself. The closest is the hay barn but it should be noted that there is Stowey Road and an intervening building between which means that the impact will be minimal. Stowey Farm House is approximately 150 metres away from New House Farm and given that distance is not affected by the proposal. The SSDC Conservation specialist has been consulted and confirms this:

"New House farm, the proposed development site, lies across the road from the Grade II listed C18 Haystore in the farmyard at Stowey Farm, Stowey Road, Fivehead and East of the Grade II listed Stowey Farmhouse.

The impressive stone built hay store is aligned N-S and North of an another outbuilding. There is no direct intervisibility between the listed building and the existing barns. The development site is screened by trees and hedges along the boundary which are to be retained.

I have been to site and can confirm that I do not consider the proposal has a negative impact on the setting of the listed buildings."

Ecology

The objectors concerns regarding ecology (including the submission for the Somerset Wildlife Trust) are duly noted but the SCC Ecologist has examined the submitted ecological appraisal from Richard

Green Ecology and have suggested a number of conditions which are recommended below. It is considered via a professional ecologist therefore that the development can proceed without undue adverse impacts on ecology and that the principle is acceptable.

Response to objectors concerns (not already covered above)

Diesel pollution - this would be dealt with by the Environment Agency should diesel affect the surrounding rhyne network

Helicopter noise - this is out of control of the applicant and whilst may well be an existing issue - it would be unreasonable to use this as a reason for refusal based on accumulative noise.

Impact on bridleway - there would be an impact on the bridleway if this was to revert to a working farm - there are no complaints when the farm was up and running and it is difficult to see why there would be if this application was to be approved (given the noise control measures in place)

Conclusion

The proposal by reason of size, scale and materials, is acceptable as it respects the character of the site and its surroundings, and has no detrimental impact on local ecology, residential amenity or highway safety. As such, the proposed development is considered to accord with the aims and objectives of policies SD1, TA1, TA5, TA6, EQ2 and EQ4 of the South Somerset Local Plan and the aims and objectives of the NPPF.

RECOMMENDATION

To grant permission subject to appropriate conditions.

01. The proposal by reason of size, scale and materials, is acceptable as it respects the character of the site and its surroundings, and has no detrimental impact on local ecology, residential amenity or highway safety. As such, the proposed development is considered to accord with the aims and objectives of policies SD1, TA1, TA5, TA6, EQ2, EP5, SS3, EQ3 and EQ4 of the South Somerset Local Plan and the aims and objectives of the NPPF.

SUBJECT TO THE FOLLOWING:

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

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

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

All prefixed 200

01 - Existing site and block plan

02 - Site plan including topographical survey

03 - Proposed site plan

04 - Building 1 existing

05 - Building 2 existing

06 - Building 1 proposed

07 - Building 2 proposed

08 - Site visibility
09 - Stowey Lane to Stowey Road visibility splay

Noise management plan
New House Farm - Oct 2019 Ecological Appraisal

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

03. Prior to occupation of the development hereby permitted the proposed access over at least the first 6 metres of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall thereafter be maintained in that condition at all times.

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

04. The area allocated for parking on the submitted plan, drawing number 200-03, 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.

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

05. At the proposed access there shall be no obstruction to visibility greater than 600 millimetres above adjoining road level within the visibility splays shown on the submitted plan, drawing No 200-08. Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.

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

06. Prior to the commencement of the change of use, the applicant shall, at their own expense, appoint a suitably qualified acoustic consultant with a remit to examine the premises / land and identify what measures, if any, may be necessary to ensure that:

- Compliance with all other consent conditions relating to noise emitted from the site, is achievable and
- Harm to amenity to noise sensitive receptors is unlikely to result.

The consultant shall submit a written report to the Planning Authority which shall detail all measurements taken and results obtained, together with any sound reduction scheme recommended and the calculations and reasoning upon which any such scheme is based. Such a report is to be agreed, in writing, by the Planning Authority and the approved measures shall be implemented in their entirety prior to occupation / reoccupation and use of any part of the premises, unless an alternative period for completion is agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenity of neighbouring residential properties and in accordance with Policies EQ2 and EQ7 of the South Somerset District Local Plan.

07. Once in operation the site training hours involving the use of plant and equipment likely to generate high levels of noise shall be restricted to the hours of 09.00 to 16.30Hrs Monday to Friday and no works expected to occur on Saturdays and Sundays.

Reason: In the interests of the amenity of neighbouring residential properties and in accordance with Policies EQ2 and EQ7 of the South Somerset District Local Plan.

08. Prior to occupation, a "lighting design for bats", following Guidance note 8 - bats and artificial lighting (ILP and BCT 2018), shall be submitted to and approved in writing by the local planning authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: In the interests of biodiversity and in accordance with Policy EQ4 of the South Somerset District Local Plan.

09. No vegetation removal works around the site shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of any trees, shrubs and scrub and tall ruderal vegetation to be cleared for active birds' nests immediately before works proceed and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: In the interests of biodiversity and in accordance with Policy EQ4 of the South Somerset District Local Plan.

10. A Biodiversity Mitigation and Enhancement Plan (BMEP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior commencement or prior to commencement of construction/conversion works. Photographs of the installed features will also be submitted to the Local Planning Authority prior to occupation: The content of the BMEP shall include the following:

- a. A 2 m buffer is to be installed around the hedges, e.g., using a stock proof fence, in the field used for construction machinery training, to reduce potential impacts on the hedges, in accordance with BS5837:2012
- b. A [Beaumaris Woodstone maxi bat box] or similar will be mounted under the apex of the west elevations of each barn, and maintained thereafter.
- c. Two bat boxes (Schwegler 1FF) will be installed in mature trees at the boundaries of the site to enhance roosting opportunities.
- d. One no. Schwegler 1B and one no. Schwegler 2H bird boxes will be installed on retained trees at the boundary.
- e. Installation of 4 x artificial swallow nesting cups, or similar, to be erected on a main beam of the open side barn/agricultural buildings, at a height above 3m
- f. A wildlife pond will be installed in the south-east corner of the site with shallow margins and a range of plant species to encourage a wide diversity of wildlife on the site.

As an additional option and suggestion a rough grassland margin could be allowed to develop around the other field in the south part of the site (not subject to the planning application), adjacent to hedges to provide habitat for invertebrates and reptiles.

Reason: In the interests of biodiversity and in accordance with Policy EQ4 of the South Somerset District Local Plan.

Agenda Item 14

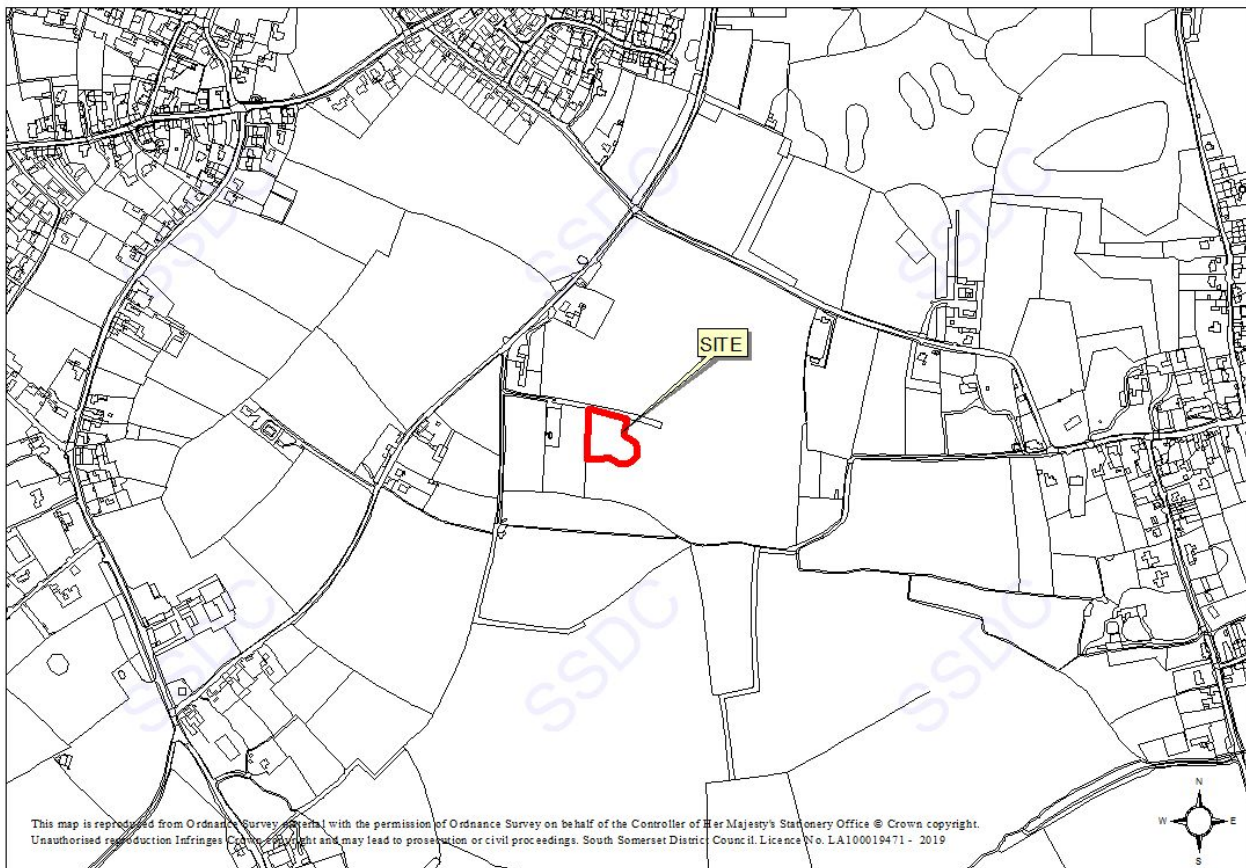
Officer Report On Planning Application: 19/02531/S73

Proposal :	Section 73 application to vary conditions 3 & 5 of permission 15/00455/COU & subsequent application 15/04021/S73A to allow for wedding venue & to increase event limit from 15 to 40
Site Address:	Old Oak Farm, Back Lane, Curry Rivel TA10 0NY.
Parish:	Curry Rivel
CURRY RIVEL, HUISH & LANGPORT Ward (SSDC Members)	Cllr T Osborne Cllr C Paul
Recommending Case Officer:	Alex Skidmore
Target date :	8th November 2019
Applicant :	Mrs Rebecca Jones
Agent: (no agent if blank)	
Application Type :	Other Change Of Use

REASON FOR REFERRAL TO COMMITTEE

The application is referred to Area North Committee at the request of the Ward Members and with the agreement of the Area Chair in view of the public interest and to allow the local concerns to be considered further.

SITE DESCRIPTION AND PROPOSAL





The site is located to the southeast of Curry Rivel, in open countryside. The site is accessed via Back Lane, an unclassified public highway. There are a number of dwellings in the nearby vicinity including a group of houses approximately 150m to the west and several more houses approximately 120m to the north. The site is located approximately 500m to the west of the developed edge of Drayton and approximately 350m to the south of the developed edge of Curry Rivel. The site is approximately 290m from the edge of Drayton's conservation area. The site is in flood zone 1. There is a public right of way (footpath L 9/30) which passes a short distance to the north of the site from northwest to southeast.

Planning permission was granted under application 15/00455/COU for the siting of a marquee on this site for a temporary period from 1st May to 30th September annually and a temporary change of use of the land and two other buildings within the site for use as a wedding venue for up to 12 events per year, between the aforementioned months. A later application followed, application 15/04021/S73, which permitted an increase in the number of weddings permitted to take place from 12 to 15 per calendar year, which brought the consent in line with the then recently amended TENS licensing laws.

The current application is seeking to amend a number of conditions attached to these earlier planning consents in order to increase the number of events that can be held on the site from 15 to 40 in any calendar year and to allow other types of functions, not just weddings, to be held on the site.

RELEVANT HISTORY

15/04021/S73A: Application to vary condition 5 of planning permission 15/00455/COU to allow an increase in the number of weddings from 12 per calendar year to 15 per calendar year. Permitted.

15/00455/COU: Erection of a marquee for a period of five months (May to September) for wedding venue and temporary change of use of the land for wedding venue, use of animal shelter as undercover bar/seating area and log cabin for use as bridal suite during events. Permitted.

15/00239/FUL: Erection of dwelling as replacement for approved mobile home. Permitted.

14/00274/FUL: Erection of dwellinghouse as replacement for approved mobile home. Withdrawn.

11/03014/FUL: Erection of a steel framed shed for storage of materials (timber) and plant. Permitted.

10/05122/FUL: Temporary permission for the siting of a mobile home (Retrospective). Permitted.

10/03406/COL: Application for a certificate of lawful use for existing use of land as an arboricultural landscaping and agricultural contractors depot with associated storage for machinery vehicles and equipment together with storage and processing of timber and arisings. Permitted.

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

EP4 - Expansion of Existing Businesses in the Countryside

TA1 - Low Carbon Travel

TA5 - Transport Impact of New Development

TA6 - Parking Standards

EQ1 - Addressing Climate Change in South Somerset

EQ2 - General Development

EQ4 - Biodiversity

EQ7 - Pollution Control

National Planning Policy Framework

Part 2 - Achieving sustainable development

Part 6 - Building a strong, competitive economy

Part 8 - Promoting healthy and safe communities

Part 9 - Promoting sustainable transport

Part 11 - Making effective use of land

Part 12 - Achieving well-designed places

Part 14 - Meeting the challenge of climate change, flooding and coastal change

Part 15 - Conserving and enhancing the natural environment

CONSULTATIONS

Curry Rivel Parish Council: Recommend approval.

Subject to the noise being kept within legal limits and traffic being monitored, bearing in mind the families living nearby, the Parish Council recommend approval.

Drayton Parish Council (neighbouring parish): Object. We have received numerous complaints from Parishioners regarding current noise levels of events and we therefore object to the proposed increase in numbers of events.

County Highways: No objection.

The application site is located on Back Lane. This is a lightly trafficked country lane which is subject to a 40mph speed limit. Access to the site is gained via a private access which is shared with the adjacent dwelling. The access at the entrance is hard surfaced and is of sufficient width to allow two cars to pass. No personal injury accidents have been reported in the vicinity of the site access.

The planning history of the site is acknowledged, and it is noted that the number of events which can take place in a year has previously been increased from 12 to 15 weddings. The current S73 application seeks change the condition wording from 'wedding' to 'event' as well as increase the number of events to up to 40 per year which is a more than double from what is currently permitted. The highway authority is not aware of any highway safety issues which have occurred in relation to the current use of the site, therefore, an increase in the number or type of events which can take place is unlikely to create any highway safety issues. On this basis there are no objections to the development proposals.

SSDC Highway Consultant: Referred to the highways comments and recommendations made in response to the 16/00549/FUL application.

The Highway Authority raised no objection to application 16/00549/FUL but recommended a number of conditions.

Environmental Health: No objection subject to the following restrictions being imposed:

1. There shall be no more than 15 of the 40 events per calendar year where live or recorded music is played. Acoustic music that is played without the assistance of any electronic amplification, such as a PA system, as well as incidental music may be played at all other events.
2. Music noise levels (MNL) (LA,eq) shall not exceed the background noise level by more than 15dB(A) over any 15 minute period between the hours of 09:00 and 23:00.
3. For events continuing or held between the hours 23.00 and 09.00 the music noise shall not be audible within noise-sensitive premises with windows open in a typical manner for ventilation.

Additional comments:

I would want to control the nature of events so that they can only have live or recorded music for 15 events a year (under licensing they could still have incidental music in the bar). I would also look to condition the levels of noise that they can generate at the venue using CIEH pop code guidance. This means that they can use the venue more often without it having an increased impact on nearby residential properties.

Incidental music is that which cannot be heard beyond the site boundary and is incidental to any other activity at the venue as opposed to music which forms part of the main activity such as a disco or concert. Essentially it is background music.

REPRESENTATIONS

Written representations have been received from fourteen local households of which thirteen are raising concerns / objections to the proposal and one is expressing support for the proposal. The matters raised

in these representations have been summarised in brief below, please note that the full comments are available to view on the Council's website (www.southsomerset.gov.uk).

The concerns / objections raised include:

- Noise. We already have to endure 15 weekends disrupted by noise, which can be heard both in the garden and in the house. We have to close our windows at night which is not acceptable in the summer.
- We can clearly hear every word sung when a band is playing or someone is speaking into a microphone.
- We cannot be expected to shut ourselves indoors on warm summer evenings just to avoid loud, amplified noise.
- We have tried to be tolerant given the existing relatively low number of evenings disrupted by noise which have gone well past the permissible time and kept us awake.
- Fail to see how 40 events can be regulated.
- Concerns this proposal will lead to more music events in what is a quiet rural village.
- The current situation is intolerable any more events is unacceptable.
- 40 events over a 22 week period is too many.
- Any additional events should be subject to sound attenuation.
- Unless specific low key, low volume events are documented and listed as a condition it will mean that any live music events open to the public could be held at any time without monitoring.
- Village halls and other venues in the community are more suited to low key events such as wakes and birthday parties. They also need the revenue.
- Increase in traffic generation is an issue.
- Visual amenity. The marquee, flags, tent village and parked vehicles are clearly visible from public footpaths and highways.
- This venue is totally inappropriate in this rural environment and should not be permitted to expand.
- It does not benefit the local community, has a negative impact on many local residents and is visually and environmentally damaging.
- We would love to support a successful local business but perhaps they need to invest in a more soundproofed structure.

The comments made in support include:

- We live two fields away and can faintly hear music when an event is taking place but never after 12.00 midnight.
- We have attended a couple of charity events along with many of the villagers and feel it has brought the community together.
- I have never been hindered by event vehicles or such like.

CONSIDERATIONS

Planning permission was granted under application 15/00455/COU for the provision of a marquee within the site for a temporary period between 1st May to 30th September annually and a temporary change of use of the land and two other buildings within the site for use as a wedding venue for up to 12 events per year, between the aforementioned months. A later application followed, application 15/04021/S73, which permitted an increase to the number of weddings permitted to take place from 12 to 15 per calendar year, which brought the consent in line with the then recently amended TENS licensing laws.

The current application is seeking to amend the conditions attached to these earlier permission in order to increase the total number of events that can be held on the site from 15 to 40 in any calendar year

and to allow other types of functions, not just weddings, to be held on the site.

Principle

The principle of utilising this land and the siting of a marquee from 1st May to 30th September each year for use as a wedding venue has already been established through the consents previously granted. The current proposal is seeking to expand what is now an established business by increasing the overall number of events that can be held on the land as well as to expand the type of events that can be held so that it is no longer limited just to weddings. Local Plan policy EP4 supports the expansion of existing businesses in the countryside subject to such proposals complying with a specified criteria.

According to the available information it would appear that the business is viable and has been operating successfully for a minimum of 3 years. The proposal will not lead to an expansion of the overall site area and will utilise the existing approved structures and temporary marquee. The onsite presence of the marquee will still be limited to 5 months as currently approved and given the lack of new infrastructure it is difficult to argue that the proposed intensification in the use of the site will lead to any substantive harm to visual amenity, landscape character or the setting of the nearby conservation area over and above any existing impact. The site is not located within or close to a designated wildlife site, nor does the proposal result in any identified harm to local wildlife.

The increased use of the site from 15 events to 40 events does represent a significant increase in use. However the events that currently take place on the site would appear to be quite large wedding functions which by their nature have a tendency to take place over the best part of a day and late into the evening and to generate a certain level of noise and high numbers of visitors to the site. The applicant has stated that they are seeking to expand on the range of functions to include events such as christenings, birthday parties, wakes etc which by their nature are often likely to be of a shorter duration with fewer guests. The Council's Environmental Health Officer has confirmed that he is content with this increase in events subject to the proposed additional 25 events being 'quiet', i.e. non music events, and he has recommended conditions which he believes will be able to satisfactorily control this. The Highway Authority, likewise, has raised no objection to the proposal and has not raised any capacity issues in regards to associated traffic generation and the local highway network or any other highway safety concerns.

For the reasons set out above the proposed expansion of this business is considered to be of an appropriate scale for the location and broadly accords with the requirements of Policy EP4 and to therefore be acceptable in principle.

Residential amenity

The application has raised a considerable amount of interest from local residents with the primary concern relating to noise nuisance associated with the existing use which they say is likely to be made worse if the proposed increase in events is permitted. A number of the complainants noted that they had already experienced disruption from the permitted wedding events which they state have generated intrusive noise levels to the detriment of the enjoyment of their own properties and necessitating having to keep their windows closed for peace of mind and to be able to sleep at night, which during the summer months they find unacceptable.

Whilst the existing issues and concerns relating to the proposed intensification in the use of this site for events is noted, the Council's Environmental Health Officer is of the opinion that the additional 25 events should not lead to any undue disturbance or nuisance to local residents provided they are appropriately controlled. To this end he has proposed a number of conditions that would apply to the additional 25 events that he feels should acceptably limit their impact including:

1. Restricting these events to non-music events so that only incidental and acoustic music can be played.
2. Restricting music noise levels for these events so that they do not exceed the background noise

- level by more than 15 dB(A) over any 15 minute period between the hours of 09.00 and 23.00.
3. Where any of these additional events continue or are held between the hours of 23.00 and 09.00 the music shall not be audible within noise-sensitive premises with windows open in a typical manner for ventilation.

The EH Officer has gone on to clarify that incidental music is that which cannot be heard beyond the site boundary and is incidental to any other activity at the venue as opposed to music which forms part of the main activity, such as a disco or concert. Essentially it is background music.

The effect of these conditions would be to control the nature of the proposed additional events so that there is no increase in the number of music events held on site over and above that which can already be carried out, i.e. it remains limited to 15 music events in total per year. Further to this, the applicant has provided a noise assessment carried out by a qualified noise consultant, as requested by the EH Officer, to establish the background noise level at the nearest sensitive receptors, when there are no events at Old Oak Farm. The EH Officer has confirmed that he is satisfied with the submitted report. It is understood that this baseline information is to be used for the purpose of assessing noise levels generated by the events to ensure that they comply with the requirements of condition 2 above proposed by the EH Officer.

For these reasons and on the basis of the EH Officer's findings it is concluded that the proposed additional events will not result in any demonstrable harm to the residential amenity of local residents.

Visual impact

As previously noted, the applicant is not seeking to extend the period of time when the marquee is erected on site and so this will remain limited to 5 months per calendar year, i.e. 1st May to 30th September, and no additional structures are being sought in conjunction with the use of the site from that already agreed. On this basis it is accepted that the proposal will not give rise to any new substantive visual amenity impacts or setting issues in relation to the nearby Conservation Area.

Traffic impacts / Highway Safety

The access arrangements to the site remain unaltered to that existing, which has previously been found to be a safe and suitable form of access to serve the events business. The parking arrangements also remain unaltered. Consideration of the impact of the events in regard to traffic generation and the local road network were considered under the earlier applications and no capacity or safety issues have been raised. Whilst the current proposal is seeking to increase the frequency of events held at this site, the scale and nature of the additional events will be no greater than those currently being held. No objections have been raised by the Highway Authority in respect of either highway safety or traffic impact and for the reasons given above it would be unreasonable to object to this application on highway related issues.

Summary

In all other respects the proposal is not considered to give rise to any other significant environmental concerns and for the reasons given above is considered to be an appropriate form of development that respects neighbour amenity, visual amenity as well as highway safety. The application is therefore recommended for approval.

RECOMMENDATION

Grant consent for the following reason:

The proposal, due to its nature, location and layout, is considered to be an appropriate and sustainable form of development that will enable the expansion of this established business to the benefit of the rural economy without resulting in any demonstrable harm to residential amenity, visual amenity, highway safety or other environmental concern, in accordance with the aims and objectives of policies SD1, EP4,

TA5, TA6, EQ2, EQ3, EQ4 and EQ7 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 carried out in accordance with the following approved plans: '1:2500 Amended Site Location Plan', '1:2500 Location Plan Detailing Car Park and Overflow Parking' and '1:500' Site Layout Plan, received 13th February 2015 and approved in relation to planning permissions 15/00455/COU and 15/04021/S73A.

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

02. The subject land including any building(s) thereon shall be used for the purposes of agriculture; and as a wedding and events venue only and for no other purpose (including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To ensure that the business use does not expand or intensify to an extent that would be harmful to neighbour amenity, the rural amenity of the area and highway safety, in accordance with policies EP4, TA5, EQ2 and EQ7 of the South Somerset Local Plan (2006-2028).

03. The marquee hereby approved shall only be erected on site, and used in conjunction with the use of the subject land as a wedding and events venue, between 1st May and 30th September in any one calendar year.

Reason: In the interests of visual amenity and to safeguard local landscape character, in accordance with policy EQ2 of the South Somerset Local Plan (2006-2028).

04. There shall be no more than 40 events held per calendar year on the application site and within any building(s) thereon. Live or recorded music shall be played at no more than 15 of the 40 events per calendar year. Acoustic music, that is played without the assistance of any electronic amplification, such as a PA system, as well as incidental music, may be played at all other events.

Reason: To ensure that the business use does not expand or intensify to an extent that would be harmful to the amenity of the area and highway safety, in accordance with policies EP4, TA5, EQ2 and EQ7 of the South Somerset Local Plan (2006-2028).

05. Music noise levels (MNL) (LA,eq) for the 25 'non-music' events hereby permitted shall not exceed the background noise level by more than 15 dB(A) over any 15 minute period between the hours of 09.00 and 23.00.

Reason: In the interests of neighbour amenity and the rural amenity of the area in accordance with policies EQ2 and EQ7 of the South Somerset Local Plan (2006-2028).

06. Should any of the 25 'non-music' events hereby permitted be held between the hours of 23.00 and 09.00 then any associated music noise shall not be audible within noise-sensitive premises with windows open in a typical manner for ventilation.

Reason: In the interests of neighbour amenity and the rural amenity of the area in accordance with policies EQ2 and EQ7 of the South Somerset Local Plan (2006-2028).

07. A register shall be kept of the use of the development hereby approved, which shall include the date, duration and nature (music or non-music) of all events held. The said register shall be made available for inspection by an authorised officer of the Local Planning Authority at all reasonable times.

Reason: To ensure that the business use does not expand or intensify to an extent that would be harmful to neighbour amenity, the rural amenity of the area and highway safety, in accordance with policies EP4, TA5, EQ2 and EQ7 of the South Somerset Local Plan (2006-2028).

Informatives:

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

Agenda Item 15

Officer Report On Planning Application: 19/00544/OUT

Proposal :	Outline planning application for the erection of a pair of semi-detached houses with gardens and parking
Site Address:	Land Adjoining 28 Eastfield, Martock TA12 6NW
Parish:	Martock
MARTOCK Ward (SSDC Members)	Cllr N Bloomfield Cllr L Clarke
Recommending Case Officer:	Stephen Baimbridge
Target date :	11th April 2019
Applicant :	SSDC
Agent: (no agent if blank)	Property Services Team SSDC, Council Offices, Brympton Way, Yeovil BA20 2HT
Application Type :	Minor Dwellings 1-9 site less than 1ha

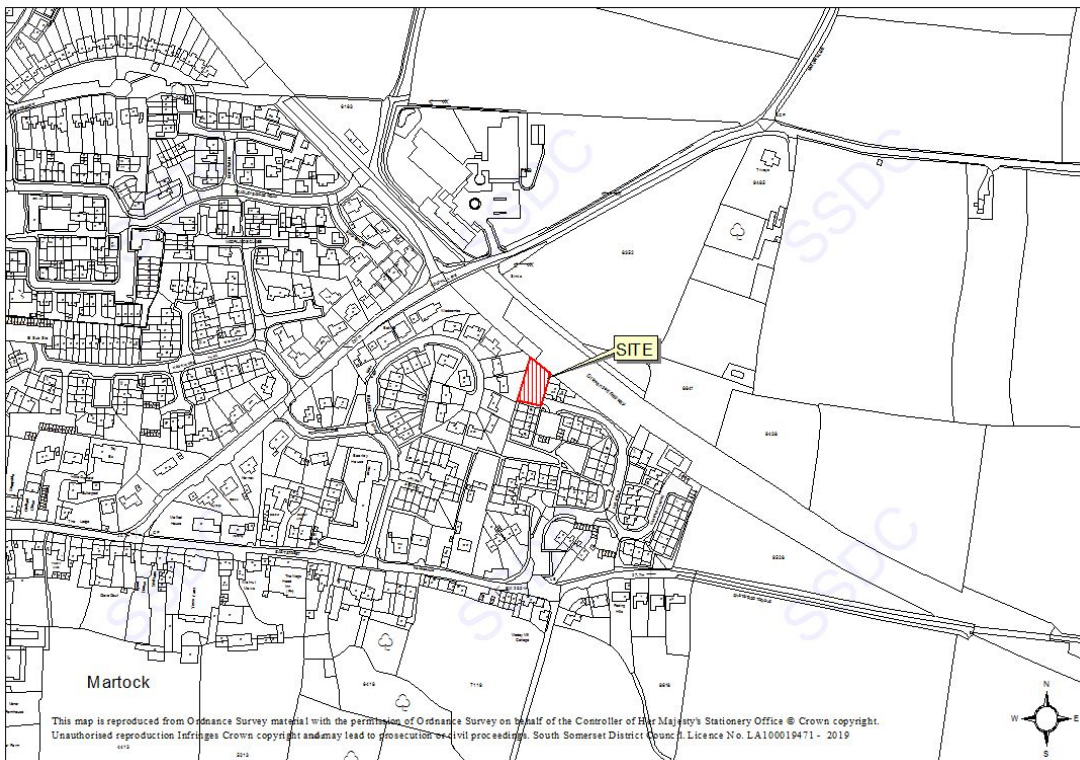
REASON FOR REFERRAL TO COMMITTEE

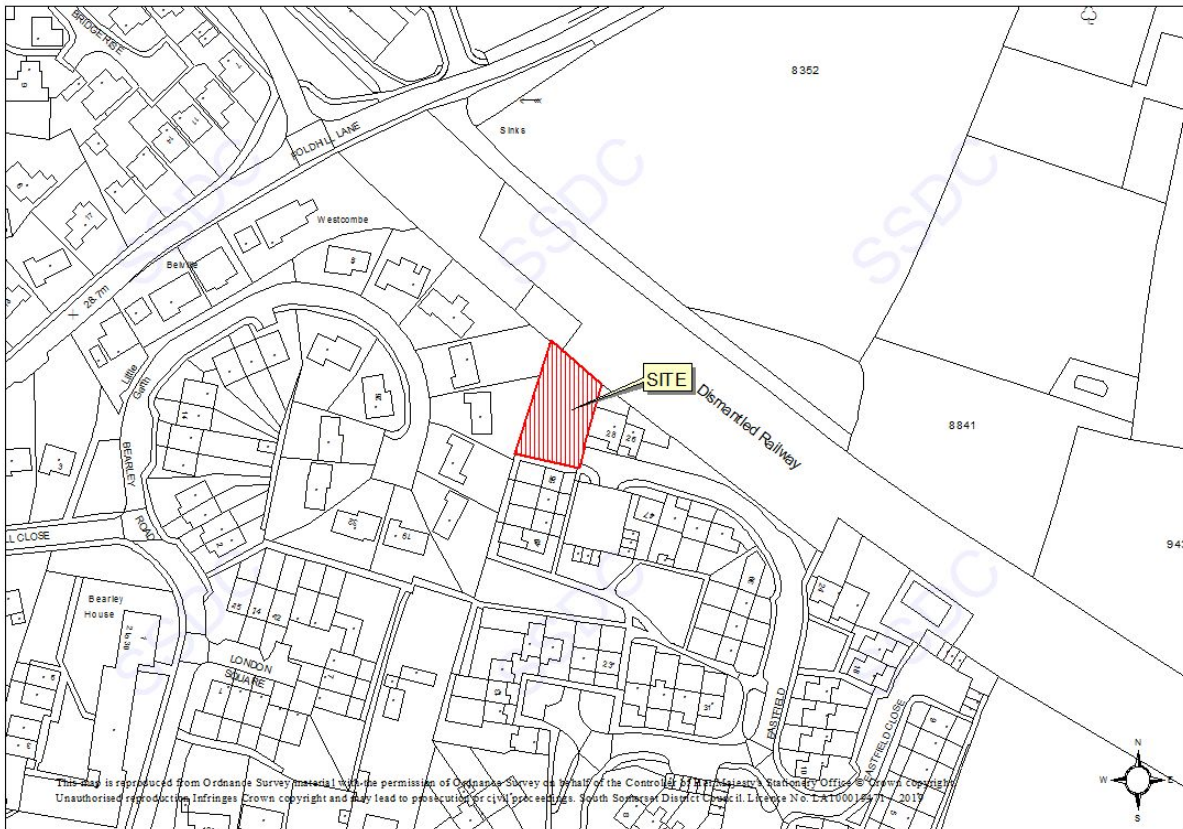
The application was referred to the Area North Committee as South Somerset District Council are the applicant. The Area North Committee of Wednesday 24th July 2019 resolved that the application be deferred for 4 months, for the following reason:

1. To explore alternative ways to dispose of the site, including offering it to Martock Parish Council.

The applicant has asked that the application return to the Area North Committee for a formal determination on the planning merits of the application.

SITE DESCRIPTION AND PROPOSAL





The application site is located on Eastfield, in Martock, with the disused railway line to the north, residential properties of Eastfield to the east and south, and residential properties of Bearley to the west.

The application seeks for outline planning consent for the erection of a pair of semi-detached houses with gardens and parking. All matters are reserved except for the access.

HISTORY

None relevant

POLICY

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

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)

Policy SD1 - Sustainable Development

Policy SS1 - Settlement Strategy

Policy SS2 - Development in Rural Settlements

Policy SS4 - District Wide Housing Provision

Policy SS5 - Delivering New Housing Growth
Policy SS6 - Infrastructure Delivery
Policy HG3 - Provision of Affordable Housing
Policy HG4 - Provision of Affordable Housing - Sites of 1-5 Dwellings
Policy EQ2 - General Development
Policy EQ3 - Historic Environment
Policy TA5 - Transport Impact of New Development
Policy TA6 - Parking Standards

National Planning Policy Framework - March 2019

Planning Practice Guidance (PPG)

Other

Somerset County Council Parking Strategy (September 2013)
Somerset County Council Highways Development Control - Standing Advice (June 2017)

CONSULTATIONS

Martock Parish Council: No objections.

Highways Authority (Somerset CC): Standing Advice applies.

SSDC Highways Consultant: No significant highways issues with this scheme. Ideally the driveway would be 6m wide rather than 5.5m but it should still be possible to turn in and out of the proposed parking spaces. If a 6m width can be provided I recommend the plans are altered accordingly. It would be useful to show the provision of a garden shed for each unit that could act as cycle parking/storage. A S.184 license will be required from SCC for the dropping of the kerb. The parking and turning area must be properly consolidated and surfaced (not loose stone or gravel) and measures must be implemented to ensure surface water does not discharge onto the public highway.

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

Environmental Protection Unit: The application site is within 250 metres of a suspected landfill site. The applicant/developers attention is drawn to the fact that there is the potential for production and migration of landfill gas. You are reminded that the responsibility for safe development rests with the owner and/or developer. Accordingly, the applicant/developer is advised to seek independent expert advice regarding the possibility of the presence, or future presence, of gas and whether any precautionary measures are necessary. The Council's Environmental Health service will make available to you, free of charge, any information or data that it has in relation to the land to which the application applies.

REPRESENTATIONS

Five letters of contribution have been received, consisting of one letter of support, one letter of general observations, and three of objection. The letters can be found in full on the Council's website. The matters raised will be summarised into key themes:

- The site is a logical place to build
- The construction of additional houses for affordable rent is encouraged locally
- The vegetation on the western boundary is a degraded ancient hedgerow and a wildlife corridor.

- The hedge and the scrubland on the railway which should be protected.
- Previously informed the land was to be used as a community project
- Lack of parking
- Inconvenience of the construction and
- The proposed houses are not on the local plan
- Increased noise from the residents living there
- Loss of light
- Adversely affect property value
- Harm to biodiversity and ecology
- The turning bay will be lost
- Loss of parking
- Over-development of over populated area.
- Insufficient infrastructure, i.e. doctors surgery, the school, additional traffic flow
- Overlooking
- Are plans available?

CONSIDERATIONS

Principle of Development

Paragraph 11 of the NPPF explains that decision should apply a presumption in favour of sustainable development, and that for decision-taking that means:

- *approving development proposals that accord with an up-to-date development plan without delay; or*
- *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, page 6, of the NPPF states that the policies which are most important for determining the application are out-of-date if "...for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites..."

The Council is currently unable to demonstrate that it has a 5 year supply of deliverable housing land. Therefore, the policies which are most important for determining this housing application must be considered out-of-date, and the application should be approved unless points i and ii apply.

According to the Supreme Court judgement, *Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents) Richborough Estates Partnership LLP and another (Respondents) v Cheshire East Borough Council (Appellant)*, "[i]f the policies for the supply of housing are not to be considered as being up to date, they retain their statutory force, but the focus shifts to other material considerations. That is the point at which the wider view of the development plan policies has to be taken.

The plot is an in-fill site located within a residential area of Martock - a Local Market Town suitable for housing growth. The application states that permission is sought for a pair of residential dwellings but it should be noted that scale is a reserved matter. Nevertheless, the physical size of the site limits the quantum of growth that would be acceptable and the applicant has been informed that no more than two dwellings would be acceptable at reserved matters stage. As such, notwithstanding objections

received about further growth in Martock, the inability of infrastructure to cope, and the non-allocation of this specific site in the Local Plan, the principle of residential development on this site is considered acceptable.

Visual Amenity

Appearance is a reserved matter so cannot be judged at this stage. However, there is no reason to believe that residential development on this site would be demonstrably harmful, in accordance with policy EQ2.

Residential Amenity

As appearance and scale are reserved matters, neither the positions of windows nor the bulk of the dwellings can be judged. Conversely, there is no reason to believe that appropriately designed residential development could not be provided on this site. Therefore, notwithstanding objections pertaining to noise, overlooking, and loss of light, the proposal is not considered to be resulting in demonstrable harm to residential amenity, in accordance with policy EQ2.

Highway Safety

The County Highway Authority states that its Standing Advice applies. The indicative plans show that six parking spaces can be achieved, which would allow for two dwellings of up to 4+ bedrooms each.

The Highway Consultant stated that there were no significant highway issues with this scheme. He considered that, ideally the driveway would be 6m wide rather than 5.5m but it was not absolutely necessary. It was also suggested that a garden shed for each unit be shown on the plans as cycle parking/storage. These matters were addressed through amended plans which widened the driveway and provided the outbuildings.

The loss of informal parking on the turning area is not considered to be demonstrably harmful to highway safety or the provision of parking locally.

A condition will be imposed to ensure that the access be properly consolidated and surfaced (not loose stone or gravel). It will not be conditioned that the parking spaces be consolidated as part of this application as the spaces could be subject to change through the reserved matters application. To ensure that the surface water from the hard surfacing does not drain onto the highway, drainage measures will be conditioned.

Therefore, notwithstanding the objections received, it is not considered that the proposal would prejudice highway safety, and it is considered to accord with policies TA5 and TA6 of the Local Plan.

Ecology

An Ecological Appraisal has been submitted which found little evidence that the proposal would result in demonstrable harm to any protected species. Recommendations were made by the Ecologist which are proposed to be conditioned.

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. Policy SS6 seeks contributions towards local infrastructure, such as sports, arts and leisure facilities.

In May 2016 the Court of Appeal made a decision (SoS CLG vs West Berks/Reading) that clarifies that Local Authorities should not be seeking contributions from schemes of 10 units or less. For affordable housing, the NPPF (2019) and the Planning Practice Guidance make clear that affordable housing should only be sought for all major residential development -i.e. schemes of ten dwellings or more, and/or sites of 0.5 hectares or more.

It is considered that whilst policies HG3, HG4, and SS6 are valid, the most recent legal ruling, and national policies, must be given significant weight and therefore it is not possible to seek an affordable housing or local infrastructure obligation from this development.

The development will be liable to pay the Community Infrastructure Levy (CIL) at reserved matters stage.

Conclusion

The proposal would provide one pair of semi-detached dwellings in a sustainable location without causing demonstrable harm to the visual amenity, residential amenity, highway safety or ecology. As such, the proposal is in accordance with policies SD1, SS1, SS4, SS5, TA5, TA6, and EQ2 of the South Somerset Local Plan 2006-2028 and the aims and objectives of the NPPF.

RECOMMENDATION

Permission be granted subject to conditions

01. The proposal would provide housing in a sustainable location without causing demonstrable harm to the visual amenity, residential amenity, highway safety or ecology. As such, the proposal is in accordance with policies SD1, SS1, SS4, SS5, TA5, TA6, and EQ2 of the 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 either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

02. Application for approval of the scale, layout, appearance, and landscaping of the development, referred to in this permission as the reserved matters, shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

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

Drawing no. 1387-01A

Drawing no. 1387-20B

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

04. No dwelling hereby approved shall be occupied until the proposed access has been fully constructed with a consolidated surface (not loose stone or gravel) and in accordance with the details shown on the approved plan.

Reason: In the interests of highways safety and in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

05. Prior to commencement, details of an appropriate surface water drainage scheme shall be submitted to and agreed in writing by the Local Planning Authority. Prior to first occupation, the drainage scheme shall be fully provided in accordance with the details agreed and shall be retained and maintained thereafter.

Reason: In the interests of proper surface water drainage, in accordance with policy EQ1 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

06. There shall be no external lighting installed at the site without the prior written consent of the Local Planning Authority. Prior to the erection, installation, fixing, placement and/or operation of any external lighting on the site (including on any of the buildings themselves), details of such external lighting shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the equipment and supporting structures, positions, sizes, heights, type, luminance/light intensity, direction and cowling of all external lights to the buildings and any other parts of the application site edged red (as indicated on the approved Site Location Plan) and the hours at which such lighting is to be operated.

The external lighting shall thereafter be carried out in accordance with the approved details (unless the Local Planning Authority gives prior written approval to any subsequent variations), and shall thereafter be retained in that form.

Reason: All bats are afforded protection under the Habitats Regulations 2017 by which populations are to be maintained at Favourable Conservation Status as defined under Article 1 of the Habitats Directive 1992. Lacking evidence to the contrary it must be assumed the boundary hedgerows and trees forms part of the habitat available to maintain local bat populations. Bat species are adversely affected by the introduction of artificial lighting on commuting routes, which in effect can cause severance between roosts and foraging areas. A dark boundary area will also help maintain other light sensitive species on site and contribute towards conserving biodiversity.

07. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority by the ecologist

Reason: In the interests of nesting wild birds and in accordance with policy EQ4 of the Local Plan and the provisions of the NPPF.

08. The area of scrub shall only be removed under the supervision of an experienced ecologist to ensure no badger setts have been excavated or are at risk of disturbance from site operations. Written confirmation will be provided to confirm that no badgers will be harmed and/or that there are appropriate measures in place to protect any possible badger interest on site. Should a badger sett be found and at risk of disturbance, suitable mitigation may include the creation of artificial setts elsewhere prior exclusion of badgers (under licence from Natural England) before sett destruction.

Reason: To ensure that important biodiversity is conserved and in accordance with Local Plan Policy EQ4, plus National Planning Policy Framework paragraphs 170 and 175. This is also in accordance with Section 40 of the Natural Environment and Rural Communities Act 2006, which confers a general biodiversity duty upon Local Authorities.

09. During construction of the development hereby permitted:

- open pipework greater than 150 mm outside diameter shall be blanked off at the end of each working day; and
- for any trenches uncovered overnight, the creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations, or by using planks placed into them at the end of each working day.

Reason: To ensure that important biodiversity is conserved and in accordance with Local Plan Policy EQ4, plus National Planning Policy Framework paragraphs 170 and 175. This is also in accordance with Section 40 of the Natural Environment and Rural Communities Act 2006, which confers a general biodiversity duty upon Local Authorities.

10. Grassland on site shall be maintained at a short sward until works on site are completed. This will keep the suitability of habitat for reptiles low and reduce risk of reptiles moving onto the site. Evidence of this in the form of photos will be sent to the local planning authority.

Reason: Reptile species are afforded protection from intentional and reckless killing or injury under the Wildlife and Countryside Act 1981 (as amended). Outside the period from April to October these species are likely to be in torpor or hibernation when disturbance is likely to pose a risk to survival.

11. The area of scrub will be removed under the supervision of an experienced ecologist to assure no activities harming reptiles are undertaken. Written confirmation will be provided to confirm that no reptiles will be harmed and/or that there are appropriate measures in place to protect any possible reptile interest on site.

Reason: Reptile species are afforded protection from intentional and reckless killing or injury under the Wildlife and Countryside Act 1981 (as amended). Outside the period from April to October these species are likely to be in torpor or hibernation when disturbance is likely to pose a risk to survival.

12. A fingertip search by a licenced ecologist be undertaken of the area of scrub being removed. Should any evidence of nesting dormice be found, works would have to stop and a European protected species licence applied for. Removal of the scrub shall only commence following the grant of the licence and with the agreement of a licenced ecologist.

Reason: Dormice are afforded protection under the Conservation of Habitats and Species Regulations 2017 which includes making it illegal to cause kill or injure dormice and destroy, damage or disturb resting places and from intentional or reckless disturbance to individual dormice under the Wildlife and Countryside Act 1981 (as amended). To ensure the development contributes to the Government's target of no net biodiversity loss and to provide gain where possible as set out in the National Planning Policy Framework; Local Policy; and the council's obligations for biodiversity under the Natural Environment and Rural Communities Act 2006.

13. Prior to occupation of the housing hereby permitted -
- Any new fencing shall have accessible hedgehog holes created, measuring 13cm x 13cm, to allow the movement of hedgerows into and out of the site;
 - Two integrated bee bricks (<https://www.nhbs.com/bee-brick> or similar) shall be built into the external wall space of the new housing. The bricks will be placed one meter above ground level on a south facing aspect, vegetation must not block the entrance holes; and
 - A bird box, such as a Schwegler brick nest box, shall be installed on one of the proposed properties.

Reason: To ensure the development contributes to the Government's target of no net biodiversity loss as set out in the National Planning Policy Framework; South Somerset District Council Local Plan - Policy EQ4 Biodiversity; and the council's obligations for biodiversity under the Natural Environment and Rural Communities Act 2006. To ensure the success of mitigation measures are sustained for the duration of the development and that there is no net biodiversity loss in the long term as per Government and local minerals planning policy. Furthermore, the recently updated National Planning Policy Framework states in section 15, paragraph 170, that "Planning policies and decisions should contribute to and enhance the natural and local environment by: ... d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures".

Informatives:

01. There will be an expectation that the reserved matters scheme include the following:

- The hedgerow on site should be reinforced with a variety of native species, evidence of how this will be achieved should be submitted in writing to the local planning authority.
 - All new shrubs should be high nectar producing to encourage a range of invertebrates to the site, to provide continued foraging for bats. The shrubs must also appeal to night-flying moths which are a key food source for bats. The Royal Horticultural Society guide, "RHS Perfect for Pollinators, www.rhs.org.uk/perfectforpollinators" provides a list of suitable plants both native and non-native.
 - Where the landscaping scheme allows, all new trees planted on site should be from local native stock, such as field maple, ash, hornbeam, dogwood, spindle and beech.
-

Agenda Item 16

Officer Report On Planning Application: 19/03252/HOU

Proposal:	Carrying out of internal and external alterations, including replacement front porch, two-storey side extension, first floor rear extension and conversion of end store to form an annex.
Site Address:	Butterwell Farm, Lower Pitney Road, Pitney TA10 9AG.
Parish:	Pitney
TURN HILL Ward (SSDC Member)	Cllr G Tucker
Recommending Case Officer:	Cameron Millar
Target date :	21st January 2020
Applicant :	Mr R. Rice
Agent: (no agent if blank)	Mr Peter Clark, Lake View, Charlton Estate, Shepton Mallet BA4 5QE
Application Type :	Other Householder - not a Change of Use

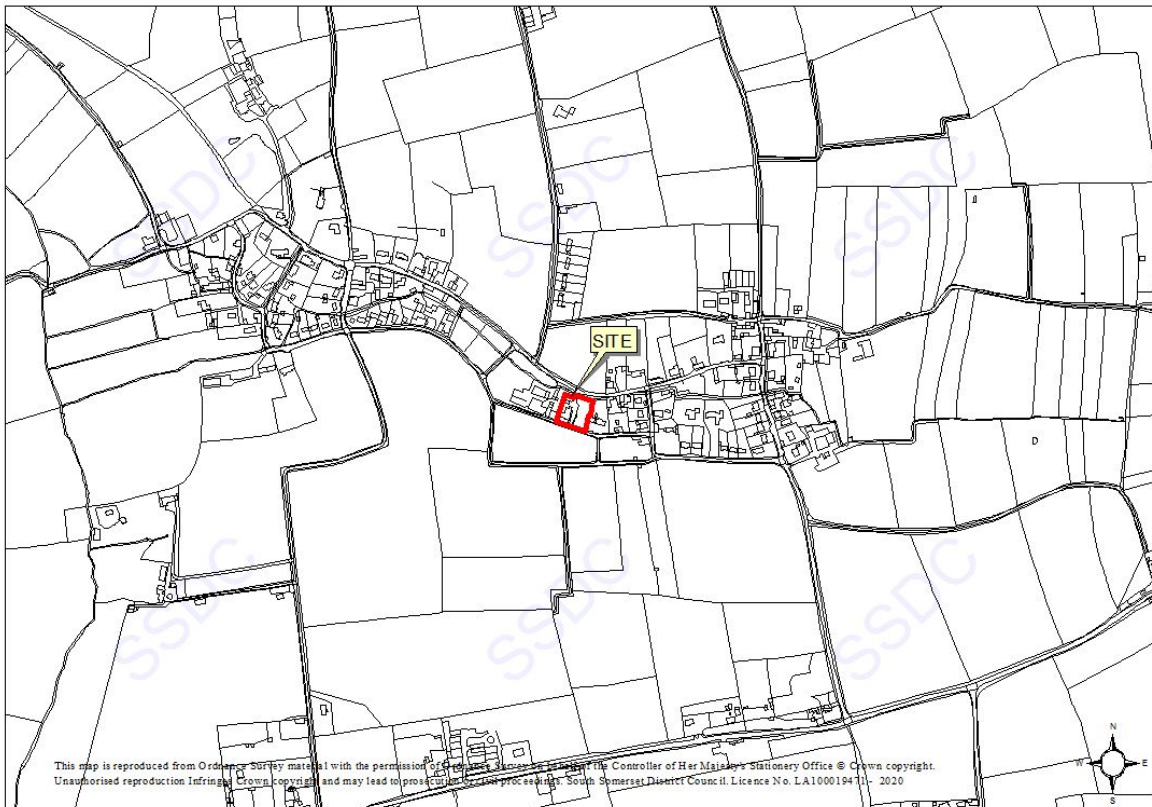
REASON FOR REFERRAL TO COMMITTEE

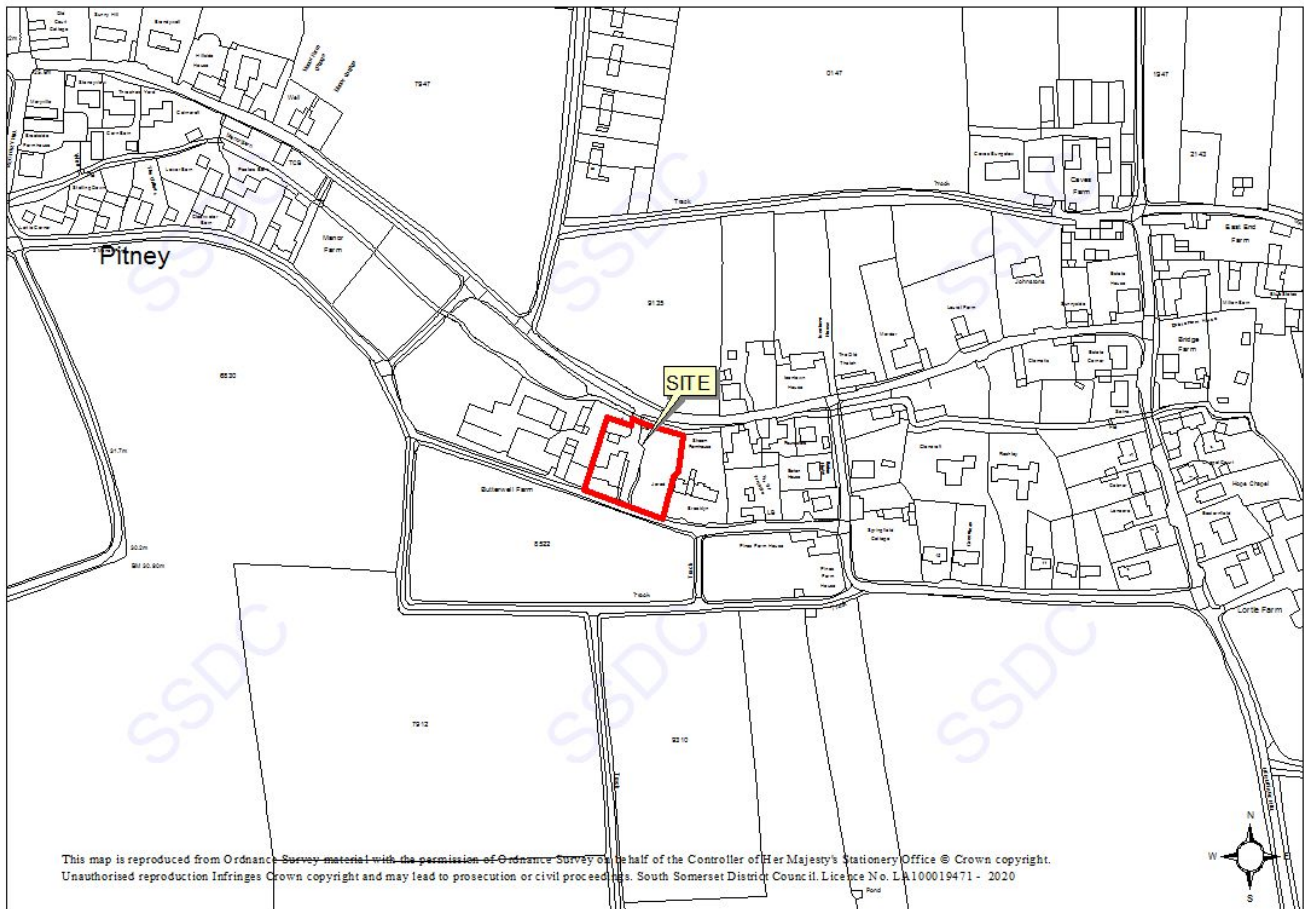
This application is referred to Area Committee at the request of the ward member and with the agreement of the Area Chairman to discuss the merits of the application.

Date of site visit: 13/12/2019

Neighbours/consultees correct: Yes

SITE DESCRIPTION





Description: Butterwell Farm is a Grade II listed traditional lias built farm house in the middle of Pitney, nestling in a dip between two lanes. The proposals are to make alterations internally and externally, including a replacement front porch, the erection of a two-storey side extension and first floor rear extension, as well as the conversion of an end store to form an annex.

Relevant History:

17/01177/LBC : Re-development of farm to include alterations to the farmhouse, erection of 2 new build dwellings and alterations, extensions and conversion of barns to form 3 further dwellings. Permitted with conditions - 25/04/2018

17/01176/FUL : Re-development of farm to include alterations to the farmhouse, erection of 2 new build dwellings and alterations, extensions and conversion of barns to form 3 further dwellings. Permitted with conditions - 25/04/2018

97/00673/FUL: Erection of extension to machinery shed - Permitted with conditions 12/05/1997

86/0603/LBC: Replacement of existing thatch roof with second-hand red clay tiles - Permitted with conditions 25/07/1986

Policy:

South Somerset Local Plan 2006-28:

Policy SD1 - Sustainable Development
Policy EQ2 - Design and General Development
Policy EQ3 - Historic Environment
Policy TA5 - Transport Impact of New Development
Policy TA6 - Parking Standards

NPPF:

Chapter 12 - Achieving Well Designed Places
Chapter 16 - Conserving and Enhancing Historic Environment

Planning Practice Guidance.

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

CONSULTATIONS

Town/Parish Council: Pitney Parish Council- " The Parish Council supported the application and felt that the plans were sympathetic and in keeping with the existing."

Highways Authority: Standing advice applies.

Highways Consultant: "Part of the proposal involves an alteration to the current on-site parking/turning arrangements. The proposals in this respect are acceptable and therefore no highways objection is raised. The use of the proposed annexe should be ancillary to the main residence and not used as a separate dwelling. This can be controlled or managed by condition."

SSDC Conservation Officer - "Thank you for consulting me on this application. My comments are based on the application documents and the Somerset Historic Environment record and a site visit on 16/01/2020.

The proposal is to internally reconfigure and add two extensions to the Grade II listed farmhouse, to replace the porch and convert the lean to stable into an annex.

Butterwell farm is a Grade II listed traditional lias built farm house in the middle of Pitney, nestling in a dip between two lanes. The farm house with its picturesque setting and views to it is an important historic asset in the village. The Statement of Heritage Significance accompanying the application describes the building and its phases in detail. Internal architectural features show that the core of the building is likely to be earlier than C18 and that it retains a three room and cross passage plan. The existing outshut and cross wing are subservient to the main building and compatible with its architectural character.

The proposal constitutes an overdevelopment of an historic Somerset farm house. It would lead to:

1. Loss of the historic floor plan
2. Change of building form and historic character
3. Loss of significant architectural features and fabric

The proposed alterations would severely harm the architectural and historic significance of the heritage asset and is therefore contrary to NPPF para 192, 193, 195 and Local Plan Policy EQ 2, 3.

There is an existing, more sympathetic consent for this building. I would be open to discussing slight variations to this proposal."

Archaeology SWHT - " Thank you for consulting us on this application.

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

Ecology - Although not consulted on this application, Ecology have been consulted in the past to works at this site in application 17/01176/FUL, whereby swallows were discovered and condition 8 stated that alternative provision for swallows be made before works commenced. Protected species such as bats and nesting birds may be living or nesting in the eaves and roof spaces and so could be disturbed by these proposed roof changes and works. The proposals contain insufficient information to address these ecological issues.

Neighbour Comments: No representations were received.

Design/Layout/Materials: Whilst the materials are proposed to match the existing, it is considered that the proposal is unacceptable to the character of the building which is a Grade II Listed Building. The works combined would alter the historic floor plan, lead to the loss of architectural features and fabric, as well as change the building form and historic character of a listed historical asset in the village of Pitney.

Residential Amenity: It is not considered that the proposal would give rise to undue overlooking / loss of privacy or an overbearing relationship with neighbouring properties. Therefore it is considered that the development does not have an unacceptable impact upon amenity of neighbouring properties.

Highways: The proposal satisfies the requirements of the Somerset Parking Strategy 2013.

CIL: This Authority does not collect CIL from householder development.

Summary: As part of the application the conservation officer was consulted. The views of the conservation officer hold great weight. She considered that works would alter the historic fabric of the building, resulting in overdevelopment and loss of form, and introduce harm to the listed building. As such the proposed development is contrary to Policy EQ3 of the South Somerset Local Plan.

RECOMMENDATION

Refuse

For The Following Reasons:

01. The proposals are considered to be harmful to the historic exterior layout and character of this listed Building, in particular through the loss of the historic floor plan, unacceptable change of building form and to its historic character and the loss of significant architectural features and fabric, as such the proposals are considered not to respect the historic and architectural interests of the building and are contrary to policies EQ2 and EQ3 of the South Somerset Local Plan 2006-28, and the provisions of Chapter 16 of the National Planning Policy Framework 2019

02. The proposals contain insufficient information to assess the impact of the development upon protected wildlife such as nesting birds and bats which is contrary to Policy EQ4 of the South Somerset District Local Plan and advice contained in the National Planning Policy Framework (2019)

Agenda Item 17

Officer Report On Planning Application: 19/03253/LBC

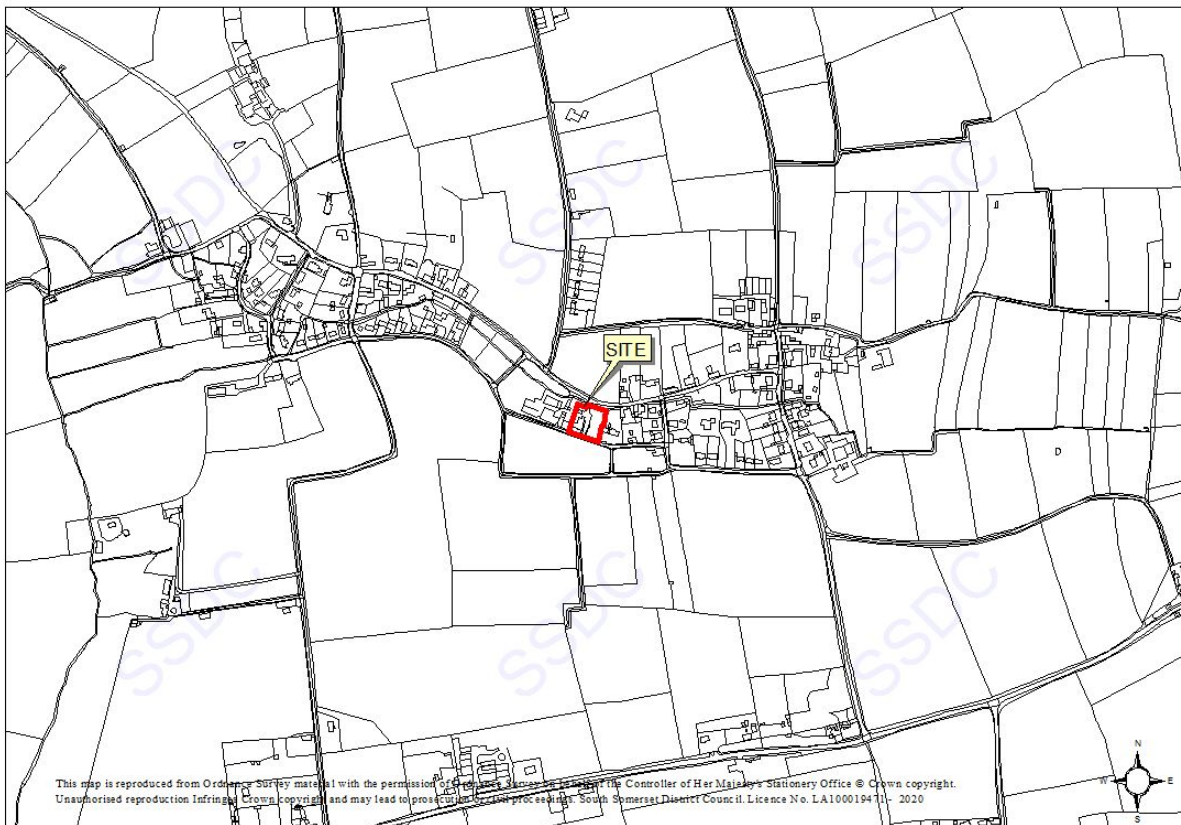
Proposal :	Carrying out of internal and external alterations, including replacement front porch, two-storey side extension, first floor rear extension and conversion of end store to form an annex.
Site Address:	Butterwell Farm, Lower Pitney Road, Pitney TA10 9AG.
Parish:	Pitney
TURN HILL Ward (SSDC Member)	Cllr G Tucker
Recommending Case Officer:	Cameron Millar
Target date :	21st January 2020
Applicant :	Mr R. Rice
Agent: (no agent if blank)	Mr Peter Clark, Lake View, Charlton Estate, Shepton Mallet BA4 5QE
Application Type :	Other LBC Alteration

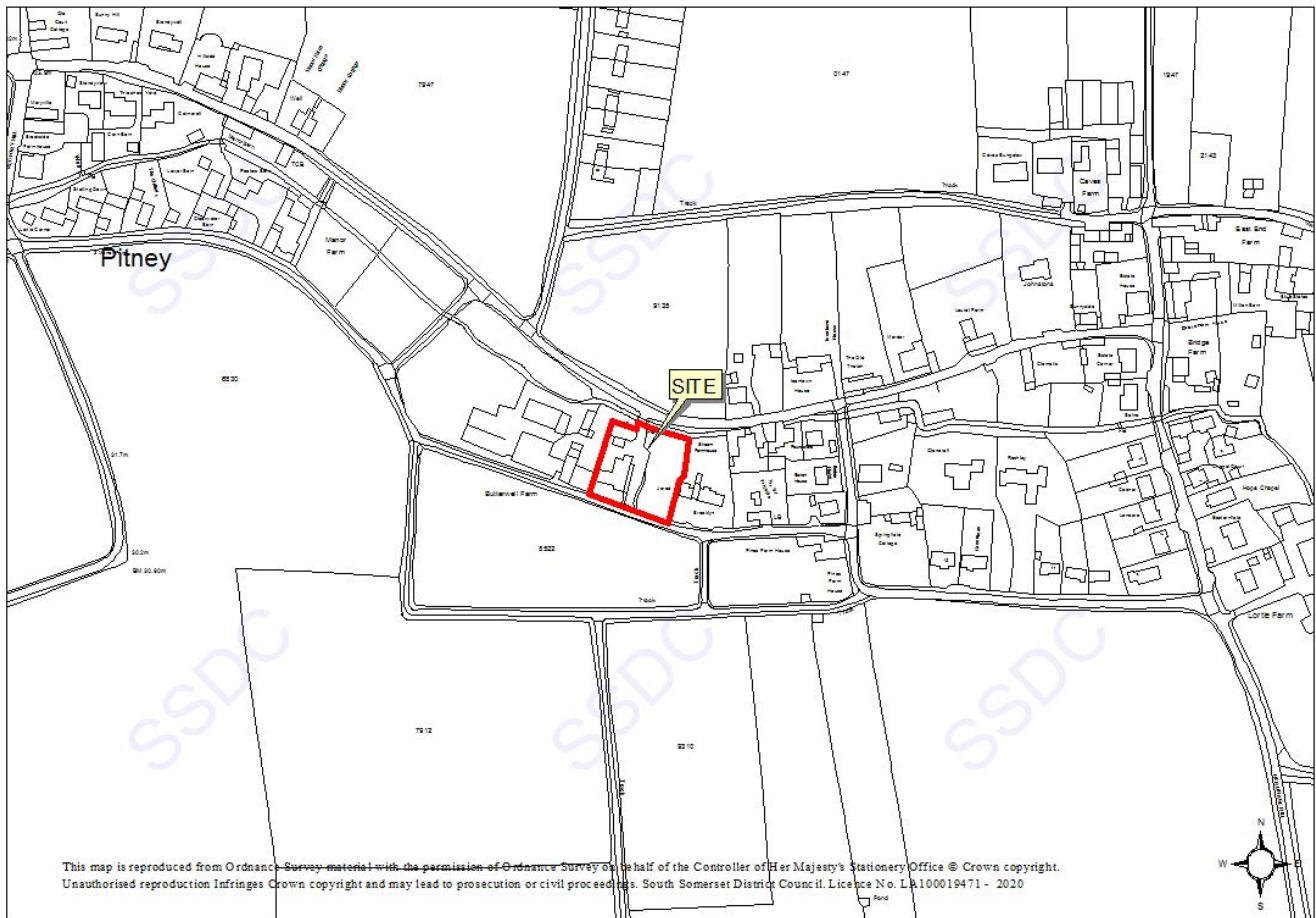
REASON FOR REFERRAL TO COMMITTEE

This application is referred to area committee at the request of the ward member and with the agreement of the area chairman to discuss the merits of the application.

Date of site visit: 13/12/2019

SITE DESCRIPTION





Description: Butterwell Farm is a Grade II listed traditional lias built farm house in the middle of Pitney, nestling in a dip between two lanes. The proposals are to make alterations internally and externally, including a replacement front porch, the erection of a two-storey side extension and first floor rear extension, as well as the conversion of an end store to form an annex.

Relevant History:

17/01177/LBC : Re-development of farm to include alterations to the farmhouse, erection of 2 new build dwellings and alterations, extensions and conversion of barns to form 3 further dwellings. Permitted with conditions - 25/04/2018

17/01176/FUL : Re-development of farm to include alterations to the farmhouse, erection of 2 new build dwellings and alterations, extensions and conversion of barns to form 3 further dwellings. Permitted with conditions - 25/04/2018

97/00673/FUL: Erection of extension to machinery shed - Permitted with conditions 12/05/1997

86/0603/LBC: Replacement of existing thatch roof with second-hand red clay tiles - Permitted with conditions 25/07/1986

Policy:

Section 16 of the Listed Building and Conservation Areas Act is the starting point for the exercise of

listed building control. This places a statutory requirement on local planning authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'

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

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

Policies of the South Somerset Local Plan (2006-2028)
EQ3 - Historic Environment

CONSULTATIONS

Town/Parish Council: Pitney Parish Council - "The Parish Council raised no objection to the proposed works as it felt that it was sympathetic and in keeping with the existing and did not harm any 'listing'. It is believed that the listing came from a thatched roof which was removed some 30-40 years ago. The Parish Council therefore support this application for works which will return the building to blue-lias."

SSDC Conservation Officer - "Thank you for consulting me on this application. My comments are based on the application documents and the Somerset Historic Environment record and a site visit on 16/01/2020.

The proposal is to internally reconfigure and add two extensions to the Grade II listed farmhouse, to replace the porch and convert the lean to stable into an annex.

Butterwell farm is a Grade II listed traditional lias built farm house in the middle of Pitney, nestling in a dip between two lanes. The farm house with its picturesque setting and views to it is an important historic asset in the village. The Statement of Heritage Significance accompanying the application describes the building and its phases in detail. Internal architectural features show that the core of the building is likely to be earlier than C18 and that it retains a three room and cross passage plan. The existing outshut and cross wing are subservient to the main building and compatible with its architectural character.

The proposal constitutes an overdevelopment of an historic Somerset farm house. It would lead to:

1. Loss of the historic floor plan
2. Change of building form and historic character
3. Loss of significant architectural features and fabric

The proposed alterations would severely harm the architectural and historic significance of the heritage

asset and is therefore contrary to NPPF para 192, 193, 195 and Local Plan Policy EQ 2, 3.

There is an existing, more sympathetic consent for this building. I would be open to discussing slight variations to this proposal."

Other Comments:

A site notice was displayed, no representations were received.

Impact upon Heritage Asset:

The opinion of the conservation officer is considered to hold great weight in applications of this nature. The conservation officer has objected to the proposal. It is considered that the proposal will have an adverse impact upon the listed building which would lead to a loss of the historic floor plan, historic character and architectural features and fabric. The proposal introduces less than substantial harm to the heritage asset, which appears to be in the middle to high range of this category, with no public benefits identified to offset the harm. It is therefore considered the proposal would adversely affect the historic character of the Listed Building contrary to Policy EQ3. As such the proposal is recommended for refusal.

Summary:

The proposals are considered to be harmful to a listed building.

Recommendation

Refuse

THE FOLLOWING REASON:

01. The proposals are considered to be harmful to the historic exterior layout and character of this listed Building, in particular through the loss of the historic floor plan, unacceptable change of building form and to its historic character and the loss of significant architectural features and fabric, as such the proposals are considered not to respect the historic and architectural interests of the building and are contrary to Policy EQ3 of the South Somerset Local Plan 2006-28, and the provisions of Chapter 16 of the National Planning Policy Framework 2019