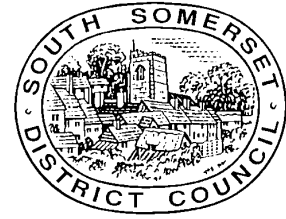


**South Somerset District Council**  
*Notice of Meeting*



## Area North Committee

*Making a difference where it counts*

**Wednesday 26 September 2012**

**2.00pm**

**The Village Hall  
 Main Street  
 Chilthorne Domer  
 BA22 8RB**

(location plan overleaf - disabled access is available at this meeting venue)



The public and press are welcome to attend.

**Please note: Planning applications will be considered no earlier than 3.30pm.**

If you would like any further information on the items to be discussed, please ring the Agenda Co-ordinator, Becky Sanders on Yeovil (01935) 462462.

email: [becky.sanders@southsomerset.gov.uk](mailto:becky.sanders@southsomerset.gov.uk)

website: [www.southsomerset.gov.uk/agendas](http://www.southsomerset.gov.uk/agendas)

This Agenda was issued on Tuesday 18 September 2012.

*Ian Clarke, Assistant Director (Legal & Corporate Services)*



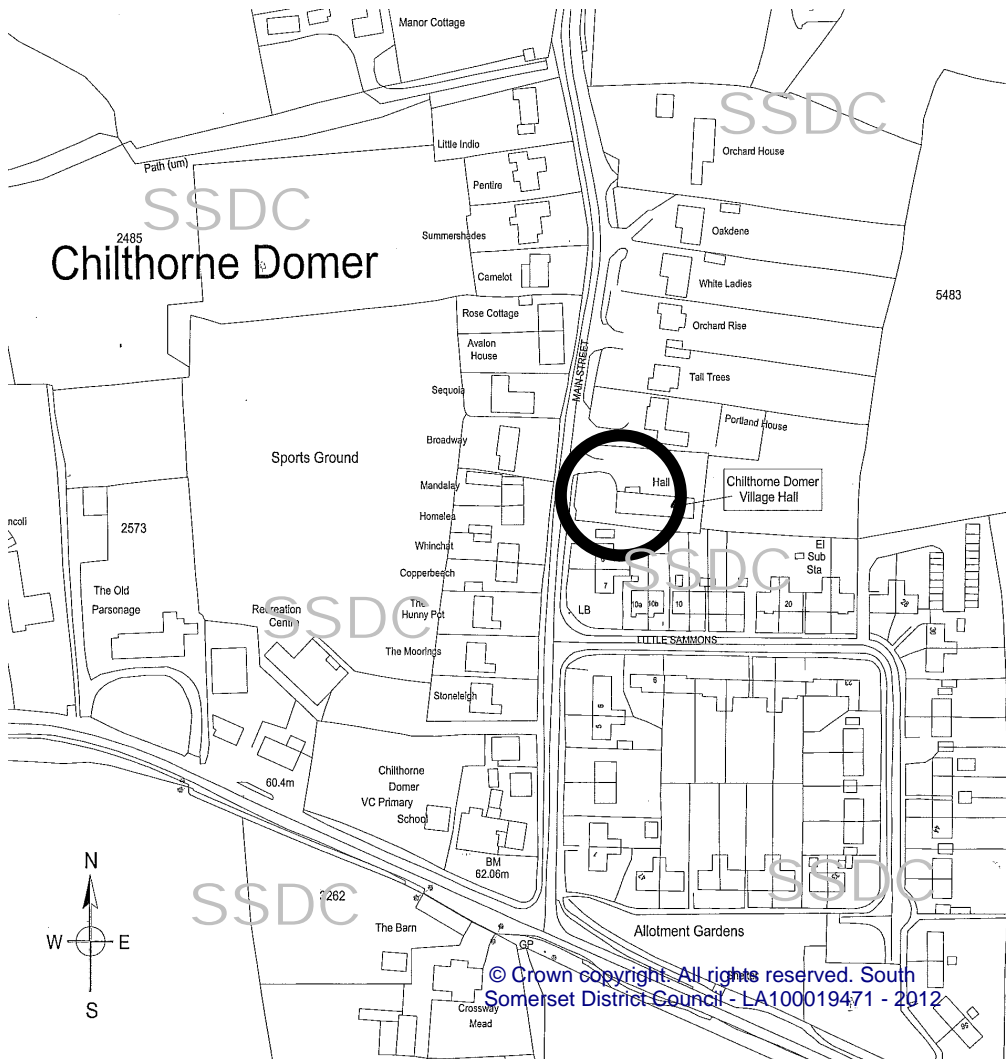
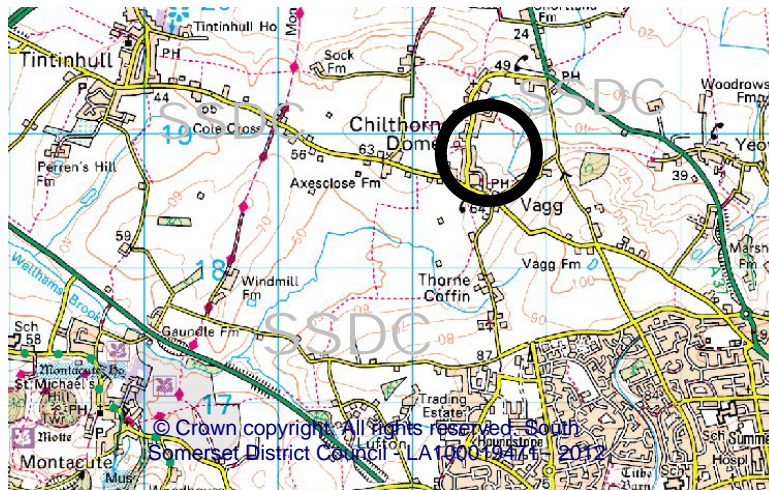
**2007-2008**  
 Neighbourhood and  
 Community Champions:  
 The Role of Elected Members  
**2006-2007**  
 Improving Rural Services  
 Empowering Communities  
**2005-2006**  
 Getting Closer to Communities

**This information is also available on our website**  
[www.southsomerset.gov.uk](http://www.southsomerset.gov.uk)



INVESTOR IN PEOPLE

### Location of meeting venue



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## Area North Membership

Pauline Clarke  
Terry Mounter  
Graham Middleton  
Roy Mills  
David Norris

Patrick Palmer  
Shane Pledger  
Jo Roundell Greene  
Sylvia Seal

Sue Steele  
Paul Thompson  
Barry Walker  
Derek Yeomans

## Somerset County Council Representatives

Somerset County Councillors (who are not also elected district councillors for the area) are invited to attend area committee meetings and participate in the debate on any item on the agenda. **However, it must be noted that they are not members of the committee and cannot vote in relation to any item on the agenda.** The following County Councillors are invited to attend the meeting: John Bailey and Sam Crabb.

## South Somerset District Council – Council Plan

**Our focuses are:** (all equal)

- Jobs – We want a strong economy which has low unemployment and thriving businesses.
- Environment – We want an attractive environment to live in with increased recycling and lower energy use.
- Homes – We want decent housing for our residents that matches their income.
- Health & Communities – We want communities that are healthy, self-reliant, and have individuals who are willing to help each other.

## Scrutiny procedure rules

Please note that decisions taken by Area Committees may be "called in" for scrutiny by the council's Scrutiny Committee prior to implementation. This does not apply to decisions taken on planning applications.

## Consideration of planning applications

Consideration of planning applications usually commences no earlier than 4.00pm (**but this month no earlier than 3.30pm**), following a break for refreshments, in the order shown on the planning applications schedule. The public and representatives of parish/town councils will be invited to speak on the individual planning applications at the time they are considered. Anyone wishing to raise matters in relation to other items on the agenda may do so at the time the item is considered.

## Highways

A representative from the Area Highways Office will attend Area North Committee quarterly in February, May, August and November – they will be available from 1.30pm at the meeting venue to answer questions and take comments from members of the Committee. Alternatively, they can be contacted through Somerset Highways direct control centre on 0845 345 9155.

## Members questions on reports prior to the meeting

Members of the committee are requested to contact report authors on points of clarification prior to the committee meeting.

## Information for the public

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

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

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

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

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

Agendas and minutes of area committees are published on the council’s website [www.southsomerset.gov.uk /agendas](http://www.southsomerset.gov.uk/agendas)

The council’s Constitution is also on the web site and available for inspection in council offices.

Further information about this committee can be obtained by contacting the agenda co-ordinator named on the front page.

### Public participation at committees

This is a summary of the protocol adopted by the council and set out in Part 5 of the council’s Constitution.

### Public question time

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

### Planning applications

Comments about planning applications will be dealt with at the time those applications are considered, rather than during the public question time session.

Comments should be confined to additional information or issues, which have not been fully covered in the officer's report. Members of the public are asked to submit any additional documents to the planning officer at least 72 hours in advance and not to present them to the Committee on the day of the meeting. This will give the planning officer the opportunity to respond appropriately. Information from the public should not be tabled at the meeting. It should also be noted that, in the interests of fairness, the use of presentational aids (e.g. PowerPoint) by the applicant/agent or those making representations will not be permitted. However, the applicant/agent or those making representations are able to ask the planning officer to include photographs/images within the officer's presentation subject to them being received by the officer at least 72 hours prior to the meeting. No more than 5 photographs/images either supporting or against the application to be submitted. The planning officer will also need to be satisfied that the photographs are appropriate in terms of planning grounds.

At the committee chairman's discretion, members of the public are permitted to speak for up to 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/Agent
- District Council Ward Member

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

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

The same rules in terms of public participation will apply in respect of other agenda items where people wish to speak on that particular item.

If a Councillor has declared a Disclosable Pecuniary Interest (DPI) or a personal and prejudicial interest

In relation to Disclosable Pecuniary Interests, a Councillor is prohibited by law from participating in the discussion about the business on the agenda that relates to this interest and is also required to leave the room whilst the relevant agenda item is being discussed.

Under the new Code of Conduct adopted by this Council in July 2012, a Councillor with a personal and prejudicial interest (which is not also a DPI) will be afforded the same right as a member of the public to speak in relation to the relevant business and may also answer any questions, except that once the Councillor has addressed the Committee the Councillor will leave the room and not return until after the decision has been made.

# Area North Committee

## Wednesday 26 September 2012

### Agenda

#### *Preliminary Items*

1. **To approve as a correct record the minutes of the meeting held on 22 August 2012**
2. **Apologies for absence**
3. **Declarations of interest**

In accordance with the Council's current Code of Conduct (adopted July 2012), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the Agenda for this meeting. A DPI is defined in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI 2012 No. 1464) and Appendix 3 of the Council's Code of Conduct. A personal interest is defined in paragraph 2.8 of the Code and a prejudicial interest is defined in paragraph 2.9. In the interests of complete transparency, Members of the County Council, who are not also members of this committee, are encouraged to declare any interests they may have in any matters being discussed even though they may not be under any obligation to do so under any relevant code of conduct.

#### *Planning applications referred to the Regulation Committee*

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

Councillors Terry Mounter, Shane Pledger and Sylvia Seal.

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

4. **Date of next meeting**

Councillors are requested to note that the next Area North Committee meeting will be held at 2.00pm on **Wednesday 24 October 2012 at the Village Hall, Norton Sub Hamdon.**



5. Public question time
6. Chairman's announcements
7. Reports from members

*Page Number*

***Items for Discussion***

- |     |   |    |
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| 9.  | Supporting Local Economic Development - Area North Marketing Project<br>(Executive Decision)..... | 10 |
| 10. | Area North Committee – Forward Plan .....   | 15 |
| 11. | Planning Appeals.....   | 18 |
| 12. | Planning Applications .....   | 19 |

**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.**

Area North Committee – 26 September 2012

## 8. Flooding, Drainage & Civil Contingencies

*Strategic Director:* Vega Sturgess, Operations & Customer Focus  
*Assistant Directors:* Laurence Willis, Environment  
*Service Managers:* Garry Green, Engineering & Property Services Manager  
Pam Harvey, Civil Contingencies & Business Continuity Manager  
*Lead Officers:* Roger Meecham, Engineer  
Pam Harvey, Civil Contingencies & Business Continuity Manager  
*Contact Details:* roger.meecham@southsomerset.gov.uk or 01935 462069  
pam.harvey@southsomerset.gov.uk or 01935 462303

### Purpose of Report

To provide an update on aspects of flood and water management affecting Area North, including recent changes to the various roles, powers and duties of land drainage.

A copy of some of the slides to be included in the officer presentation at committee have been circulated to members under separate cover for information (showing rainfall trends and maps of the watercourse network).

The Civil Contingencies & Business Continuity Manager will also attend the meeting to give a presentation on civil contingencies.

### Public Interest

Area North has an extensive river and watercourse network, and certain parts of the area are prone to flooding.

There are a number of organisations that have a role in respect of land drainage and flooding.

### Recommendation

That members note and comment on the content of the report and presentation, including the updated information on land drainage responsibilities included in Appendix A.

**Below is some background information and statistics for flooding and drainage:**

#### Summer 2012 – Met Office Summary

The following represents a *provisional* assessment of the weather experienced across the UK during Summer 2012 (June, July and August) and how it compares with the 1981 to 2010 averages:

- Frequent areas of low pressure over or near the UK resulted in an exceptionally wet summer across most of the country, especially during June and much of July.



- Provisionally the UK had 371 mm of rainfall, more than summer 2007 (358 mm) with only summer 1912 wetter (384 mm) in the series from 1910.
- It was the wettest June across the UK and the equal-wettest June in the England and Wales series from 1766 (shared with June 1860).
- July was also very wet, with over 150% of normal rainfall widely, and in parts of eastern Scotland it was one of the wettest on record.
- In August, the wettest weather covered areas from south-west England to south-east Scotland. The drier exception in all 3 months was north-west Scotland.

### **The Pitt Review**

Following the severe flooding that affected parts of the country during summer 2007, the Government commissioned a report to assess the roles of various organisations in respect of flood risk management and to look at ways by which they could be improved.

The report – **The Pitt Review - ‘Learning Lessons from the 2007 Floods’** – was prepared by Sir Michael Pitt and published in June 2008.

In looking at the various aspects of flooding, the Report came up with 92 recommendations and also identified the following basic issues:

- The need to ensure that flood risk from surface water is effectively addressed;
- The need for collaborative arrangements and partnerships between the various organisations involved in flood risk management;
- The leadership role to be undertaken by upper tier authorities (County and Unitary) and;
- Funding issues.

Recommendations from the Pitt Review have led to the new Flood & Water Management Act 2010.

### **Flood & Water Management Act 2010**

The Act is seen as the ‘rationalisation’ of the various existing legislation into a new Act and in the process a number of other issues have been addressed.

One of the main provisions of the new Act is the designation of a new role of ‘Lead Local Flooding Authority (LLFA)’ and this role has been assigned to Principal Authorities (County/Unitary Councils). The LLFA’s have taken on many of the original land drainage and flooding functions of the Environment Agency in respect of ‘ordinary watercourses’ (i.e. not ‘main rivers’).

In addition LLFA’s have been allocated an overall strategic co-ordinating function in respect of flooding and additional **duties** to investigate flooding incidents in order to identify the appropriate body to deal with it.

In addition to a number of other roles, LLFA’s have also been allocated the role of dealing with surface water run-off issues that weren’t covered by previous legislation.

## Land Drainage Roles – Unchanged

### What's the same?

- District Councils, as a non-statutory function, can still use powers contained in Section 14 of the Land Drainage Act 1991 to carry out **improvements** to 'ordinary' watercourses (defined as all rivers, streams, ditches, drains, cuts, culverts, dikes, sluices and sewers – other than public sewers – and passages through which water flows) in order to alleviate flooding problems.
- The Environment Agency still has jurisdiction over main rivers.
- The Highway authority (Somerset County Council and/or Highways Agency) is still responsible for highway drainage/flooding.
- Landowners (riparian owners) are still ultimately responsible for maintenance of watercourses adjacent to their own property.

## Land Drainage Roles – Changes

### What's changed

- Consenting/enforcement powers under Section 23 of the LD Act 1991 for structures (culverts, pipes, weirs, bridges, etc.) in watercourses are now with Somerset County Council as the 'Lead Local Flooding Authority' (this function was previously with EA).
- Section 25 powers (enforcement of **maintenance** by riparian owners) are now with County Council (previously with District Council and/or County Council). This role can be delegated to District Councils under an agreement.
- Reservoir regulations have changed in respect of the requirements for owners to carry out monitoring of dam structures, etc. and prepare emergency plans. These new regulations apply to Chard Reservoir although this was already the subject of previous regulations.

## Land Drainage Roles – New Functions

### What's new

- New role for County Council as 'Lead Local Flood Authority' (LLFA) which brings with it:
  - A strategic co-ordinating function,
  - Duty to act consistently with national and local strategies,
  - Duty to investigate flooding incidents and determine which authority should respond,
  - Power to request information from other drainage bodies (District Councils, Drainage Boards, EA),
  - Powers (under revised S14) to deal with surface water and ground water flooding problems,
  - Role as SUDs Approval Body for approving and adopting SUDs on new developments.

- o Duty for all drainage bodies to cooperate with each other and provide information.

## Current SSDC Policies

### General Policy

The Council's general policy with regard to flooding has always been to alleviate internal flooding of properties. This policy was last reviewed by District Executive at their meeting in September 2002 when it was confirmed that :

*“the Council will, subject to availability of resources and finance, use its best endeavours and permissive powers to alleviate internal flooding of properties.”*

### Emergency Assistance

At the same meeting the Council's District Executive approved a policy in respect of provision of sandbags in that:

*“Priority will be given in the provision of sandbags to domestic property at risk of flooding and that the number of free sandbags will normally be limited to 6 per external doorway.”*

### Routine Maintenance

In order to ensure continued effectiveness of watercourses that have been improved as part of past flood alleviation schemes, maintenance works are carried out by the Council's Streetscene Services operatives. The total length of watercourse maintained is approximately **11km** and the cost recharged in 2011/12 was **£19,623**.

The extent of these works decreased significantly in 2006 when the Environment Agency took on responsibility for some of these watercourses ('Critical Ordinary Watercourses') and engaged the Streetscene Services team to maintain them under contract. This contract ceased on 1<sup>st</sup> July 2012 when the EA took this work on themselves.

In addition to the routine maintenance of watercourses the Council's Streetscene team also check a number of debris screens on a regular basis. The extent of the routine maintenance carried out by the Council was subjectively reviewed in 2006. This review resulted in some reduction of lengths of watercourse maintained focussing on those lengths that were considered 'critical' to the drainage system. Further details are available if required.

There are schedules of land drainage and screen maintenance attached as appendix B.

### Capital and Minor Works

SSDC has, since the mid '70's, maintained a fairly active role in dealing with flooding problems and providing assistance and advice to members of the public in this respect. Since that time **45** Capital flood alleviation schemes have been implemented, mostly with Government grant aid, at a total cost of approximately £3.5m.

Changes in Government funding criteria and availability a few years ago resulted in a switch from implementation of Capital projects to minor works using the Council's Revenue funds. This was seen as a way of providing more responsive basic flood relief across a broader area. Since 2006 an annual average of approximately £24,000 has been used to deliver a total of approximately 180 of such drainage improvement works.

## Emergency Assistance

Since 1998 (when records started), **44,000** sandbags have been issued. In order to make the service more efficient the option of establishing local storage/collection points for sandbags has been looked at and discussed with various parish councils but identifying suitable venues/access has proven to be problematical. Logistical problems in the distribution of large numbers of sandbags to various locations have, in the last few years, prompted the purchase of special, gel-filled bags that are much easier (and safer) to transport in large numbers.

In recent years the focus has been more on giving advice to members of the public about ways in which they can help themselves in dealing with flooding of their property although this is generally only appropriate where works required are within their own property rather than on 3<sup>rd</sup> party land. To this end a series of public Flood Awareness workshops have been held. The use of flood boards or similar devices as a more effective alternative to sandbags has been promoted at these workshops.

## Financial Implications

None from this report.

The annual budget for minor works in 2012-13 is £25,000. Routine maintenance costs by Streetscene Services for screen and watercourse maintenance is around £34,000 in the 2012-13 budget.

## Council Plan Implications

Focus Two: Environment

- We will continue to support communities to minimise flood risk.

**Background papers:**            *None*

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## Appendix A

### Land Drainage Responsibilities, Powers, Rights and Roles

There are, at the local level, a number of organisations that have a role in respect of land drainage and flooding. The statutory powers relating to these are generally embodied in the Water Resources Act 1991 and the Land Drainage Act 1991 although certain functions are also contained within the Public Health Act 1936 the Environmental Protection Act 1990 and the Highways Act 1980. New legislation in the form of the Flood & Water Management Bill 2010 has incorporated and amended some of this previous legislation.

#### Definitions:

- 'Watercourse'** Defined under the Land Drainage Act 1991 as "all rivers and streams and all ditches, drains, cuts, culverts, dikes, sluices, sewers (other than public sewers within the meaning of the Water Industry Act 1991) and passages through which water flows".
- 'Main river'** Specifically designated lengths of watercourse and are generally the larger arterial watercourses. Main rivers fall under the jurisdiction of the Environment Agency.
- 'Ordinary watercourse'** Watercourses that do not form part of a main river. They are generally under the jurisdiction of 'drainage bodies' although the EA act as the consenting authority in respect of any works involving culverting, diversion, abstraction, etc.

Organisation	Responsibilities, Powers, Rights and Roles
<b>Environment Agency</b>	a) general supervisory/strategic role over all aspects relating to flood defence with a more specific role in respect of 'main rivers'. b) regulating authority for works/activities in and alongside main rivers. c) influence, through the planning application process, land use and development particularly within flood plain areas. d) produce Flood Risk mapping. e) install and operate flood warning systems. f) protection and conservation of the natural environment, whilst carrying out flood risk management activities.
<b>Internal Drainage Boards</b>	Designated as a 'drainage body' under the terms of the Land Drainage Act 1991. Drainage Boards have jurisdiction over certain, specific, generally low-lying areas. Their powers include:  a) Consenting/enforcement powers for structures in ordinary watercourses within their area. b) Power (discretionary) to serve Notice on owners requiring them to remove obstructions from 'ordinary watercourses' (S25 LD Act). c) The IDB's principal interest is in the protection of agricultural land from flooding and to achieve this they undertake maintenance work or improvements on certain 'viewed rhynes'

<p><b>County Council</b> As the designated 'Lead Local Flood Authority (LLFA).</p> <p>As the Highway Authority</p>	<p>a) Strategic co-ordinating function  b) Duty to investigate flooding incidents to determine responsibility.  c) Consenting/enforcement powers for structures in 'ordinary watercourses' (previously EA role)  d) Powers (discretionary) to serve Notice on owners requiring them to remove obstructions from 'ordinary watercourses' (S25 LD Act).  e) Powers (discretionary) to deal with surface water flooding.  f) SUDs Approval Body (SAB) for approval and adoption of surface water control measures on new development.</p> <p>a) keep roads free from flooding  b) powers to drain water from a highway into a nearby watercourse  c) powers to prevent water flowing on to a highway - this latter power is often difficult to enforce.</p>
<p><b>District Council</b></p>	<p>Designated as a 'local authority' under the terms of the Land Drainage Act 1991.</p> <p>Discretionary powers exist to carry out improvement works on 'ordinary watercourses' to prevent, mitigate or remedy flood damage – subject to consent by the LLFA</p> <p>SSDC's policy is to exercise these powers, subject to availability of finance, where property is at risk of internal flooding.</p> <p>The District Council may also give guidance/assistance to the public in respect of flooding issues and issue sandbags in times of flooding.</p>
<p><b>Landowners (Riparian owners)</b></p>	<p>The role of Riparian Owners (<i>the owner of land containing or adjoining a watercourse</i>) is generally not fully understood. Among other things they have the right to:</p> <p>a) Receive flow of water in its natural state, without undue interference in quantity or quality  b) Protect their property from flooding and their land from erosion</p> <p>They also have a responsibility to:</p> <p>a) Pass on flow without obstruction, pollution or diversion affecting the rights of others.  b) Accept flood flows through their land, even if caused by inadequate capacity downstream.  c) Maintain the bed and banks of the watercourse (including trees and shrubs growing on the banks, and for clearing any debris, natural or otherwise, even if it did not originate on their land  d) Keep the bed and banks clear from any matter that could cause an obstruction.</p> <p>Whilst riparian owners are under no common law duty to clear a watercourse that becomes silted or obstructed through natural causes, under statute law (S25 of the LD Act 1991) the EA, LLFA or IDB's <u>may</u> require and enforce them to carry out such works.</p>

## Appendix B - Schedules of Land Drainage Maintenance

### Land Drainage Screen Maintenance Schedule -from 1st April 2008

					Non-COWs			
Ref	Area	Parish	Location	Notes	Weeks between visits	Visits per year	Highway culvert related?	Recharge visits per year
W1	West	Chaffcombe	Knapps Lane (x2)	two screens u/st of village	4	13	N	
W2	West	Chard	51 Glynswood	screen near school playing field	4	13	N	
W3	West	Chard	56 Fore Street	screens at end of channels (2 No.)			Y	0
W4	West	Chard	Bews Lane	screens, silt traps, gratings (2 No.)	4	13	N	
W5	West	Chard	Business park	outfall and screen	4	13	Y	13
W6	West	Chard	Campion Gardens	screen. Access via Oscar-Mayer (63781)	4	13	N	
W8	West	Chard	Dyehouse Lane	screen	4	13	N	
W9	West	Chard	Gas Works, Furnham Road	screen (Reeves yard)	4	13	N	
W10	West	Chard	Glanville Avenue	screens rear of Glanville Ave (2 No.)	4	13	N	
W11	West	Chard	Mount Hindrance Lane	screens/chambers (4 no.)			Y/N	
W12	West	Crewkerne	Blacknell Lane Trading Estate	screen	4	13	N	
W13	West	Crewkerne	Refuse tip	screen - contact property owner	4	13	N	
W15	West	Crewkerne	Viney Bridge	screen u/st of main road	4	13	Y	13
W16	West	Dowlish Wake	Ford	screen u/st of ford	4	13	Y	13
W17	West	Dowlish Wake	Wallbridge Farm	screen at rear of farmhouse	2	26	N	
W18	West	Haselbury	Tamarisk (opposite White Horse)	screen and 2 silt traps	4	13	N	
W22	West	Merriott	Court Mill	screen u/st of road, check pipe flow	4	13	Y	
W23	West	North Perrott	Grey Abbey Hill & Downclose La	catchpits and culvert entrances (4)	4	13	N	
W24	West	Sea	Bere Mills Lane	catchpit	4	13	N	
W25	West	Tatworth	Parrocks Lane	grating, flap valve, etc (2 locations)	4	13	N	
W26	West	Tatworth	Pop Lane	grating, flap valve, etc (2 locations)	4	13	N	
W27	West	Tatworth	Witney Lane	grating, flap valve, etc (2 locations)	4	13	N	
W28	West	Combe St Nicholas	Nimmer Mills	screen (3 locations)	4	13	N	
W29	West	Merriott	Beadon Lane	2 screens + penstock	2	26	N	
W30	West	Merriott	Moorlands Road	1 screen	2	26	N	
S1	South	Alvington	Foxglove Way	screen at POS adjacent Foxglove Way	2	26	N	
S2	South	Barwick	Village hall	screen in village hall property	4	13	N	
S6	South	Yeovil	10 Preston Grove	screen u/st of Preston Grove	4	13	Y	
S7	South	Yeovil	Eastland Road	screen at Kiddles	2	26	N	
S8	South	Yeovil	Gazelle Road	screen (large) u/st of Gazelle Road	0.5	104	N	
S9	South	Yeovil	Grove Avenue	screen d/st of Preston Road	2	26	N	
S10	South	Yeovil	Mill Lane Trading Estate	screen u/st of Town Station car park	13	4	N	
S11	South	Yeovil	Ninesprings (Goldenstones)	screen (double, hinged) access difficult	2	26	N	
S13	South	Yeovil	14 West Park	screen upstream of West Park	2	26	N	
N1	North	Ash	Foldhill Lane	clear culvert inlet u/st of highway			Y	0
N2	North	Bower Hinton	Track rear of 50	screen at Talbot Car Sales	2	26	N	
N3	North	Bower Hinton	Track rear of 91	catchpit and grating at allotments	13	4	N	
N4	North	Compton Dundon	Moor Close (x 4)	four screens at Hayes Lane/Moor Close	13	4	Y/N	1
N5	North	Curry Rivel	Honeylands	screen at outfall rear of 'The Sycamores'	4	13	N	
N6	North	Curry Rivel	Parsonage Place	screen u/st of main road	13	4	Y	4
N7	North	Montacute	Myrtle Farm	u/st and d/st ends of channel	4	13	N	
N8	North	Seavington St Michael	Davids Lane	clear three gratings & catchpits			Y	0
N9	North	Seavington St Michael	Upton Lane	clear two gratings & catchpits			Y	0
N10	North	Seavington St Michael	Water Street at Meade Lane junc	clear pipe inlet			Y	0
N11	North	Seavington St Michael	Water Street (FP rear of Beeches	screen u/st of public footpath	4	13	N	
N12	North	Shepton Beauchamp	Field at Lambrook Road	outfall rear of Cowleaze, Lambrook Rd	4	13	N	
N13	North	Shepton Beauchamp	opp 2 Silver Street	clean out ditch outfall	4	13	N	
N14	North	Shepton Beauchamp	opp 4 Hillview, Sheepway	screen at end of roadside channel	4	13	N	



## SCHEDULE OF LAND DRAINAGE MAINTENANCE - ALL AREAS (Excluding COWs) - 2011

Ref	Parish	MAFF Scheme	Date of scheme	Location	Winter length	Spring length	Total length
N1	Ash	No	1973	Yeovil Road, Ash to Foldhill Lane	175		175
N3	Bower Hinton	Yes	1983	Rear of Rose & Crown to Dimmocks Lane; Hoop Lane; Broad Lane	360		360
N4	Compton Dundon	Yes	1983	Compton street, Combe Hollow	294		294
N4c	Compton Dundon	No		Moor Close outfall ditch	188	188	376
N5	Curry Rivel	Yes	1984	Parsonage Place - Dyers Road; Drayton Lane	245		245
N 6	Curry Rivel	Yes	1983	Portfield Lane	105		105
N7	Drayton	Yes	1985	East Street, roadside collector	5		5
N 8	Huish Episcopi	Yes	1982	Wagg Drove, rear of Millbrook	510		510
N9	Ilton	Yes	1984	Podgers Lane	130		130
N11	Montacute	Yes	1982	Townsend, rear of Yeovil Road, Montacute Park, Mill Copse	332	50	382
N13	Pitney	Yes	1988	Various locations	300	70	370
N14	Shepton Beauchamp	Yes	1982	Buttle Close; Sheepway; rear of North St.; Silver St.; Lambrook Road	318	75	393
N17	Stocklinch	Yes	1990	Stoney Lane; Owl Street	85		85
N18	Westport	Yes	1984	B3168	710		710
N19	Isle Brewers	Yes	1997	Monks Dairy to Northmead Lane	85		85
N20	Seavington	Yes	1997	Water St (ditch d/st of Winchester Cotts)	250		250
				<b>Total for Area North</b>	<b>4092</b>	<b>383</b>	<b>4475</b>
S1	Banwick	Yes	1994	Village Hall, Mill lane	25		25
S5	Yeovil	No	1984	Western relief road - Watercombe Lane	273		273
S6	Yeovil	No		Mill Lane (culverted in 2011)			
S7	Yeovil	Yes	1976	Ninesprings	418		418
S8	Yeovil	No	2004	Bell Inn, Preston Road	170		170
S10	Yeovil	No	1983	Larkhill Road	60		60
S11	Yeovil	No		Friars Avenue / Abbey Manor	85		85
				<b>Total for Area South</b>	<b>1031</b>	<b>0</b>	<b>1031</b>
E1	Barton St David	Yes	1982	Church Street, Brook Lane, Gregory's Orchard	90		90
E2	Blackford	Yes	1982	Adj. Church, Manor Farm	65		65
E4	Hadspen	Yes	1985	Pond opposite Hadspen House	80	10	90
E6	Milborne Port	Yes	1988	Higher Kingsbury, West Hill bridge, Rosemary Street, Brookside	155		155
E8	Sparkford	Yes	1977	Church Road	90		90
E9	Great Hatherleigh	No	1998	By-pass channel at Great Hatherleigh Farm	155		155
E10	Wincanton	No	1989	Business Park - A371 - River cale	337		337
				<b>Total for Area East</b>	<b>972</b>	<b>10</b>	<b>982</b>
W1	Ashill	Yes	1984	Kenny Bridge (10m upstream and 80m d/st)	90		90
W2	Chaffcombe	Yes	1986	Chaffcombe(Chard Road)	88		88
W3	Chard Junction	Yes	1998	Station House to disused railway line	200		200
W15	Combe St Nicholas	Yes	1998	Nimmer	20		20
W4	Dowlish Ford/Sea	Yes	1989 & 95	Clark's factory; Yarn Barton, Sea	496	188	684
W5	Dowlish Wake	Yes	1987 & 95	Main street & Bryants, etc	630	360	990
W7	Merriott	Yes	1998	Moorlands House to Moorland Court; Moorlands Road to Rill House	231		231
W8	North Perrott	Yes	1988	Downclose lane; Grey Abbey Hill	20		20
W9	Tatworth (Bulls Lane, etc)	Yes	1984	Waterlake Farm; Wreath Green; Loveridges Lane; Waterlake Road - Bulls	380	20	400
W10	Tatworth (ponds, etc)	Yes	1984	5 No. storage ponds at Pop Lane, Parrocks Lane, Witney Lane	660		660
W11	Tatworth (Coombses)	Yes	1998	Lower Coombses /Waterlake Road; Forton	400		400

**COW = Critical Ordinary Watercourse**

Area North Committee – 26 September 2012

## 9. Supporting Local Economic Development - Area North Marketing Project (Executive Decision)

*Strategic Director* Rina Singh, Place & Performance  
*Assistant Directors:* Kim Close / Helen Rutter Communities  
Charlotte Jones – Area Development Manager (North)  
*Service Manager:*  
*Lead Officer:* Pauline Burr Community Regeneration Officer (North)  
*Contact Details:* pauline.burr@southsomerset.gov.uk or: 01935 462253

### Purpose of the Report

To seek the approval of the Area North Committee for the detailed allocation of £20,000 within the Area North Capital Programme from the existing reserve fund for promoting local economic vitality.

### Public Interest

Area North has a distinctive natural environment and a wealth of historic buildings and heritage sites, it is home to many craftsmen and artists and produces high quality, local produce. Support for sustainable tourism remains a high priority.

Many of our business parks and small industrial estates are at the edge of towns and villages and are often a first impression to the visitor. There is a range of town & village centres which seek to encourage use by residents and visitors.

This report is to propose a short programme of support, financial and advisory, to encourage the installation of well designed signage that promotes visits to local businesses, facilities and places of interest.

### Recommendations

- (1) Members to approve in detail the allocation of £20,000 held within the reserve schemes of the Area North Capital programme including the proposed project management arrangements and grant criteria as set out in the report.
- (2) Subject to recommendation 1, to approve the setting up of an Area North Marketing working group to support the project and appoint 3 members.

### Introduction

This report is to propose a short programme of financial support and guidance to install a range of well considered signage to encourage visits to local businesses and facilities.

## Background

In establishing local priorities for investment, the Area North Committee has recognised that actions to support local economic development can have positive outcomes for our diverse rural communities.

Improved signage (as part of an overall 'light touch' marketing strategy) for local businesses and attractions have been identified for further investment, using a community based approach.

Earlier this year the Area Committee commissioned the installation of six free standing, large scale photographic images at the Cartgate picnic area that promote the district to users of the A303; as a chance to promote our district and encourage visitors to explore the local hinterland. This has been completed (August), and has received positive feedback. Recognising that the site also presents an opportunity to showcase Somerset as a destination for business relocation, Into Somerset, the inward investment agency, has funded a promotional banner next to the TIC.

Area North has many interesting and unusual attractions which are of interest to local visitors and to those from further afield; we also attract commercial and business visits from customers and suppliers. Our local shops and amenities benefit through secondary spend by this increased customer base.

Many of our business parks and small industrial estates are at the edge of towns and villages and are often a first impression to the visitor; there is often a disconnect between the site and the rest of the town. In the town centres, this is mirrored by the small shopping precincts, which are self contained and don't necessarily encourage natural flow to the rest of the town.

Area North has a distinctive environment, including its historic buildings and environment. The National Trust properties, the networks of pathways for walking, cycling and riding, open spaces like Ham Hill and the River Parrett Trail are notable assets within the district. The Somerset Levels and Moors is a low wetland of international significance for bio-diversity and is home to a variety of programmes initiated by the RSPB and Natural England.

Investment by SSDC into local economic development and regeneration in Area North has been largely managed through a community based approach, working collaboratively with local groups, businesses and town / parish councils. Community led projects are likely to achieve additional, longer term benefits beyond the actual project. Other benefits include the additional match-funding, project management and on-going maintenance costs provided by local communities in various ways.

## Project aims, objective and description

### Aims:

- To contribute to local economic vitality and well-being through clear and well-designed signage and interpretation to town centres, business parks, rural businesses and key cultural locations, designed to promote additional visits and extended stay and spend.
- To support local communities to maintain, enhance and promote the varied landscape, rich architectural heritage and local distinctiveness in Area North

The **objective** of the project is to add value to existing local marketing through improved local signage without compromising the integrity of the local environment.

The project will provide guidance and financial support to promote local businesses either individually or collectively, through improved signage and better orientation for visitors. [Phase One of this project included the installation of six promotional units at the Cartgate Picnic Area.]

The project will use a community based approach and operate as a programme of grants to third parties (for example local businesses, community groups or town/parish councils) together with guidance to design and install a series of signs within / around Area North. Subject to agreement, the project may include installations at SSDC sites, providing revenue costs are accepted by the relevant service.

The project will build on existing marketing from SSDC and others, aim to complement local marketing produced by business groups and local councils (for example), and be part of a longer term investment to increase overall marketing of the area.

### **Anticipated Benefits and links to the SSDC Council Plan**

- Visitors to the area will be more aware of the local facilities, attractions and services through targeted marketing
- We will support the local economy
- We will help maintain employment and potentially support an increase
- If we can support businesses/attractions through better signage we can expect a level of quality control. For example, we will have an opportunity to offer advice on planning requirements, design style etc to ensure any advertising is sensitive to its location
- We will support local pride in what the area has to offer, with an associated reputational benefit for SSDC
- Stronger relationships with groups seeking to promote local economic development

Area Development (North) will monitor the success of the project by the number of new promotional initiatives that are produced and the feedback we receive from businesses, Tourist and Local Information Centres, Parish Councils and members of the community.

### **Links with the SSDC Council Plan are described below.**

#### ***Focus One: Jobs***

- Increasing numbers of visitors to the area will support local employment in facilities, attractions, accommodation providers, services and the supply of local produce
- By making the most of opportunities to promote our natural and built environment, quality local produce and tourism industry we can encourage new businesses and relocation into the district

#### **Focus Two: Environment**

- The project aims to support local communities to maintain, enhance and promote the varied landscape, rich architectural heritage and local distinctiveness in Area North
- Improve signage without compromising the integrity of the local, rural environment.

#### **Focus Four: Health and Communities**

- In addition to enticing visitors to our district, this will be an opportunity to promote the local offer to our local communities and to encourage the “buy local” ethos.
- The Somerset Tourism survey indicated information centres are well used by visitors to the county. We will continue to work with our Local Information Centre volunteers, as a customer facing service, in any new promotions.

## **Project Management and involvement of ward members**

The project will be managed by Pauline Burr, Community Regeneration Officer (North). The project manager will work with potential applicants and assess applications, and monitor delivery. The project manager will have financial authority to make grant awards, subject to the recommendation of a member / officer working group.

It is proposed to establish a working group including relevant officers and three members of the Area North Committee. The working group will establish detailed criteria for assessment and recommend awards.

Reports from the working group will be made within the quarterly financial / Area development plan reports.

Ward members may wish to encourage applications or recommend specific locations from within their parish, and will be consulted as part of the assessment of applications, as is the current practice for community grants.

## **Eligibility, timing, costs and matchfunding.**

- Eligible projects will include signs for drivers and pedestrians / cyclists including 'brown signs', directional signs and interpretation panels.
- Applications can be from individual and groups of businesses, business associations, community groups or town/parish councils.
- Quality assurance will be provided by providing professional guidance, and approvals of the designs supported.
- It is anticipated that this project can be delivered by December 2013.
- Funding of up to £3000 per project and up to 75% contribution (the working group to establish detailed criteria).
- Assessment criteria will include design and location, perceived benefits, fit with wider marketing strategies. Detailed criteria will be agreed with the working group.
- Projects cannot also be supported by other SSDC grants.
- Grants awards will be subject to conditions covering publicity, maintenance and design approvals.

## **Next Steps**

If this project is approved. –

- Publicity to encourage expressions of interest.
- First meeting of working group to agree detailed criteria and planned timescales.
- Simple form and guidance for applicants issued, for a 'first round'.

## **Financial Implications**

£20,000 towards economic vitality is allocated as a reserve scheme in the current Area North Capital Programme

## **Council Plan Implications**

### **Focus One: Jobs**

- Motivate and support business associations...

- Provide targeted support for start-ups and small businesses and those with an aspiration to expand
- Work in partnership to deliver investment and development that local people value...
- Enhance the vitality of town centres...

**Focus Two: Environment**

- Continue to deliver schemes with local communities that enhance the appearance of their local areas.

**Focus Three: Health & Communities**

- Maintain and enhance the South Somerset network of leisure and cultural facilities...

**Carbon Emissions & Adapting to Climate Change Implications (NI188)**

Where appropriate, procurement of signage will seek to minimise energy use.

**Equality and Diversity Implications**

Design and siting of signage will comply with good practice. There is potential to include QR codes which could provide translations.

*Background Papers: Report to Area North Supporting the Visitor Economy – July 2012*

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Area North Committee – 26 September 2012

## 10. Area North Committee – Forward Plan

*Strategic Director:* Rina Singh, Place and Performance  
*Assistant Directors:* Helen Rutter & Kim Close, Communities  
*Service Manager:* Charlotte Jones, Area Development (North)  
*Lead Officer:* Becky Sanders, Committee Administrator  
*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 at Appendix A and identify priorities for further reports to be added to the Area North Committee Forward Plan.

### Area North Committee Forward Plan

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

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

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

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

**Background Papers:** None

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## Appendix A – 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; Becky Sanders, [becky.sanders@southsomerset.gov.uk](mailto:becky.sanders@southsomerset.gov.uk)

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

Meeting Date	Agenda Item	Background / Purpose	Lead Officer(s) SSDC unless stated otherwise
24 Oct '12	Huish Episcopi Leisure Centre – revised management agreement	To present for approval the revised management / grant agreement between Huish Episcopi Leisure Centre and SSDC	Steve Joel Assistant Director (Health and Well-Being)
24 Oct '12	Langport Visitor Centre	Update report on future use and management.	Charlotte Jones Area Development Manager (North)
28 Nov '12	Streetscene Service	Half yearly update on the performance of SSDC Streetscene Services	Chris Cooper, Streetscene Manager
28 Nov '12	Highways Authority	Half yearly report - update on Highways Services.	Neil McWilliams - Assistant Highway Service Manager (SCC)
28 Nov '12	Quarterly Finance Report	Quarterly report on the position of the Area North Development budget, including community grants and the capital programme.	Jayne Beevor, Group Accountant
28 Nov '12	Area Development Plan	Area Development Plan update, including information on the current investment programme of the Market Towns Investment Group (MTIG); and Somerset Levels and Moors Programme.	Charlotte Jones, Area Development Manager (North)
19 Dec '12	S.106 – Six monthly update report	Update report on the progress of collection and expenditure of developer obligations arising from development in Area North.	Neil Waddleton, s.106 Monitoring Officer
19 Dec '12	Presentation – Chilthorne Domer Recreation Trust	Receive a report from Chilthorne Domer Recreation Trust, following recent support from SSDC Area North.	Les Collett, Community Development Officer (North)
19 Dec '12	Rural / Local Transport	Update and options paper to consider use of discretionary financial support.	Teresa Oulds, Community Regeneration Officer (North) / Nigel Collins, Strategic Transport Officer.
<i>TBC</i>	<i>Somerset Water Management Partnership</i>	<i>To learn more about the work of SWMP and its current priorities.</i>	<i>Charlotte Jones, Area Development Manager (North)</i>

<b>Meeting Date</b>	<b>Agenda Item</b>	<b>Background / Purpose</b>	<b>Lead Officer(s) SSDC unless stated otherwise</b>
<i>TBC</i>	<i>Historic Buildings at Risk</i>	<i>Update report. (This is likely to be a confidential item.)</i>	<i>Ian Clarke – Assistant Director, Legal and Corporate Services.</i>
<i>TBC</i>	<i>Presentation – Stoke sub Hamdon Recreation Trust and Charity Shop.</i>	Receive a report from Stoke-sub-Hamdon Recreation Trust, following recent support from SSDC Area North.	<i>Les Collett – Community Development Officer (North)</i>

Area North Committee – 26 September 2012

## 11. Planning Appeals

*Strategic Director:* Rina Singh, Place & Performance  
*Assistant Director:* Martin Woods, Economy  
*Service Manager:* David Norris, Development Manager  
*Lead Officer:* As above  
*Contact Details:* david.norris@southsomerset.gov.uk or (01935) 462382

### Purpose of the Report

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

### 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

12/00510/FUL - Lamb Inn, 9 Vicarage Street, Tintinhull BA22 8PY.  
Refurbishment and change of use of former Public House to residential dwelling together with development of four dwellings.

### Appeals Dismissed

None

### Appeals Allowed

None

Area North Committee – 26 September 2012

## 12. Planning Applications

**The schedule of planning applications is attached.**

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 1998 Issues

The determination of the applications which are the subject of reports in this plans list are considered to involve the following human rights issues: -

1. Articles 8: Right to respect for private and family life.
  - i) Everyone has the right to respect for his/her private and family life, his/her home and his/her correspondence.
  - ii) There shall be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedom of others.
2. The First Protocol

*Every natural or legal person is entitled to the peaceful enjoyment of his/her possessions. No one shall be deprived of his possessions except in the public interests and subject to the conditions provided for by law and by the general principles of international law. The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.*

*Each report considers in detail the competing rights and interests involved in the application. Having had regard to those matters in the light of the convention rights referred to above, it is considered that the recommendation is in accordance with the law, proportionate and both necessary to protect the rights and freedoms of others and in the public interest.*

*David Norris, Development Manager*  
david.norris@southsomerset.gov.uk or (01935) 462382

**Background Papers:** *Individual planning application files referred to in this document are held in the Planning Department, Brympton Way, Yeovil, BA20 2HT*

## Planning Applications – 26 September 2012

### Planning Applications will be considered no earlier than 3.30pm

Members of the public who wish to speak about a particular planning item are recommended to arrive for 3.20 pm.

The inclusion of two stars (\*\*) as part of the Development Manager's recommendation indicates that the application will need to be referred to the 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 Regulation Committee even if it has not been two starred on the Agenda.

Item	Page	Ward	Application	Proposal	Address	Applicant
1	22	MARTOCK	12/01495/ FUL	Application for the development of a foodstore, associated infrastructure, access, parking and landscaping	Paull & Co Ltd Site Coat Road Martock	Tesco Stores Ltd
2	37	MARTOCK	12/02763/ COU	Change of use of dwelling from C3 (dwelling) to a mixed use of C3 (dwelling) and C1 (accommodation ancillary to hotel) (retrospective). ( GR 345615/117867 )	1 Barton Close Bower Hinton Martock	Mr Thomas Walsh
3	45	MARTOCK	12/02762/ COU	Change of use of dwelling from C3 (dwelling) to a mixed use of C3 (dwelling) and C1 (accommodation ancillary to hotel) (retrospective) ( GR 345604/117868 )	3 Barton Close Bower Hinton Martock	Mr Thomas Walsh
4	53	MARTOCK	12/02761/ COU	Change of use of dwelling from C3 (dwelling) to a mixed use of C3 (dwelling) and C1 (accommodation ancillary to hotel) (retrospective) ( GR 345614/117888 )	4 Barton Close Bower Hinton Martock	Mr Thomas Walsh
5	61	MARTOCK	12/02779/ COU	Change of use of dwelling from C3 (dwelling) to a mixed use of C3 (dwelling) and C1 (accommodation ancillary to hotel) (retrospective)(GR:345590 /117914)	8 Barton Close Bower Hinton Martock	Mr Thomas Walsh

6	68	MARTOCK	12/02780/ COU	Change of use of dwelling from C3 (dwelling) to a mixed use of C3 (dwelling) and C1 (accommodation ancillary to hotel) (retrospective) (GR:345582/117912)	9 Barton Close Bower Hinton Martock	Mr Thomas Walsh
7	76	MARTOCK	12/02769/ COU	Change of use of dwelling from C3 (dwelling) to a mixed use of C3 (dwelling) and C1 (accommodation ancillary to hotel) (Retrospective) (GR:345577/117912)	10 Barton Close Bower Hinton Martock	Mr Thomas Walsh
8	84	MARTOCK	12/02766/ COU	Change of use of dwelling from C3 (dwelling) to a mixed use of C3 (dwelling) and C1 (accommodation ancillary to hotel) (retrospective) (GR: 345546/117916)	11 Barton Close Bower Hinton Martock	Mr Thomas Walsh
9	92	MARTOCK	12/02765/ COU	Change of use of dwelling from C3 (dwelling) to a mixed use of C3 (dwelling) and C1 (accommodation ancillary to hotel) (retrospective) (GR: 345546/117916)	14 Barton Close Bower Hinton Martock	Mr Thomas Walsh
10	100	MARTOCK	12/02759/ COU	Change of use of dwelling from C3 (dwelling) to a mixed use of C3 (dwelling) and C1 (accommodation ancillary to hotel) (retrospective) (GR: 345546/117916)	15 Barton Close Bower Hinton Martock	Mr Thomas Walsh
11	108	ST MICHAELS	12/02772/ FUL	The change of use of land for the siting of a holiday lodge (Revised Application). (GR 351982/119639)	Chilthorne Knapp Chilthorne Hill Chilthorne Domer	Mr & Mrs Richard Ferguson
12	117	ST MICHAELS	12/02571/ FUL	Retention of stone reveals to the windows. (GR 349050/116380)	Stable House Hamdon Stables Montacute	Mr A Gillespie
13	121	TURN HILL	12/02940/ LBC	Internal and external repairs and alterations to property to include new roof structure and re-thatching, rebuilding of removed chimney and installation of replacement windows (GR: 340045/129198)	Canterbury Farm High Street Aller	Mr S Pledger

Area North Committee – 26 September 2012

## Officer Report on Planning Application: 12/01495/FUL

<b>Proposal :</b>	Application for the development of a foodstore, associated infrastructure, access, parking and landscaping
<b>Site Address:</b>	Paull & Co Ltd Site, Coat Road, Martock
<b>Parish:</b>	Martock
<b>MARTOCK Ward (SSDC Members)</b>	Cllr Graham Middleton & Cllr Patrick Palmer
<b>Recommending Case Officer:</b>	Claire Alers-Hankey Tel: 01935 462295 Email: <a href="mailto:claire.alers-hankey@southsomerset.gov.uk">claire.alers-hankey@southsomerset.gov.uk</a>
<b>Target date :</b>	24th July 2012
<b>Applicant :</b>	Tesco Stores Ltd
<b>Agent:</b>	Mark Scoot, Amethyst, Maypool House Maypool, Brixham TQ5 0ET
<b>Application Type :</b>	Major Retail f/space 1,000 sq.m or 1ha+

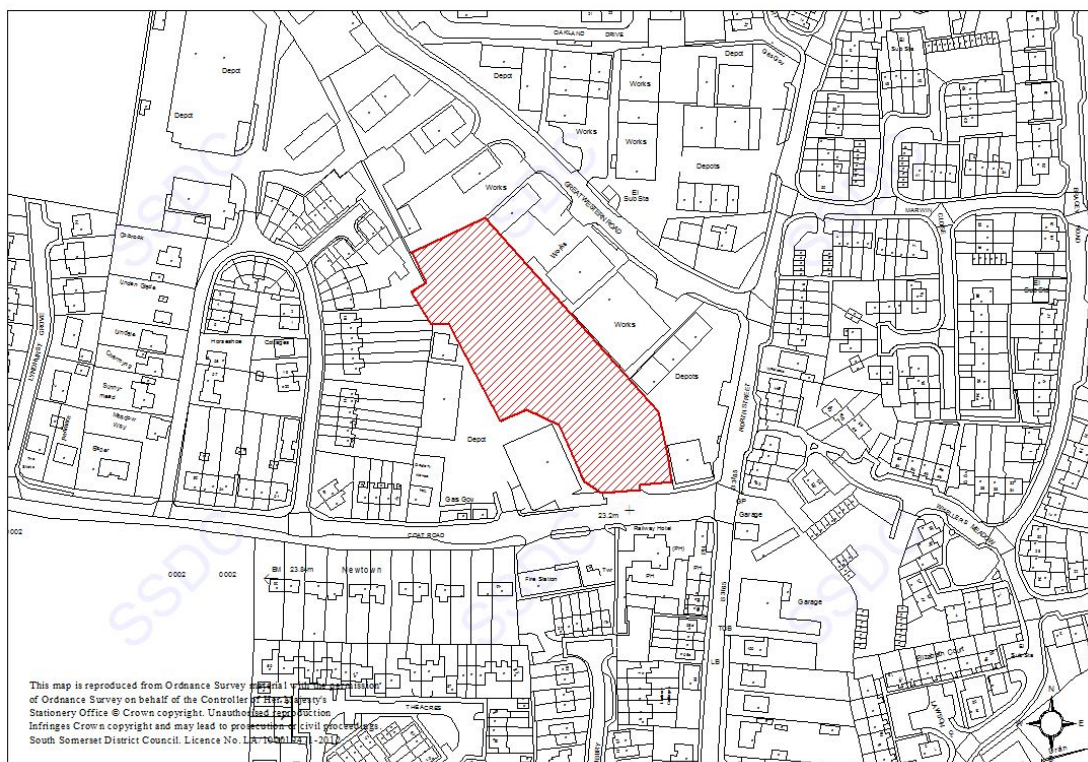
### UPDATE

This application has been deferred from the August meeting to enable late representations with regard to the policy issues to be fully addressed in an updated report.

### REASON FOR REFERRAL TO COMMITTEE

This application is referred to the Area North Committee with the agreement of the Ward Member and Vice Chair, given the public interest in the proposal and to enable its impact to be debated.

### SITE DESCRIPTION AND PROPOSAL





This 0.60 hectare site is located at the northern end of Martock, between Great Western Road and Coat Road, and is within the defined development area. The site currently accommodates Paull and Co Ltd, a builders' merchant, DIY and hardware store. There are a number of industrial type buildings on site, as well as external storage and display areas, aggregate stores and parking areas.

This application seeks permission for the erection of a foodstore, associated infrastructure, access, parking and landscaping. The proposed foodstore would be located at the northwest end of the site, with a gated service/delivery yard adjacent to the western boundary and customer car parking within the central and fore sections of the site. The existing access off Coat Road is to be improved. Car parking provision is proposed at 85 car spaces, of which 8 will be disabled spaces and 4 will be parent and child spaces. Motorcycle parking and an electric car charging bay are also proposed. Bicycle parking is proposed directly in front of the store. The proposed delivery yard is screened by a 4m high acoustic perimeter fence and high density landscaping.

The proposed building would provide a net sales area of 921m<sup>2</sup> with bulk storage, staff and administration areas and external lobby creating a total gross external floor area of 1460m<sup>2</sup>. The design incorporates a shallow pitched roof with a ridge height of 5.6m, full height glazed panels on the front elevation of the building with some timber cladding, and 'oyster' coloured insulated panels on the majority of the remaining three elevations. The front elevation also incorporates a 'Tesco' sign above the porch canopy.

An amended plan was received following consultation from the Highway Authority who raised concern on over-provision of parking on site. The amended plan reduced the number of parking spaces from the originally proposed 88 to 85 spaces and also included the electric car charging bay.

## HISTORY

10/04577/COL - Certificate of lawfulness issued (19/05/2011) for:-

*'Use of the site as an A1 retail use under the Town and Country Planning (Use Classes) Order 1987.'*

This was issued on the basis of:-

*'evidence provided by the applicant, the use of the land and premises edged red and known as Paull & Co Ltd, Coat Road, Martock, Somerset as an A1 retail use for goods such as DIY items, building goods, hardware, wellingtons, footwear, clothing, sand cement, animal feeds, pain, ladders, electrical and pet food etc, under the Town and Country Planning (use Classes) Order 1987 has continued for over 10 years prior to the date this application was made, therefore no enforcement action can now be taken.'*

This confirms that the continued use of the site in its current form for an A1 retail use under the Town and Country Planning (Use Classes) Order 1987 is lawful.

90/01717/FUL- The erection of a single storey extension and installation of a mini sewage pumping station. Permitted 1990.

890566 - Use of premises within use class B8 (storage and distribution). Permitted 1989.

891961 - Use of land for a mobile stone cutting machine. Permitted 1989.

891742 - Formation of a vehicular access. Permitted 1989.

870264 - Erection of an extension (rest room and toilets). Permitted 1987.

852055 - Erection of an extension, canopy and six flag poles and use of sales area as office accommodation. Permitted 1986.

852038 - Erection of a grain store. Permitted 1985.

852037 - Erection of an extension to premises and use as a sales area. Permitted 1985.

812333 - Erection of a single storey extension (showroom) to existing warehouse. Permitted 1982.

760610 - Alteration to access and erection of gates and fences. Permitted 1976.

63372/J - Erection of office block and formation of a vehicular access. Permitted 1972.

## **POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

Saved policies of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011:

Policy STR1 - Sustainable Development

Policy STR3 - Rural Centres and Villages

Policy STR5 - Development in Rural Centres and Villages

Policy 20 - The Retail Framework

Policy 21 - Town Centres Uses

Policy 48 - Access and Parking

Policy 49 - Transport Requirements of New Development

Saved policies of the South Somerset Local Plan:

Policy ST1 - Rural Centres

Policy ST5 - General Principles of Development

Policy ST6 - The Quality of Development

Policy ST10 - Planning Obligations

Policy EP2 - Pollution and Noise

Policy EP3 - Light Pollution

Policy EP5 - Contaminated Lane

Policy TP2 - Travel Plans

Policy TP6 - Non-Residential Parking Provision

Policy MC2 - Location of Shopping Development

Policy MC3 - Location of Shopping Development

Policy ME3 - Employment within Development Areas

National Guidance

National Planning Policy Framework - March 2012:

Chapter 1 - Building a Strong Competitive Economy

Chapter 2 - Ensuring the Vitality of Town Centres

Chapter 4 - Promoting Sustainable Transport

Chapter 7 - Requiring Good Design

**Other Relevant Considerations:**

Planning for Town Centres - Practice guidance on need, impact and the sequential approach. 2009. Whilst this was intended as a companion guide to PPS4, it has not been withdrawn and is therefore a material consideration where its advice is in conformity with the NPPF.

**CONSULTATIONS**

**Martock Parish Council** - Recommend approval subject to adequate pedestrian access to and from the site, including suitable road crossings and a clear indication from the County Highway Authority that the impact on traffic volumes and flow in North Street will be acceptable.

**Long Load Parish Council** (adjacent) - Main concern is delivery lorries that will pass through the village to travel between the Martock and Langport stores.

**Ash Parish Council** (adjacent) - Only concern is the extra traffic generated by the proposal travelling through the village.

**County Highway Authority** - Raises no objection in principle. Comments that the data provided in relation to trip generation is accepted by the Highway Authority. Notes the proposal includes improvement to the visibility to the proposed site access and also the junction of North Street with Coat Road, which are considered to be acceptable. With regard to the parking provision proposed on site, the proposal currently provides 5 more parking spaces than would normally be required by the Highway Authority's Parking Strategy. Discussions relating to the Travel Plan, which will be incorporated into the s106 are on-going between the Highway Authority and the agent.

**Area Engineer** - Notes the content of the submitted drainage report regarding Wessex Water's requirement for a reduction in surface water run-off. The reduction in impermeable area, which will result in a 12% decrease in surface water run-off is considered to be acceptable.

**Landscape Architect** - Raises no landscape issue with the principle of store development in this location, and views the siting and general layout of the store to be acceptable. Subject to small alterations to the proposed landscaping scheme, no objection.

**County Archaeologist** - No objection

**Economic Development Officer** - Notes that the opportunities of choice between locations for a new food store within Martock is limited and will for certain not be an ideal choice of location for a proportion of the population. However from an economic perspective the proposed location is considered to be suitable, recognising the limitations of alternative and available sites in the area. The store will not host a café/coffee shop and is too small to host an opticians and pharmacy. With specific services and trades available near the Market Cross, e.g. take away food, cafés, library, bank, optician, doctor surgery, pharmacy, primary school, church, etc. there is a distinct possibility that the existing retail outlets will retain sufficient footfall to remain viable. While the proposal will clearly change the retail shopping focus for the area, the application raises no undue concerns from an economic perspective, subject to suggested restrictions on trading secured by condition.

**Environment Agency** - No objection subject to conditions relating to contamination,

drainage, and pollution prevention.

**Environmental Protection Unit** - No objection subject to conditions to ensure that any potential land contamination is addressed and drainage measures agreed. Additional safeguarding conditions are recommended to control delivery times and external lighting to safeguard residential amenity.

**Climate Change Mitigation Officer** - Notes the effective use of daylight minimising the need for artificial lighting, well chosen construction materials and minimising the need for heating. However, as the development does not meet BREEAM Excellent rating, in accordance with Policy EQ1 of the emerging Core Strategy, an objection is raised.

**Planning Policy Officer** - Confirms the status of the emerging Core Strategy Policy EQ1, stating we are not in a position to insist that a BREEAM Excellent rating is achieved by the development. In response to representations received it has been clarified that a sequential test and impact assessment are normally required to assess this type of application, and in this circumstance the applicant has undertaken an impact assessment but not a sequential test. In this respect it is acknowledged that the existence of a Certificate of Lawfulness for an unfettered A1 use on the site is a material consideration, and also that the proposal does not result in an increase in retail floorspace and therefore the requirement for a sequential test may not be appropriate in this circumstance.

Notes that the NPPF identifies what should be included within an impact assessment and advises that the approach taken with the submitted impact assessment appears to be reasonable as:-

- a locally defined study area has been identified;
- the existing (2012) and projected population (2017) has been estimated to take into account a 5 year time horizon;
- a household survey has been undertaken to identify shopping patterns and hence expenditure capacity in the study area;
- a the estimated turnover of the proposed foodstore has been assessed;
- the potential impact upon turnover in other locations within the catchment area has been assessed

The assessment concludes that based on estimated turnover of the proposed foodstore, there would be no significant impact on the vitality and viability of Martock. The majority of the impact would be on the supermarkets in Yeovil, and the proposed store would claw back trade to Martock.

The impact assessment claims that given a 2 hour free car park, there will be increased trade into Martock through linked trips. Given the distance between the site and town centre this may not be the case and is difficult to assess. However Martock has a variety of services and facilities in the town centre, which will not be provided by the proposed store, so there will still be reasons for people to visit the town centre, therefore it is considered the impact on Martock town centre would not be significantly adverse.

Additionally, self containment is recognised as an issue in Martock, and travel to work data shows that over 50% of the population out commute, therefore the employment opportunities afforded by the proposed foodstore could potentially reduce the level of out commuting, which is a positive. Self containment in shopping terms is also low, with Martock being 7 miles from Yeovil, and having a lack of provision, and undoubtedly the presence of a foodstore in the town will increase this.

Concludes that it appears that the majority of impact of the proposal would be on Yeovil and that the provision of a foodstore would aid the settlement's self containment and not adversely impact its vitality and viability, although the assumptions made within the impact assessment relating to estimated turnover should be checked further with the applicant.

**SSDC Legal Services** - States that the existence of the COL application does not automatically mean that the policy principle of a foodstore in this location is accepted, nor does it negate the need to assess the policy position. The COL is capable of forming a material consideration, but development plan requirements need to be assessed first, followed by an assessment as to the weight to be afforded to any material considerations, which would include any previous planning permissions and the grant of the COL. Comments that the weight to be afforded to the COL application depends upon the likelihood of Tesco or anyone else running a retail operation from the site in its current form (and with the benefit of any permitted development rights). Concludes that any positive evidence regarding the likelihood of an alternative operator taking on the site under the COL (eg viability, demand etc) adds weight to the existence of the COL as a material consideration when viewed alongside the policy requirements.

## REPRESENTATIONS

**Twenty letters of objection** - Have been received, raising concern over the following issues:

- Impact on current trade in Martock, which will cause lots of empty shop premises, and impact on local businesses
- Tesco will provide more and more services and deliveries once they get a foot in the door
- Increased traffic generated by large supplier vehicles and shoppers cars will impose an intolerable strain on the main road (North Street) through the town and the Coat Road junction
- Increase of traffic through out-lying villages
- No need for another Tesco in this part of South Somerset
- There are an adequate number of retail units in Martock already
- Object to Tesco business practices
- The new store will transfer the same number of jobs from existing food retailers such as the Co-op, who will either diminish or close
- Loss of Paull's which will mean cars and vans need to leave Martock for all building and DIY supplies, which is contrary to the Core Strategy which identifies the need to avoid too many people having to leave Martock to shop.
- The proposed building is of poor quality and poor architecture. It is a vulgar industrial building
- Proposed building does not respect the historical environment. The applicant should be asked to use hamstone
- Ugly high signage should not be allowed
- Full height glazing on the front elevation will cause light pollution and is not necessary
- Proposed building is too high and will waste building materials and heat and lighting within the store
- The site is within the curtilage of a listed building
- Doubts that the proposal will create as many new jobs as claimed
- The existing use should survive the desire of the present owners to retire
- Heavy vehicle movements will increase during construction
- Traffic barrier within the site is not suitable

- Consideration should be given to limiting trading hours of the new store
- Zebra crossing should be provided
- Washing and valeting of cars should not be allowed in Tesco car park
- Impact on local residents adjacent to site, i.e. visibility of site, lighting impact, noise
- Delivery area is located close to adjacent residential properties - concern re disturbance caused by unloading vehicles
- Fencing and landscaping 4m high might not be high enough to provide adequate screen to neighbouring properties
- Lorries should not be allowed to wait in Coat Road
- Supporting information states store will not have a bakery or butcher counter, but the plans show a bakery area
- Do not believe the figures in the traffic report are accurate with regard to the number of HGVs currently accessing the Paulls site. The small 7.5 tone Paull's delivery lorry should not be classed as an HGV

Additionally, agents for the Co-op have challenged the officer's original report raising the following points:-

- Existence of COL does not convey any approval for the use and buildings as proposed, which are materially different to the existing layout of the site
- SSDC should place no weight on the existing lawful use when considering this application as the use of the application site in its current form by Tesco is merely a hypothetical situation and not a genuine proposal
- Sequential test has not been applied to the site, despite site lying outside the defined town centre of Martock
- The supporting information submitted with the application does not adequately assess the impact upon Martock town centre
- The site lies outside of the defined town centre of Martock yet a sequential test has not been applied to the proposed use and therefore fails planning policy within the NPPF and the Local Plan
- The applicant provides only a limited assessment of the financial impact of the proposed store, which is unusual given the proposed foodstore is large in scale when compared to Martock
- The impact assessment is missing:
  - data surrounding the calculation of the current total store turnover levels
  - the total amount of expenditure available to support convenience goods retail facilities in Martock and the surrounding area
  - an assessment of quantitative capacity to support new convenience goods floorspace in Martock
- Questions the study area/postcode areas used in assessment and its relationship to Martock and the resulting impact on existing stores in Martock
- Estimated turnover figures provided by applicant are under-estimated
- No information regarding trading overlap between the proposed store and existing stores is given in the supporting information
- The proposed foodstore will compete directly with existing foodstore provision in the town in terms of main and top-up food trips, and consequently stores within the town centre will lose a significant proportion of their existing trade, leading to concern over the future trading viability of stores in the centre
- Proposal is out of centre and out of scale with the role and function of Martock, and has no links to the defined town centre
- Claim that there will be linked trips between the proposed foodstore and town centre is unrealistic, and therefore will be of no benefit to other facilities in Martock



- Proposal will not sustain or enhance the town centre and is outside the town centre where the scale could affect the viability and vitality of Martock

**Twenty-six letters of support** - Have been received, raising the following points:

- A food store in this location is necessary and would be useful
- Location will be within walking distance for many people
- Proposal will encourage small businesses at this end of the town
- Tesco would be the anchor store desperately needed to improve retail in Martock
- Would reduce mileage from having to travel regularly to Yeovil for supplies
- It is a good use of the site
- Proposal will add new dimension to village shopping and will give local residents a fair deal
- Tesco are renowned for competitive prices and good customer service and they always support the community they serve
- Will bring good competition to this one horse town
- Will improve the job prospects of the young, unemployed population, and they are among the top payers in their industry
- If Tesco does not occupy the site once Paull's closes, no-one will
- The population in Martock has increased over the years and now more shopping outlets are needed to meet the increased demand
- It will be nice to have more choice in Martock
- Foodstore will be beneficial to those who do not drive, do not have internet access and have to catch a bus to Yeovil to do food shopping

## CONSIDERATIONS

### Principle

It is accepted that the certificate of lawfulness for the unfettered use of the existing buildings and site for A1 (retail) use is a material consideration to be considered alongside the policy requirement for a retail impact assessment and sequential test. As noted by the Council's solicitor, the site and existing buildings could be used in their current form by the applicant or another operator as a foodstore, without the need for any planning permission. This is a material consideration if it provides a fallback situation for the applicant. However, the weight to be given to the fall back position depends upon the likelihood of it coming about, and is a matter for members to decide. Furthermore it is noted that the floor area of the proposed foodstore is 1,434sqm, which is less than the 1,571sqm of existing retail floor area.

It is accepted that the existence of the lawful retail use of the site means that no change of use is necessary for its occupation by a supermarket. The Certificate of Lawfulness whilst acknowledging the historic use for the sale of DIY and associated items does not limit the retail use or range of goods. Accordingly it is possible that a supermarket operator could simply sell groceries from within the exiting buildings without the need for planning permission for a change of use. It is considered that this is a significant material consideration.

It is noted that the site is neither within the define town centre nor in an edge of centre location (as required by policy MC2), however it is 600m from the centre, within settlement limits and central to the northern part of Martock, which has been subject to substantial residential development. Whilst this is not 'edge of centre' as defined by the NPPF (within 300m of a town centre boundary) it is not an out of town location (i.e. outside the existing urban area). NPPF advice is that it is an 'out of centre' location which



is not in or on the edge of a centre but not necessarily outside the urban area.

It is accepted that there are no suitable town centre sites in Martock for a supermarket of this size and therefore the NPPF suggests that edge of centre locations that are well connected to the town centre should be considered next. Out of centre locations should only be considered in the absence of sites closer to the town centre. Decisions should be informed by sequential testing. Nevertheless in this instance the existence of a lawful and unfettered retail use within the settlement limit, i.e. out of centre location, is clearly a significant material consideration. The Economic Development Officer notes the limitations of alternative and available sites in the area.

On this basis it is not considered reasonable to insist that a sequential test, as required by policy MC3 and the NPPF, be carried out to appraise the suitability of other sites for retail use.

Policy MC3 is supportive of new shopping proposals outside preferred locations provided that the proposal would meet a clearly defined need and are of a scale appropriate to the size and function of the town and would not seriously affect the vitality and viability of any town centre or the rural economy. In this respect a retail Impact assessment has been provided.

On this basis it is considered that, notwithstanding the lack of a sequential test the principle of a supermarket on this site is accepted subject to consideration of:-

- Impact upon Town Centre
- Design
- Highways
- Impact upon Amenity

### **Impact on Town Centre**

The impact assessment indicates that the proposal would not have a significant impact upon the vitality and viability of Martock - the majority of the impact would be upon supermarkets within Yeovil, with the proposed store clawing trade back to Martock where it is recognised that self containment is an issue, with over 50% of the population commuting outwards for work, and shopping leaching out to Yeovil. The proposed foodstore would provide additional employment opportunities to the local community and an increased range of shopping facilities that would aid self-containment within Martock.

The policy officer accepts the methodology of the report and, subject to clarification the £/sqm trading figures, does not dispute its fundamental findings. The applicant has justified the claimed figure of £8,375/sqm on the basis that this reflects a more realistic regional trading figure as opposed to the national figure quoted by the policy officer. The District council has no evidence to dispute this assertion and the policy planner has no further comments.

While introducing a foodstore may provide competition for existing retail facilities, such competition in itself is not objectionable, provided there would be no serious harm to the vitality and viability of the town centre (Policy MC3). As noted by Economic Development and Policy Planner, Martock has a number of services and facilities that would not be provided within the proposed foodstore and it would be reasonable to impose conditions as justified by policy MC3 to limit the range of goods and services to be provided in-store.

Turning to the detailed representations made by agents for the Co-op, the following observations are offered:

- A map detailing the postcode areas referred to in the submitted impact assessment is provided within the Transport Assessment. This map clearly identifies those parts of the postcode areas that are included within the suggested catchment area. For example, only the extreme southern part of TA10 9 (to the south of Long Sutton) is included, rather than the whole area which extends to High Ham, parts of which would obviously shop in Langport. The District Council has no reason to dispute either the catchment area or the claimed trading figures that would be generated by this area.
- Whilst the concerns about the retail impact assessment are noted, the Policy Officer is satisfied that the methodology is suitable and does not dispute the overall findings
- Martock has a population of 4,378 (2010). It is not considered that a foodstore of the proposed size is disproportionate to the scale of Martock.

On this basis the impact of the proposed foodstore upon Martock town centre would not be so serious as to justify withholding planning permission.

Further comments from the Policy Planner regarding the late letter of representation submitted by the agents for the Co-op have been requested, and will be verbally updated at the committee meeting where necessary.

## Design

The site is located within an industrial estate and therefore the quality of design and character surrounding the site is limited. The design of the proposed building is simple and typical of modern foodstore design, with a shallow pitched roof to keep the building at a low profile commensurate with other roof heights adjacent to the site. The front elevation incorporates full height glazing to maximise light into the store and timber cladding is also used to soften the front façade. Objection has been raised by a local resident over the use of such glazing as being unnecessary; however the same glazing has gained support of the Council's Climate Change Mitigation Officer as contributing towards sustainable construction and therefore is not considered unacceptable.

Concern has been raised by a local resident that the height of the proposed building is too high. The Local Planning Authority (LPA) do not concur with this view, as with a maximum height of 5.6m, the scale of the building will sit comfortably within the site against the scale of adjacent existing industrial buildings.

Concern has also been raised that the site does not respect the historic environment. The LPA is of the opinion that the setting of the site is not historically sensitive, as it does not fall within a conservation area and is not within the curtilage of a listed building, despite the claim of a local resident.

It has also been suggested through letters of representation that the design should be improved and hamstone incorporated as a material. Given the location of the site these suggestions are not considered appropriate.

Objection has been made over the proposed 'Tesco' sign on the front elevation of the building. Again, given the location of the site and the sign's proportions, the sign is not considered to be so harmful, and in any case the sign requires separate advertisement consent so does not form part of this application.

## Highways

The Highway Authority has stated they have no objection in principle to the proposed development. The proposal includes improvements to visibility at the site access and also at the junction of North Street with Coat Road. The Highway Authority has confirmed that these works are acceptable and in accordance with the required guidelines. The Highway Authority has also confirmed that the local highway network has the capacity to accommodate traffic generation that will be created by the proposed development. The parking provision proposed is more than the Highway Authority's Parking Strategy requires, however given the location of the site close to North Street and the town centre, this slight over-provision does not warrant sufficient grounds to refuse the application.

It is considered reasonable to require travel planning measures to be agreed as required by policy TP2 and the applicant is willing to do this by S106 agreement.

## Impact upon Residential Amenity

The delivery yard is located on the western side of the site, which is the closest part of the site to residential properties. While HGV vehicles will need to access this part of the site, the proposal includes an acoustic fence constructed to 4 metres high, as well as landscaping to buffer and screen the noise generated in the delivery yard from neighbouring residential properties.

The open fronted buildings currently located on much of the western boundary close to residential properties, are frequently serviced by a forklift truck loading materials in and out of the bays. There are also areas along this boundary where there is no built form to offer a screen, and therefore the only buffer between active parts of the site and residential properties is a galvanised security fence.

The supporting information submitted with the application states that it is anticipated that the foodstore will be served by two delivery vehicles per day. On this basis it is considered that the disturbance to residential properties to the west of the site will be minimal, particularly given the current activity levels on this part of the site and the mitigation measures proposed in the form of an acoustic fence and densely planted landscaping.

In line with the Environmental Protection Unit's recommendations, arrived at following negotiations with the applicant, it is considered reasonable to restrict hours of trading, hours of deliveries and use of lighting at the site, in order to minimise the disturbance caused to local amenity.

## Other Issues

Concern has been raised by local residents that the new foodstore would not create as many jobs as claimed in the documents supporting the application. The agent has confirmed the scheme will deliver at least 85 jobs, of which two thirds will be full time posts and one third will be part time posts. This offers a considerable source of employment to the local community and is supported by policy ME3.

One letter of objection requests that washing and valeting of car is not allowed in the foodstore car park. This would be contrary to the scope of the retail use of the site and could not be carried out without planning permission.

Objection has also been raised over the business practices that Tesco use. This is not a material planning consideration.

The Climate Change Mitigation Officer raises an objection to the proposal as the development does not meet the requirements of emerging Core Strategy policies. However, the Planning Policy team has confirmed that there is currently no requirement for Core Strategy policies to be met, given the status of the document could still change through the further consultation and examination processes the document is yet to go through.

Finally any land contamination issues could adequately be addressed by condition.

## **Conclusion**

In light of the position established by the Certificate of Lawfulness i.e. that it is possible that a foodstore could be run from the existing buildings without the need for planning permission [Note – the fallback is not established by the COL per se, but by the likelihood of someone else continuing to use the site under the COL – are you able to say that it is quite likely someone would run the existing site?] it is considered that the principle of a foodstore in this location should be accepted and that a sequential test is neither necessary nor reasonable to justify this.

Notwithstanding local representations the proposed development is considered to be of appropriate form, design and layout that would not have a serious impact on the vitality and viability of the town centre or be detrimental to visual or residential amenity. The access and parking provision are considered to be acceptable and off-site highway improvements are also made. As such the proposal complies with Policies STR5, 20, 21, 48 and 49 of the Somerset and Exmoor National Park Joint Structure Plan Review, Policies ST5, ST6, EP2, EP3, EP5, TP2, TP6, MC2, MC3 and ME3 of the South Somerset Local Plan and Chapters 1, 2, 4 and 7 of the National Planning Policy Framework.

## **Section 106 Planning Obligations**

A section 106 agreement would be necessary to secure implementation of the Travel Plan.

## **RECOMMENDATION**

Permission be granted subject to the following:

- a) The prior completion of a section 106 agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to ensure appropriate Travel Planning measures as agreed with the County Travel Plan Coordinator; and
- b) The imposition of the planning conditions set out below on the grant of planning permission.

## **JUSTIFICATION**

It is considered the proposed foodstore would not have a detrimental impact upon the visual or residential amenity of the area, or be prejudicial to highway safety or town centre viability and vitality. Accordingly the proposal is considered to be in accordance with Policies STR5, 20, 21, 48 and 49 of the Somerset and Exmoor National Park Joint Structure Plan Review, Policies ST5, ST6, ST10, EP2, EP3, EP5, TP2, TP6, MC2, MC3 and ME3 of the South Somerset Local Plan and Chapters 1, 2, 4 and 7 of the National

Planning Policy Framework.

**SUBJECT TO THE FOLLOWING:**

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

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

02. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the area in accordance with Policy ST6 of the South Somerset Local Plan.

03. Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority. For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the enhancement of the local character and in the interests of residential amenity in accordance with South Somerset Local Plan Policy ST6.

04. Prior to the commencement of development the applicant shall investigate the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses. The applicant shall:-

(a) Provide a written report to the Local Planning Authority which shall include details of the previous uses of the site and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.

(b) If the report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment shall be carried out in line with current guidance. This should determine whether any contamination could pose a risk to future users of the site or the environment.

(c) If remedial works are required, details shall be submitted to the Local Planning Authority, and these shall be accepted in writing and thereafter

implemented. On completion of any required remedial works the applicant shall provide written confirmation that the works have been completed in accordance with the agreed remediation strategy.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, in accordance with policy EP5 of the South Somerset Local Plan.

05. No development approved by this permission shall be commenced until such time as a scheme to dispose of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved and shall also include measures so as to prevent the discharge of water onto the highway. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas and hardstandings for vehicles, shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: To provide adequate drainage and prevent water pollution in accordance with Policies ST5 and EU4 of the South Somerset Local Plan.

06. The delivery management plan detailed in paragraph 5.5 of the submitted Noise Assessment dated 27th March 2012, shall be operated at the site once the approved foodstore is opened and the acoustic fence on the western boundary of the site shall be erected prior to the occupation of the foodstore hereby approved, and thereafter maintained as approved.

Reason: In the interests of residential amenity, in accordance with Policy EP2 of the South Somerset Local Plan.

07. No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Reason: To ameliorate and reduce the impact of any external lighting in the interests of reducing light pollution in accordance Policy EP3 of the South Somerset Local Plan.

08. No delivery vehicle shall access the delivery yard or be loaded or unloaded between the hours of 23.00 and 07.00 Mondays to Saturday and not at all on Sundays.

Reason: In the interests of local residential amenities in accordance with Policy ST6 of the South Somerset Local Plan.

09. There shall be no dispensing pharmacy, optician services, dedicated butcher or bakery counters or cafe within the store hereby permitted without the prior express grant of planning permission.

Reason: To ensure that the approved store meets the identified need and to safeguard the current retail base of the town, in accordance with Policies MC2 and ME3 of the South Somerset Local Plan.



10. The development hereby permitted shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include construction vehicle movements, construction operation hours, construction delivery hours and specific anti-pollution measures to be adopted to mitigate construction impacts including:
1. Site security
  2. Fuel oil storage, bunding, delivery and use
  3. How both minor and major spillage will be dealt with
  4. Containment of silt/soil contaminated run-off.
  5. Disposal of contaminated drainage, including water pumped from excavations
  6. Site induction for workforce highlighting pollution prevention and awareness.
- Subsequently the development shall be carried out strictly in accordance with the approved Construction Management Plan.

Reason: In the interests of highways safety and to safeguard the amenities of the locality in accordance with policies EP6, ST5 and ST6 of the South Somerset Local Plan.

11. There shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge of the centre line of the access and extending to points on the nearside carriageway edge (insert what is on the plan)m either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.

Reason: In the interest of highway safety, in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

12. Prior to the commencement of any development hereby approved, details of the hard surfacing, trolley compounds and any other structures/hard landscaping shall be submitted to and approved in writing by the Local Planning Authority. Such works shall be carried out in accordance with the approved details.

Reason: In accordance with Policy ST5 of the South Somerset Local Plan.

13. The development hereby permitted shall be carried out in accordance with the following approved plans: PL(90)200 Rev A, PL(20)200, PL(20)201, PL(20)204, PL(20)205.

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

#### **Informatives:**

01. You are reminded of the contents the Environment Agency's consultation response dated 23 May 2012, a copy of which can be found on the SSDC website under the application reference number.
02. To clarify condition 09 and the scope of this permission, the sale of bakery products that are brought into the store part made, then baked and bagged on site is allowed.



Area North Committee – 26 September 2012

## Officer Report on Planning Application: 12/02763/COU

<b>Proposal :</b>	Change of use of dwelling from C3 (dwelling) to a mixed use of C3 (dwelling) and C1 (accommodation ancillary to hotel) (retrospective). ( GR 345615/117867 )
<b>Site Address:</b>	1 Barton Close, Bower Hinton, Martock
<b>Parish:</b>	Martock
<b>MARTOCK Ward (SSDC Members)</b>	Cllr Graham Middleton & Cllr Patrick Palmer
<b>Recommending Case Officer:</b>	Claire Alers-Hankey Tel: 01935 462295 Email: <a href="mailto:claire.alers-hankey@southsomerset.gov.uk">claire.alers-hankey@southsomerset.gov.uk</a>
<b>Target date :</b>	11th September 2012
<b>Applicant :</b>	Mr Thomas Walsh
<b>Agent:</b>	Paul Dance, Foxgloves, 11 North Street Stoke Sub Hamdon, Somerset TA14 6QR
<b>Application Type :</b>	Other Change Of Use

### REASON FOR REFERRAL TO COMMITTEE

This application is referred to the Area North committee at the request of the Vice Chair and one Ward Member to enable the local concerns to be fully debated.

### SITE DESCRIPTION AND PROPOSAL



The property is a two storey, end of terrace dwelling constructed from hamstone walls and double Roman roof tiles and currently benefits from C3 residential use. The property has two off road parking spaces.

This application seeks retrospective permission for the change of use of the property from C3 residential use to a mix of C3 residential and C1 hotel accommodation. Over the last six years the Hollies Hotel has purchased a number of properties within the Close, including this one. The Hollies use the property for accommodating short, medium and long term guests. It is accepted that the use of the property for persons staying for 7 days or more complies with the lawful C3 residential use and therefore does not require planning permission by itself. However, the Hollies also use the property for accommodating short term guests where people may stay for less than a week e.g. 2-3 nights. It is considered this element of the services accommodation provided by the applicant falls within a C1 (hotel) use and therefore planning permission is sought for a mix of the C3 and C1 uses to allow these different types of guest accommodation.

This proposal is submitted alongside eight other applications, made by the Hollies Hotel, for the same change of use to separate residential properties in Barton Close.

## HISTORY

05/00469/FUL - Minor amendments to elevational treatment of dwellings in approved development of 17 dwellings. Granted conditional approval on 04/04/2005.

03/03611/FUL - Residential development of 17 dwellings and associated siteworks - amended scheme of 02/03387/FUL. Granted conditional approval on 02/06/2004.

Previous planning history not relevant to this application.

## POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

Saved policies of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011:

- Policy STR1 - Sustainable Development
- Policy STR5 - Development in Rural Centres and Villages
- Policy 9 - The Built Historic Environment
- Policy 22 - Tourism Development in Settlements
- Policy 48 - Access and Parking
- Policy 49 - Transport Requirements of New Development

Saved policies of the South Somerset Local Plan:

- Policy ST5 - General Principles of Development
- Policy ST6 - The Quality of Development
- Policy EH1 - Conservation Areas
- Policy TP7 - Residential Parking Provision
- Policy ME10 - Tourist Accommodation

National Planning Policy Guidance (March 2012):  
 Chapter 1 - Building a Strong Competitive Economy  
 Chapter 6 - Delivering a Wide Choice of High Quality Homes  
 Chapter 7 - Requiring Good Design  
 Chapter 8 - Promoting Healthy Communities

## CONSULTATIONS

**Martock Parish Council** - Object to the proposal. Considered the cumulative effect of more than half the homes in Barton Close now being under the ownership of the applicant, and noted that if approved there would be potential for more short term (hotel room type) use of the available rooms rather than long term accommodation. Consider the proposal would cause a loss of community feel in Barton Close and make existing permanent residents feel as if they are living in a hotel complex, there is potential for the proposal to create more noise and disturbance due to more frequent visitors, and is aware of reported history of lack of respect by guests for the parking arrangements on site.

**County Highway Authority** - No objection to the principle of change of use from residential to a mix of residential and/or accommodation ancillary to the Hollies Hotel. States that on the basis that sufficient on site parking is provided with the site for parking in perpetuity, no objection raised.

**Area Engineer** - No comment

**Conservation Officer** - No objection to the change of use, but would be wary of any proposals for signage which could have an impact upon the conservation area.

## REPRESENTATIONS

**Three letters of support** - Have been received, raising the following points:

- Bower Hinton does not display a community spirit regardless of the fact that the Hollies own these properties; lack of community spirit is not linked to the number of houses that the Hollies own
- Community spirit is down to individuals making the effort
- If the houses had full C3 use, you could not guarantee what neighbours you will get - it could be a family with teenagers who skateboard in the Close, kick footballs against the walls, party at weekends in the Close
- Guests cause only minimal disturbance, which can be quickly resolved by ringing the hotel - if the houses were privately owned and the neighbours were troublesome this would not be the case
- Parking is not an issue as there is safe, off-road parking available for residents and visitors
- The Close is kept clean and tidy by the Hollies, who maintain the gardens, boarders and paths on a weekly basis - this would not be the case if the Hollies did not own these properties
- Value of the properties has increased as a result of the interest the Hollies have in the Close
- Barton Close offers a high standard of living, with peace and quiet for the majority of the time
- Local residents that do not live in Barton Close use the area for off street parking, and this is only possible due to the Hollies owning properties and requiring a

lower level of parking for their needs

- All of the Hollies properties are gardened at the same time on a Friday afternoon, which reduces disruption to local residents in the evening and weekends

**Ten letters of objection** - Have been received, raising concern over the following issues:

- All these applications would allow Barton Close to be used as a 21 bedroom hotel annexe which is out of scale with a small, residential cul-de-sac
- The proposal sets a precedence for the whole close to be used as a hotel annexe
- It makes no sense that a property can be in both C1 and C3 class of use; mixed use would normally apply to a group of properties as a whole with a specific use assigned to the property
- Any demand in hotel accommodation should be met by their nearby hotel and if the hotel is regularly full, it should be extended rather than permitting hotel sprawl in the surrounding residential areas
- The hotel environment impacts on privacy
- Hotel guests assume Barton Close is a hotel complex
- The feeling of living in a hotel complex is exacerbated by daily hotel servicing, hotel signage and weekly hotel gardening contractors
- The hotel insist of maintaining the communal garden areas, despite some residents volunteering to do it
- There is a significant level of hotel servicing that focuses on two garages under the flat at number 8 and these applications would make it worse
- Hotel operation places extra stress on the available parking and the narrow access road
- The frequent arrival and departure of strangers reduces our sense of security
- Proposal provides questionable benefits to the local economy in terms of employment, revenue and business growth
- Hollies have brought up properties that were previously available as low cost houses suitable for first time buyers
- Applications are made in retrospect and hence local residents have not had an opportunity to comment on the proposal until now
- Permission should not be granted for all of the properties the Hollies own to be used with the proposed mixed use
- Parking bays should be clearly marked out and visitors made aware that some are privately owned
- No further external modifications should be allowed to the properties
- If planning permission is granted, it should be personal to the Hollies otherwise they could sell the properties to another hotel
- The Hollies should not be allowed to personally maintain the communal garden areas
- Noise disturbance from shouting, music and loud talking
- Guests frequently walk past ground floor windows causing a loss of privacy
- Guests do not use correct parking spaces allocated to them
- Litter and cigarette ends are left in the Close by guests
- Lights are left on all night
- Water and garden debris is thrown over the fence
- It is believed that a clause was included in the developer's transfer document to prevent the properties on Barton Close being used other than as private dwellings
- House prices have been affected and selling will now be difficult
- Guests cause disturbance through partying to the small hours
- There is no community spirit in the Close as a result of the Hollies buying up all the properties; residents feel as if they are living in a hotel complex

- Proposal would compromise local residents rights to a private life, as set out in the Human Rights Act
- Why do the Hollies need so many properties if only 6% of people staying are short stay guests?
- Longer stay guests use barbeques with no consideration for other residents
- The presence of drunken guests feels uncomfortable and threatening

## CONSIDERATIONS

### Principle

The site is located within the defined development area where the principle of new development is acceptable, and where tourism accommodation is encouraged through Policy 22 of the Structure Plan. The proposal seeks permission for a mixed use of full residential (C3) and hotel (C1) accommodation. This mix is sought to enable a range of occupiers to stay in the property, varying from short periods of overnight to a couple of days as well as longer stays of a week or more. The use of the property for the longer stay guests (i.e. a week or more) falls within the existing C3 authorised use, and hence does not require planning permission in its own right. However the introduction of use for short-stay guests falls within the C1 hotel category, and hence the use of the property for this purpose, even if it is not all of the time, requires planning permission. The mixed use as proposed by the applicant provides tourism accommodation to the local area, which is supported by local and national planning policy due to the economic benefits that this type of use brings.

The economic benefit provided by the proposal has been questioned by local objectors in light of the fact that the property may have periods of being vacant. Most tourism accommodation facilities within the district do not operate at 100% occupancy, often realistically it is more likely to be between 40-60% occupancy per annum. Despite this it is widely accepted that such tourism accommodation will still bring several benefits to the local economy.

### Highways and Parking

The Highway Authority has not raised an objection to the proposal on the basis that adequate parking is available to serve the needs of the property and the proposal does not cause an increase in traffic. Concern has been raised that the proposal causes stress on available parking and the narrow access road. However, it is considered that the C1 hotel use does not create additional traffic above and beyond what would already be created by the C3 full residential use.

Concern has been raised that guests staying in the property do not park in the correct designated spaces. It has also been suggested by one local resident that the parking spaces are clearly delineated. This is considered to be a reasonable suggestion, and could be conditioned as part of any approved scheme.

### Residential Amenity

Several objections have been received regarding the cumulative impact this application, along with all of the other applications that the Hollies submitted for Barton Close, will have upon the residential amenity of the area and the overall character and feel of the area. Comments made by local residents include that there is little community spirit within the Close. While local residents may feel there is a lack of community spirit, this is not something that is a material planning consideration in this circumstance, particularly when the change of use proposed maintains the residential use, and the way in which the property is proposed to be used is so similar to the lawful use. If the Local Planning



Authority were to refuse this application, there is nothing that could be done to ensure that a future occupier of the property would participate with/contribute towards the local community spirit. Therefore it is considered that it would be unreasonable to refuse this application on such grounds.

Several objections received from local residents relate to disturbance caused by guests staying at the properties owned by the Hollies within Barton Close, and that guests think that the whole Close is part of the Hollies hotel. Concern has been raised over noise from music and shouting, however it also appears from objector letters that the Hollies have acted quickly to address noisy guests when it has been reported to them. Furthermore, there is no reason to think that guests staying at the property would be any noisier than a person occupying the property on a full residential C3 basis. The same would apply for concerns raised relating to lights being left on, barbecues being lit, and litter being dropped. As a note to this point, having visited Barton Close several times, the appearance given has always been one of a very clean and tidy area, with no evidence of litter being found.

Objection is also made to disturbance caused from the servicing of the Hollies owned properties in the Close. While daily visits may be made for housekeeping requirements, and weekly visits for garden maintenance, these movements are not considered to be excessive. Furthermore, a normal residential property would generate several movements per day, with trips to work, school, shops and so on.

Concern is raised by several residents that guests staying in the Close cause a loss of privacy and will impact upon their Human Rights as defined in the Act. Attention is drawn to the fact that guests frequently walk past ground floor windows. It is not considered that the proposed use would cause a loss of privacy anymore so than a full residential use. The occurrence of residents walking along the pavements or around the Close is going to happen, regardless of whether occupiers of the property are short term guests or longer term residents. In any case, such glancing views into a ground floor window of a property would not normally be considered to amount to a loss of privacy to the detriment of local residents.

Concern is also raised by local residents over a reduced sense of security from the presence of strangers, some of whom are drunk. However, no evidence has been submitted to demonstrate that this reduced sense of security is well founded as there does not appear to be a history of crime or disorder within the Close.

### **Other Issues**

Concern has been raised locally over the cumulative impact of half the properties within Barton Close being used by the Hollies hotel. This circumstance is unusual in that there do not appear to be any similar cases within the district, however it is necessary for the

Local Planning Authority to assess whether the several proposals for change of use as submitted by the Hollies would have a detrimental impact upon the scale of the area. It is reasonable that the area examined relates to the parish rather than just the Close in isolation, and accordingly it is considered the use of these properties within the Close is proportionate with the scale of the area.

Objection has been raised locally on the basis that the use of so many properties within the Close by the Hollies prevents the availability of low cost housing to first time buyer. When planning permission was granted for Barton Close, there was no planning requirement attached to the permission to require any of the properties to be available as affordable housing in perpetuity. Therefore this is not considered to warrant a reason for refusal in this circumstance.

A suggestion has been made that if planning permission is granted for this application, it should be made a personal permission to the Hollies to prevent the property being sold on to another hotel. Given the conscientious way in which The Hollies manage and maintain the property, it is considered this is a reasonable measure.

Comment has been made that no further external modifications should be allowed to the properties. Having checked the history of the property, permitted development rights were originally removed for alterations, extensions and garages to properties within the Close. As this planning permission would start a new chapter in the planning history, it is considered prudent to re-impose such a condition here.

Many issues that have been raised by local residents do not relate to material planning considerations, such as the impact upon property prices, the responsibility of maintenance of communal garden areas, restrictive covenants attached to the property, scope for the hotel to be extended and the application being made retrospectively.

#### Conclusion

The site is located within the defined development area where tourism accommodation is encouraged in planning policy. The proposed mixed use of C1 and C3 will contribute towards available tourism accommodation in the area, while also maintaining housing supply within the parish. The proposal would not be prejudicial to highway safety, and notwithstanding the objections received, will not harm the residential or visual amenity of the area. Therefore the proposal accords with Policies STR5, 22 and 48 of the Somerset and Exmoor National Park Joint Structure Plan Review, Policies ST5, ST6, TP7 and ME10 of the South Somerset Local Plan and Chapters 1 and 6 of the National Planning Policy Framework.

#### RECOMMENDATION

Permission be granted

#### JUSTIFICATION

The site is located within the defined development area where tourism accommodation is encouraged in planning policy. The proposed mixed use of C1 and C3 will contribute towards available tourism accommodation in the area, while also maintaining housing supply within the parish. The proposal would not be prejudicial to highway safety, and notwithstanding the objections received, will not harm the residential or visual amenity of the area. Therefore the proposal accords with Policies STR5, 22 and 48 of the Somerset and Exmoor National Park Joint Structure Plan Review, Policies ST5, ST6, TP7 and ME10 of the South Somerset Local Plan and Chapters 1 and 6 of the National Planning Policy Framework.

#### SUBJECT TO THE FOLLOWING:

01. Notwithstanding the time limits given to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission (being granted under section 73A of the Act in respect of development already carried out) shall have effect from the 17th July 2012.

Reason: To comply with Section 73A of the Act.



02. Within three months of the date of this permission the car parking space shown on the submitted plan shall be clearly marked out. Such areas shall then be available to serve the needs of the occupiers of 1 Barton Close.

Reason: To ensure that guests staying at the property are aware of the parking spaces related to the property, in accordance with Policy 48 of the Somerset and Exmoor National Park Joint Structure Plan Review.

03. The use hereby permitted is limited to a mixed use of C1 and C3 uses, as defined in the Town and Country Planning (Use Classes) Order 1987 or any statutory instrument revoking and re-enacting that Order. Should the mixed C1 and C3 use cease, the use of the property shall revert to a C3 dwelling.

Reason: In order to define the scope of the permission.

04. The element of C1 use hereby permitted shall only be operated by the Hollies Hotel. Upon severance of the link between the application site and the Hollies Hotel, the use of the application site shall revert to a C3 use.

Reason: In the interests of the residential amenity of the area, in accordance with Policy ST6 of the South Somerset Local Plan.

05. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), there shall be no extensions or alterations to this building without the prior express grant of planning permission.

Reason: In the interests of the local amenities of the area, in accordance with Policy ST6 of the South Somerset Local Plan.

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Area North Committee – 26 September 2012

## Officer Report on Planning Application: 12/02762/COU

<b>Proposal :</b>	Change of use of dwelling from C3 (dwelling) to a mixed use of C3 (dwelling) and C1 (accommodation ancillary to hotel) (retrospective) ( GR 345604/117868 )
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<b>Parish:</b>	Martock
<b>MARTOCK Ward (SSDC Members)</b>	Cllr Graham Middleton & Cllr Patrick Palmer
<b>Recommending Case Officer:</b>	Claire Alers-Hankey Tel: 01935 462295 Email: claire.alers-hankey@southsomerset.gov.uk
<b>Target date :</b>	11th September 2012
<b>Applicant :</b>	Mr Thomas Walsh
<b>Agent:</b>	Paul Dance, Foxgloves, 11 North Street, Stoke Sub Hamdon, Somerset TA14 6QR
<b>Application Type :</b>	Other Change Of Use

### EASON FOR REFERRAL TO COMMITTEE

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### SITE DESCRIPTION AND PROPOSAL



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## REPRESENTATIONS

**Three letters of support** - Have been received, raising the following points:

- Bower Hinton does not display a community spirit regardless of the fact that the Hollies own these properties; lack of community spirit is not linked to the number of houses that the Hollies own
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- Proposal would compromise local residents rights to a private life, as set out in the Human Rights Act
- Why do the Hollies need so many properties if only 6% of people staying are short stay guests?
- Longer stay guests use barbeques with no consideration for other residents
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## CONSIDERATIONS

### Principle

The site is located within the defined development area where the principle of new development is acceptable, and where tourism accommodation is encouraged through Policy 22 of the Structure Plan. The proposal seeks permission for a mixed use of full residential (C3) and hotel (C1) accommodation. This mix is sought to enable a range of occupiers to stay in the property, varying from short periods of overnight to a couple of days as well as longer stays of a week or more. The use of the property for the longer stay guests (i.e. a week or more) falls within the existing C3 authorised use, and hence does not require planning permission in its own right. However the introduction of use for short-stay guests falls within the C1 hotel category, and hence the use of the property for this purpose, even if it is not all of the time, requires planning permission. The mixed use as proposed by the applicant provides tourism accommodation to the local area, which is supported by local and national planning policy due to the economic benefits that this type of use brings.

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### Highways and Parking

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Concern is also raised by local residents over a reduced sense of security from the presence of strangers, some of whom are drunk. However, no evidence has been submitted to demonstrate that this reduced sense of security is well founded as there does not appear to be a history of crime or disorder within the Close.

### **Other Issues**

Concern has been raised locally over the cumulative impact of half the properties within Barton Close being used by the Hollies hotel. This circumstance is unusual in that there do not appear to be any similar cases within the district, however it is necessary for the Local Planning Authority to assess whether the several proposals for change of use as submitted by the Hollies would have a detrimental impact upon the scale of the area. It is reasonable that the area examined relates to the parish rather than just the Close in isolation, and accordingly it is considered the use of these properties within the Close is proportionate with the scale of the area.

Objection has been raised locally on the basis that the use of so many properties within the Close by the Hollies prevents the availability of low cost housing to first time buyer. When planning permission was granted for Barton Close, there was no planning requirement attached to the permission to require any of the properties to be available as affordable housing in perpetuity. Therefore this is not considered to warrant a reason for refusal in this circumstance.



A suggestion has been made that if planning permission is granted for this application, it should be made a personal permission to the Hollies to prevent the property being sold on to another hotel. Given the conscientious way in which The Hollies manage and maintain the property, it is considered this is a reasonable measure.

Comment has been made that no further external modifications should be allowed to the properties. Having checked the history of the property, permitted development rights were originally removed for alterations, extensions and garages to properties within the Close. As this planning permission would start a new chapter in the planning history, it is considered prudent to re-impose such a condition here.

Many issues that have been raised by local residents do not relate to material planning considerations, such as the impact upon property prices, the responsibility of maintenance of communal garden areas, restrictive covenants attached to the property, scope for the hotel to be extended and the application being made retrospectively.

### **Conclusion**

The site is located within the defined development area where tourism accommodation is encouraged in planning policy. The proposed mixed use of C1 and C3 will contribute towards available tourism accommodation in the area, while also maintaining housing supply within the parish. The proposal would not be prejudicial to highway safety, and notwithstanding the objections received, will not harm the residential or visual amenity of the area. Therefore the proposal accords with Policies STR5, 22 and 48 of the Somerset and Exmoor National Park Joint Structure Plan Review, Policies ST5, ST6, TP7 and ME10 of the South Somerset Local Plan and Chapters 1 and 6 of the National Planning Policy Framework.

### **RECOMMENDATION**

Permission be granted

### **JUSTIFICATION**

The site is located within the defined development area where tourism accommodation is encouraged in planning policy. The proposed mixed use of C1 and C3 will contribute towards available tourism accommodation in the area, while also maintaining housing supply within the parish. The proposal would not be prejudicial to highway safety, and notwithstanding the objections received, will not harm the residential or visual amenity of the area. Therefore the proposal accords with Policies STR5, 22 and 48 of the Somerset and Exmoor National Park Joint Structure Plan Review, Policies ST5, ST6, TP7 and ME10 of the South Somerset Local Plan and Chapters 1 and 6 of the National Planning Policy Framework.

### **SUBJECT TO THE FOLLOWING:**

01. Notwithstanding the time limits given to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission (being granted under section 73A of the Act in respect of development already carried out) shall have effect from the 17th July 2012.

Reason: To comply with Section 73A of the Act.

02. Within three months of the date of this permission the car parking space shown on the submitted plan shall be clearly marked out. Such areas shall then be available to serve the needs of the occupiers of 1 Barton Close.

Reason: To ensure that guests staying at the property are aware of the parking spaces related to the property, in accordance with Policy 48 of the Somerset and Exmoor National Park Joint Structure Plan Review.

03. The use hereby permitted is limited to a mixed use of C1 and C3 uses, as defined in the Town and Country Planning (Use Classes) Order 1987 or any statutory instrument revoking and re-enacting that Order. Should the mixed C1 and C3 use cease, the use of the property shall revert to a C3 dwelling.

Reason: In order to define the scope of the permission

04. The element of C1 use hereby permitted shall only be operated by the Hollies Hotel. Upon severance of the link between the application site and the Hollies Hotel, the use of the application site shall revert to a C3 use.

Reason: In the interests of the residential amenity of the area, in accordance with Policy ST6 of the South Somerset Local Plan.

05. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), there shall be no extensions or alterations to this building without the prior express grant of planning permission.

Reason: In the interests of the local amenities of the area, in accordance with Policy ST6 of the South Somerset Local Plan.

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Area North Committee – 26 September 2012

## Officer Report on Planning Application: 12/02761/COU

<b>Proposal :</b>	Change of use of dwelling from C3 (dwelling) to a mixed use of C3 (dwelling) and C1 (accommodation ancillary to hotel) (retrospective) ( GR 345614/117888 )
<b>Site Address:</b>	4 Barton Close Bower Hinton Martock
<b>Parish:</b>	Martock
<b>MARTOCK Ward (SSDC Members)</b>	Cllr Graham Middleton & Cllr Patrick Palmer
<b>Recommending Case Officer:</b>	Claire Alers-Hankey Tel: 01935 462295 Email: claire.alers-hankey@southsomerset.gov.uk
<b>Target date :</b>	11th September 2012
<b>Applicant :</b>	Mr Thomas Walsh
<b>Agent:</b>	Paul Dance, Foxgloves, 11 North Street, Stoke Sub Hamdon, Somerset TA14 6QR
<b>Application Type :</b>	Other Change Of Use

### REASON FOR REFERRAL TO COMMITTEE

This application is referred to the Area North committee at the request of the Vice Chair and one Ward Member to enable the local concerns to be fully debated.

### SITE DESCRIPTION AND PROPOSAL



The property is a two-bedroom flat over garage constructed from rendered walls and double Roman roof tiles and currently benefits from C3 residential use. The property has two off road parking spaces.

This application seeks retrospective permission for the change of use of the property from C3 residential use to a mix of C3 residential and C1 hotel accommodation. Over the last six years the Hollies Hotel has purchased a number of properties within the Close, including this one. The Hollies use the property for accommodating short, medium and long term guests. It is accepted that the use of the property for persons staying for 7 days or more complies with the lawful C3 residential use and therefore does not require planning permission by itself. However, the Hollies also use the property for accommodating short term guests where people may stay for less than a week e.g. 2-3 nights. It is considered this element of the services accommodation provided by the applicant falls within a C1 (hotel) use and therefore planning permission is sought for a mix of the C3 and C1 uses to allow these different types of guest accommodation.

This proposal is submitted alongside eight other applications, made by the Hollies Hotel, for the same change of use to separate residential properties in Barton Close.

## HISTORY

12/02194/FUL - The provision of an external staircase and first floor external doorway. Application withdrawn on 27/06/2012.

05/00469/FUL - Minor amendments to elevational treatment of dwellings in approved development of 17 dwellings. Granted conditional approval on 04/04/2005.

03/03611/FUL - Residential development of 17 dwellings and associated siteworks - amended scheme of 02/03387/FUL. Granted conditional approval on 02/06/2004.

Previous planning history not relevant to this application.

## POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

Saved policies of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011:

- Policy STR1 - Sustainable Development
- Policy STR5 - Development in Rural Centres and Villages
- Policy 9 - The Built Historic Environment
- Policy 22 - Tourism Development in Settlements
- Policy 48 - Access and Parking
- Policy 49 - Transport Requirements of New Development

Saved policies of the South Somerset Local Plan:

- Policy ST5 - General Principles of Development
- Policy ST6 - The Quality of Development
- Policy EH1 - Conservation Areas
- Policy TP7 - Residential Parking Provision

## Policy ME10 - Tourist Accommodation

National Planning Policy Guidance (March 2012):

Chapter 1 - Building a Strong Competitive Economy

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

Chapter 8 - Promoting Healthy Communities

## CONSULTATIONS

**Martock Parish Council** - Object to the proposal. Considered the cumulative effect of more than half the homes in Barton Close now being under the ownership of the applicant, and noted that if approved there would be potential for more short term (hotel room type) use of the available rooms rather than long term accommodation. Consider the proposal would cause a loss of community feel in Barton Close and make existing permanent residents feel as if they are living in a hotel complex, there is potential for the proposal to create more noise and disturbance due to more frequent visitors, and is aware of reported history of lack of respect by guests for the parking arrangements on site.

**County Highway Authority** - No objection to the principle of change of use from residential to a mix of residential and/or accommodation ancillary to the Hollies Hotel. States that on the basis that sufficient on site parking is provided with the site for parking in perpetuity, no objection raised.

**Area Engineer** - No comment

**Conservation Officer** - No objection to the change of use, but would be wary of any proposals for signage which could have an impact upon the conservation area.

## REPRESENTATIONS

**Three letters of support** - Have been received, raising the following points:

- Bower Hinton does not display a community spirit regardless of the fact that the Hollies own these properties; lack of community spirit is not linked to the number of houses that the Hollies own
- Community spirit is down to individuals making the effort
- If the houses had full C3 use, you could not guarantee what neighbours you will get - it could be a family with teenagers who skateboard in the Close, kick footballs against the walls, party at weekends in the Close
- Guests cause only minimal disturbance, which can be quickly resolved by ringing the hotel - if the houses were privately owned and the neighbours were troublesome this would not be the case
- Parking is not an issue as there is safe, off-road parking available for residents and visitors
- The Close is kept clean and tidy by the Hollies, who maintain the gardens, borders and paths on a weekly basis - this would not be the case if the Hollies did not own these properties
- Value of the properties has increased as a result of the interest the Hollies have in the Close
- Barton Close offers a high standard of living, with peace and quiet for the majority of the time

- Local residents that do not live in Barton Close use the area for off street parking, and this is only possible due to the Hollies owning properties and requiring a lower level of parking for their needs
- All of the Hollies properties are gardened at the same time on a Friday afternoon, which reduces disruption to local residents in the evening and weekends

**Ten letters of objection** - Have been received, raising concern over the following issues:

- All these applications would allow Barton Close to be used as a 21 bedroom hotel annexe which is out of scale with a small, residential cul-de-sac
- The proposal sets a precedence for the whole close to be used as a hotel annexe
- It makes no sense that a property can be in both C1 and C3 class of use; mixed use would normally apply to a group of properties as a whole with a specific use assigned to the property
- Any demand in hotel accommodation should be met by their nearby hotel and if the hotel is regularly full, it should be extended rather than permitting hotel sprawl in the surrounding residential areas
- The hotel environment impacts on privacy
- Hotel guests assume Barton Close is a hotel complex
- The feeling of living in a hotel complex is exacerbated by daily hotel servicing, hotel signage and weekly hotel gardening contractors
- The hotel insist of maintaining the communal garden areas, despite some residents volunteering to do it
- There is a significant level of hotel servicing that focuses on two garages under the flat at number 8 and these applications would make it worse
- Hotel operation places extra stress on the available parking and the narrow access road
- The frequent arrival and departure of strangers reduces our sense of security
- Proposal provides questionable benefits to the local economy in terms of employment, revenue and business growth
- Hollies have brought up properties that were previously available as low cost houses suitable for first time buyers
- Applications are made in retrospect and hence local residents have not had an opportunity to comment on the proposal until now
- Permission should not be granted for all of the properties the Hollies own to be used with the proposed mixed use
- Parking bays should be clearly marked out and visitors made aware that some are privately owned
- No further external modifications should be allowed to the properties
- If planning permission is granted, it should be personal to the Hollies otherwise they could sell the properties to another hotel
- The Hollies should not be allowed to personally maintain the communal garden areas
- Noise disturbance from shouting, music and loud talking
- Guests frequently walk past ground floor windows causing a loss of privacy
- Guests do not use correct parking spaces allocated to them
- Litter and cigarette ends are left in the Close by guests
- Lights are left on all night
- Water and garden debris is thrown over the fence
- It is believed that a clause was included in the developer's transfer document to prevent the properties on Barton Close being used other than as private dwellings
- House prices have been affected and selling will now be difficult
- Guests cause disturbance through partying to the small hours



- There is no community spirit in the Close as a result of the Hollies buying up all the properties; residents feel as if they are living in a hotel complex
- Proposal would compromise local residents rights to a private life, as set out in the Human Rights Act
- Why do the Hollies need so many properties if only 6% of people staying are short stay guests?
- Longer stay guests use barbeques with no consideration for other residents
- The presence of drunken guests feels uncomfortable and threatening

## CONSIDERATIONS

### Principle

The site is located within the defined development area where the principle of new development is acceptable, and where tourism accommodation is encouraged through Policy 22 of the Structure Plan. The proposal seeks permission for a mixed use of full residential (C3) and hotel (C1) accommodation. This mix is sought to enable a range of occupiers to stay in the property, varying from short periods of overnight to a couple of days as well as longer stays of a week or more. The use of the property for the longer stay guests (i.e. a week or more) falls within the existing C3 authorised use, and hence does not require planning permission in its own right. However the introduction of use for short-stay guests falls within the C1 hotel category, and hence the use of the property for this purpose, even if it is not all of the time, requires planning permission. The mixed use as proposed by the applicant provides tourism accommodation to the local area, which is supported by local and national planning policy due to the economic benefits that this type of use brings.

The economic benefit provided by the proposal has been questioned by local objectors in light of the fact that the property may have periods of being vacant. Most tourism accommodation facilities within the district do not operate at 100% occupancy, often realistically it is more likely to be between 40-60% occupancy per annum. Despite this it is widely accepted that such tourism accommodation will still bring several benefits to the local economy.

### Highways and Parking

The Highway Authority has not raised an objection to the proposal on the basis that adequate parking is available to serve the needs of the property and the proposal does not cause an increase in traffic. Concern has been raised that the proposal causes stress on available parking and the narrow access road. However, it is considered that the C1 hotel use does not create additional traffic above and beyond what would already be created by the C3 full residential use.

Concern has been raised that guests staying in the property do not park in the correct designated spaces. It has also been suggested by one local resident that the parking spaces are clearly delineated. This is considered to be a reasonable suggestion, and could be conditioned as part of any approved scheme.

### Residential Amenity

Several objections have been received regarding the cumulative impact this application, along with all of the other applications that the Hollies submitted for Barton Close, will have upon the residential amenity of the area and the overall character and feel of the area. Comments made by local residents include that there is little community spirit within the Close. While local residents may feel there is a lack of community spirit, this is not something that is a material planning consideration in this circumstance, particularly

when the change of use proposed maintains the residential use, and the way in which the property is proposed to be used is so similar to the lawful use. If the Local Planning Authority were to refuse this application, there is nothing that could be done to ensure that a future occupier of the property would participate with/contribute towards the local community spirit. Therefore it is considered that it would be unreasonable to refuse this application on such grounds.

Several objections received from local residents relate to disturbance caused by guests staying at the properties owned by the Hollies within Barton Close, and that guests think that the whole Close is part of the Hollies hotel. Concern has been raised over noise from music and shouting, however it also appears from objector letters that the Hollies have acted quickly to address noisy guests when it has been reported to them. Furthermore, there is no reason to think that guests staying at the property would be any noisier than a person occupying the property on a full residential C3 basis. The same would apply for concerns raised relating to lights being left on, barbeques being lit, and litter being dropped. As a note to this point, having visited Barton Close several times, the appearance given has always been one of a very clean and tidy area, with no evidence of litter being found.

Objection is also made to disturbance caused from the servicing of the Hollies owned properties in the Close. While daily visits may be made for housekeeping requirements, and weekly visits for garden maintenance, these movements are not considered to be excessive. Furthermore, a normal residential property would generate several movements per day, with trips to work, school, shops and so on.

Concern is raised by several residents that guests staying in the Close cause a loss of privacy and will impact upon their Human Rights as defined in the Act. Attention is drawn to the fact that guests frequently walk past ground floor windows. It is not considered that the proposed use would cause a loss of privacy anymore so than a full residential use. The occurrence of residents walking along the pavements or around the Close is going to happen, regardless of whether occupiers of the property are short term guests or longer term residents. In any case, such glancing views into a ground floor window of a property would not normally be considered to amount to a loss of privacy to the detriment of local residents.

Concern is also raised by local residents over a reduced sense of security from the presence of strangers, some of whom are drunk. However, no evidence has been submitted to demonstrate that this reduced sense of security is well founded as there does not appear to be a history of crime or disorder within the Close.

### **Other Issues**

Concern has been raised locally over the cumulative impact of half the properties within Barton Close being used by the Hollies hotel. This circumstance is unusual in that there do not appear to be any similar cases within the district, however it is necessary for the Local Planning Authority to assess whether the several proposals for change of use as submitted by the Hollies would have a detrimental impact upon the scale of the area. It is reasonable that the area examined relates to the parish rather than just the Close in isolation, and accordingly it is considered the use of these properties within the Close is proportionate with the scale of the area.

Objection has been raised locally on the basis that the use of so many properties within the Close by the Hollies prevents the availability of low cost housing to first time buyer. When planning permission was granted for Barton Close, there was no planning requirement attached to the permission to require any of the properties to be available as affordable housing in perpetuity. Therefore this is not considered to warrant a reason for

refusal in this circumstance.

A suggestion has been made that if planning permission is granted for this application, it should be made a personal permission to the Hollies to prevent the property being sold on to another hotel. Given the conscientious way in which The Hollies manage and maintain the property, it is considered this is a reasonable measure.

Comment has been made that no further external modifications should be allowed to the properties. Having checked the history of the property, permitted development rights were originally removed for alterations, extensions and garages to properties within the Close. As this planning permission would start a new chapter in the planning history, it is considered prudent to re-impose such a condition here.

Many issues that have been raised by local residents do not relate to material planning considerations, such as the impact upon property prices, the responsibility of maintenance of communal garden areas, restrictive covenants attached to the property, scope for the hotel to be extended and the application being made retrospectively.

### **Conclusion**

The site is located within the defined development area where tourism accommodation is encouraged in planning policy. The proposed mixed use of C1 and C3 will contribute towards available tourism accommodation in the area, while also maintaining housing supply within the parish. The proposal would not be prejudicial to highway safety, and notwithstanding the objections received, will not harm the residential or visual amenity of the area. Therefore the proposal accords with Policies STR5, 22 and 48 of the Somerset and Exmoor National Park Joint Structure Plan Review, Policies ST5, ST6, TP7 and ME10 of the South Somerset Local Plan and Chapters 1 and 6 of the National Planning Policy Framework.

### **RECOMMENDATION**

Permission be granted

### **JUSTIFICATION**

The site is located within the defined development area where tourism accommodation is encouraged in planning policy. The proposed mixed use of C1 and C3 will contribute towards available tourism accommodation in the area, while also maintaining housing supply within the parish. The proposal would not be prejudicial to highway safety, and notwithstanding the objections received, will not harm the residential or visual amenity of the area. Therefore the proposal accords with Policies STR5, 22 and 48 of the Somerset and Exmoor National Park Joint Structure Plan Review, Policies ST5, ST6, TP7 and ME10 of the South Somerset Local Plan and Chapters 1 and 6 of the National Planning Policy Framework.

### **SUBJECT TO THE FOLLOWING:**

01. Notwithstanding the time limits given to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission (being granted under section 73A of the Act in respect of development already carried out) shall have effect from the 17th July 2012.

Reason: To comply with Section 73A of the Act.

02. Within three months of the date of this permission the car parking space shown on the submitted plan shall be clearly marked out. Such areas shall then be available to serve the needs of the occupiers of 1 Barton Close.

Reason: To ensure that guests staying at the property are aware of the parking spaces related to the property, in accordance with Policy 48 of the Somerset and Exmoor National Park Joint Structure Plan Review.

03. The use hereby permitted is limited to a mixed use of C1 and C3 uses, as defined in the Town and Country Planning (Use Classes) Order 1987 or any statutory instrument revoking and re-enacting that Order. Should the mixed C1 and C3 use cease, the use of the property shall revert to a C3 dwelling.

Reason: In order to define the scope of the permission.

04. The element of C1 use hereby permitted shall only be operated by the Hollies Hotel. Upon severance of the link between the application site and the Hollies Hotel, the use of the application site shall revert to a C3 use.

Reason: In the interests of the residential amenity of the area, in accordance with Policy ST6 of the South Somerset Local Plan.

05. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), there shall be no extensions or alterations to this building without the prior express grant of planning permission.

Reason: In the interests of the local amenities of the area, in accordance with Policy ST6 of the South Somerset Local Plan.

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Area North Committee – 26 September 2012

**Officer Report on Planning Application: 12/02779/COU**

<b>Proposal :</b>	Change of use of dwelling from C3 (dwelling) to a mixed use of C3 (dwelling) and C1 (accommodation ancillary to hotel) (retrospective)(GR:345590/117914)
<b>Site Address:</b>	8 Barton Close Bower Hinton Martock
<b>Parish:</b>	Martock
<b>MARTOCK Ward (SSDC Members)</b>	Cllr Graham Middleton & Cllr Patrick Palmer
<b>Recommending Case Officer:</b>	Claire Alers-Hankey Tel: 01935 462295 Email: claire.alers-hankey@southsomerset.gov.uk
<b>Target date :</b>	11th September 2012
<b>Applicant :</b>	Mr Thomas Walsh
<b>Agent:</b>	Paul Dance, Foxgloves, 11 North Street, Stoke Sub Hamdon, Somerset TA14 6QR
<b>Application Type :</b>	Other Change Of Use

**REASON FOR REFERRAL TO COMMITTEE**

This application is referred to the Area North committee at the request of the Vice Chair and one Ward Member to enable the local concerns to be fully debated.

**SITE DESCRIPTION AND PROPOSAL**





The property is a two-bedroom flat over garage constructed from rendered walls and double Roman roof tiles and currently benefits from C3 residential use. The property has two off road parking spaces.

This application seeks retrospective permission for the change of use of the property from C3 residential use to a mix of C3 residential and C1 hotel accommodation. Over the last six years the Hollies Hotel has purchased a number of properties within the Close, including this one. The Hollies use the property for accommodating short, medium and long term guests. It is accepted that the use of the property for persons staying for 7 days or more complies with the lawful C3 residential use and therefore does not require planning permission by itself. However, the Hollies also use the property for accommodating short term guests where people may stay for less than a week e.g. 2-3 nights. It is considered this element of the services accommodation provided by the applicant falls within a C1 (hotel) use and therefore planning permission is sought for a mix of the C3 and C1 uses to allow these different types of guest accommodation.

This proposal is submitted alongside eight other applications, made by the Hollies Hotel, for the same change of use to separate residential properties in Barton Close.

## HISTORY

06/03507/FUL - The installation of an external staircase to north elevation of dwellinghouse. Application refused on 24/11/2006, but allowed on appeal on 01/06/2007.

05/00469/FUL - Minor amendments to elevational treatment of dwellings in approved development of 17 dwellings. Granted conditional approval on 04/04/2005.

03/03611/FUL - Residential development of 17 dwellings and associated siteworks - amended scheme of 02/03387/FUL. Granted conditional approval on 02/06/2004.

Previous planning history not relevant to this application.

## POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

Saved policies of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011:

- Policy STR1 - Sustainable Development
- Policy STR5 - Development in Rural Centres and Villages
- Policy 9 - The Built Historic Environment
- Policy 22 - Tourism Development in Settlements
- Policy 48 - Access and Parking
- Policy 49 - Transport Requirements of New Development

Saved policies of the South Somerset Local Plan:

- Policy ST5 - General Principles of Development
- Policy ST6 - The Quality of Development
- Policy EH1 - Conservation Areas
- Policy TP7 - Residential Parking Provision



## Policy ME10 - Tourist Accommodation

National Planning Policy Guidance (March 2012):

Chapter 1 - Building a Strong Competitive Economy

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

Chapter 8 - Promoting Healthy Communities

## CONSULTATIONS

**Martock Parish Council** - Object to the proposal. Considered the cumulative effect of more than half the homes in Barton Close now being under the ownership of the applicant, and noted that if approved there would be potential for more short term (hotel room type) use of the available rooms rather than long term accommodation. Consider the proposal would cause a loss of community feel in Barton Close and make existing permanent residents feel as if they are living in a hotel complex, there is potential for the proposal to create more noise and disturbance due to more frequent visitors, and is aware of reported history of lack of respect by guests for the parking arrangements on site.

**County Highway Authority** - No objection to the principle of change of use from residential to a mix of residential and/or accommodation ancillary to the Hollies Hotel. States that on the basis that sufficient on site parking is provided with the site for parking in perpetuity, no objection raised.

**Area Engineer** - No comment

**Conservation Officer** - No objection to the change of use, but would be wary of any proposals for signage which could have an impact upon the conservation area.

## REPRESENTATIONS

**Three letters of support** - Have been received, raising the following points:

- Bower Hinton does not display a community spirit regardless of the fact that the Hollies own these properties; lack of community spirit is not linked to the number of houses that the Hollies own
- Community spirit is down to individuals making the effort
- If the houses had full C3 use, you could not guarantee what neighbours you will get - it could be a family with teenagers who skateboard in the Close, kick footballs against the walls, party at weekends in the Close
- Guests cause only minimal disturbance, which can be quickly resolved by ringing the hotel - if the houses were privately owned and the neighbours were troublesome this would not be the case
- Parking is not an issue as there is safe, off-road parking available for residents and visitors
- The Close is kept clean and tidy by the Hollies, who maintain the gardens, borders and paths on a weekly basis - this would not be the case if the Hollies did not own these properties
- Value of the properties has increased as a result of the interest the Hollies have in the Close
- Barton Close offers a high standard of living, with peace and quiet for the majority of the time

- Local residents that do not live in Barton Close use the area for off street parking, and this is only possible due to the Hollies owning properties and requiring a lower level of parking for their needs
- All of the Hollies properties are gardened at the same time on a Friday afternoon, which reduces disruption to local residents in the evening and weekends

**Ten letters of objection** - Have been received, raising concern over the following issues:

- People stand on balcony/staircase and smoke, shout, drink, talk on mobiles, etc.
- Overlooking from balcony to neighbouring property rear gardens, causing a loss of privacy
- Balcony was given permission to be a staircase to the garden, and not to be used as a balcony
- All these applications would allow Barton Close to be used as a 21 bedroom hotel annexe which is out of scale with a small, residential cul-de-sac
- The proposal sets a precedence for the whole close to be used as a hotel annexe
- It makes no sense that a property can be in both C1 and C3 class of use; mixed use would normally apply to a group of properties as a whole with a specific use assigned to the property
- Any demand in hotel accommodation should be met by their nearby hotel and if the hotel is regularly full, it should be extended rather than permitting hotel sprawl in the surrounding residential areas
- The hotel environment impacts on privacy
- Hotel guests assume Barton Close is a hotel complex
- The feeling of living in a hotel complex is exacerbated by daily hotel servicing, hotel signage and weekly hotel gardening contractors
- The hotel insist of maintaining the communal garden areas, despite some residents volunteering to do it
- There is a significant level of hotel servicing that focuses on two garages under the flat at number 8 and these applications would make it worse
- Hotel operation places extra stress on the available parking and the narrow access road
- The frequent arrival and departure of strangers reduces our sense of security
- Proposal provides questionable benefits to the local economy in terms of employment, revenue and business growth
- Hollies have brought up properties that were previously available as low cost houses suitable for first time buyers
- Applications are made in retrospect and hence local residents have not had an opportunity to comment on the proposal until now
- Permission should not be granted for all of the properties the Hollies own to be used with the proposed mixed use
- Parking bays should be clearly marked out and visitors made aware that some are privately owned
- No further external modifications should be allowed to the properties
- If planning permission is granted, it should be personal to the Hollies otherwise they could sell the properties to another hotel
- The Hollies should not be allowed to personally maintain the communal garden areas
- Noise disturbance from shouting, music and loud talking
- Guests frequently walk past ground floor windows causing a loss of privacy
- Guests do not use correct parking spaces allocated to them
- Litter and cigarette ends are left in the Close by guests
- Lights are left on all night

- Water and garden debris is thrown over the fence
- It is believed that a clause was included in the developer's transfer document to prevent the properties on Barton Close being used other than as private dwellings
- House prices have been affected and selling will now be difficult
- Guests cause disturbance through partying to the small hours
- There is no community spirit in the Close as a result of the Hollies buying up all the properties; residents feel as if they are living in a hotel complex
- Proposal would compromise local residents rights to a private life, as set out in the Human Rights Act
- Why do the Hollies need so many properties if only 6% of people staying are short stay guests?
- Longer stay guests use barbeques with no consideration for other residents
- The presence of drunken guests feels uncomfortable and threatening

## CONSIDERATIONS

### Principle

The site is located within the defined development area where the principle of new development is acceptable, and where tourism accommodation is encouraged through Policy 22 of the Structure Plan. The proposal seeks permission for a mixed use of full residential (C3) and hotel (C1) accommodation. This mix is sought to enable a range of occupiers to stay in the property, varying from short periods of overnight to a couple of days as well as longer stays of a week or more. The use of the property for the longer stay guests (i.e. a week or more) falls within the existing C3 authorised use, and hence does not require planning permission in its own right. However the introduction of use for short-stay guests falls within the C1 hotel category, and hence the use of the property for this purpose, even if it is not all of the time, requires planning permission. The mixed use as proposed by the applicant provides tourism accommodation to the local area, which is supported by local and national planning policy due to the economic benefits that this type of use brings.

The economic benefit provided by the proposal has been questioned by local objectors in light of the fact that the property may have periods of being vacant. Most tourism accommodation facilities within the district do not operate at 100% occupancy, often realistically it is more likely to be between 40-60% occupancy per annum. Despite this it is widely accepted that such tourism accommodation will still bring several benefits to the local economy.

### Highways and Parking

The Highway Authority has not raised an objection to the proposal on the basis that adequate parking is available to serve the needs of the property and the proposal does not cause an increase in traffic. Concern has been raised that the proposal causes stress on available parking and the narrow access road. However, it is considered that the C1 hotel use does not create additional traffic above and beyond what would already be created by the C3 full residential use.

Concern has been raised that guests staying in the property do not park in the correct designated spaces. It has also been suggested by one local resident that the parking spaces are clearly delineated.

### Residential Amenity

Concern has been raised that guests standing on the staircase to the rear of the property cause a loss of privacy to neighbouring properties, whose rear gardens are overlooked.

The balcony was granted on appeal, where the Inspector stated,

'There would be a small landing at the top of the staircase from which a wider view would be obtainable and, in particular, into the garden of No. 9. However, the landing would not be of sufficient size to form an effective balcony so there would be little prospect of occupiers staying there for any length of time. The views available to those using the staircase I consider would be transient. I do not consider that the proposal would result in any material loss of privacy for adjoining occupiers ...'.

However, this decision was made on the basis that the property would be used as C3 residential accommodation only. In reality, guests congregate on the landing and staircase; photographs have been submitted by local residents showing people standing at the top of the staircase to smoke. The reason the use of the property differs in this circumstance can be attributed towards no-smoking policies for hotel properties. Instead of smoking inside as a person would usually do so if they occupied the property on a full time basis, guests collect on the staircase to smoke. Any noise made by guests standing here will travel easily given the lack on any physical barriers and cause a disturbance and loss of privacy to neighbouring properties. As the views to the neighbouring gardens are much more than transient, the harm to the local residential amenity is much greater. This relationship is not considered acceptable.

Several objections have been received regarding the cumulative impact this application, along with all of the other applications that the Hollies submitted for Barton Close, will have upon the residential amenity of the area and the overall character and feel of the area. Comments made by local residents include that there is little community spirit within the Close. While local residents may feel there is a lack of community spirit, this is not something that is a material planning consideration in this circumstance, particularly when the change of use proposed maintains the residential use, and the way in which the property is proposed to be used is so similar to the lawful use. If the Local Planning Authority were to refuse this application, there is nothing that could be done to ensure that a future occupier of the property would participate with/contribute towards the local community spirit. Therefore it is considered that it would be unreasonable to refuse this application on such grounds.

Several objections received from local residents relate to disturbance caused by guests staying at the properties owned by the Hollies within Barton Close, and that guests think that the whole Close is part of the Hollies hotel. Concern has been raised over noise from music and shouting, however it also appears from objector letters that the Hollies have acted quickly to address noisy guests when it has been reported to them. Furthermore, there is no reason to think that guests staying at the property would be any noisier than a person occupying the property on a full residential C3 basis. The same would apply for concerns raised relating to lights being left on, barbeques being lit, and litter being dropped. As a note to this point, having visited Barton Close several times, the appearance given has always been one of a very clean and tidy area, with no evidence of litter being found.

Objection is also made to disturbance caused from the servicing of the Hollies owned properties in the Close. While daily visits may be made for housekeeping requirements, and weekly visits for garden maintenance, these movements are not considered to be excessive. Furthermore, a normal residential property would generate several movements per day, with trips to work, school, shops and so on.

Concern is also raised by local residents over a reduced sense of security from the presence of strangers, some of whom are drunk. However, no evidence has been submitted to demonstrate that this reduced sense of security is well founded as there

does not appear to be a history of crime or disorder within the Close.

### **Other Issues**

Concern has been raised locally over the cumulative impact of half the properties within Barton Close being used by the Hollies hotel. This circumstance is unusual in that there do not appear to be any similar cases within the district, however it is necessary for the Local Planning Authority to assess whether the several proposals for change of use as submitted by the Hollies would have a detrimental impact upon the scale of the area. It is reasonable that the area examined relates to the parish rather than just the Close in isolation, and accordingly it is considered the use of these properties within the Close is proportionate with the scale of the area.

Objection has been raised locally on the basis that the use of so many properties within the Close by the Hollies prevents the availability of low cost housing to first time buyer. When planning permission was granted for Barton Close, there was no planning requirement attached to the permission to require any of the properties to be available as affordable housing in perpetuity. Therefore this is not considered to warrant a reason for refusal in this circumstance.

Many issues that have been raised by local residents do not relate to material planning considerations, such as the impact upon property prices, the responsibility of maintenance of communal garden areas, restrictive covenants attached to the property, scope for the hotel to be extended and the application being made retrospectively.

### **Conclusion**

While the proposed mixed use of the property would provide an element of tourism accommodation which is supported by local and national planning policy, due to the presence of a staircase and landing from the first floor of the north elevation, guests are able to congregate in an elevated position that overlooks the neighbouring gardens, which causes disturbance and loss of privacy to the adjacent properties. This relationship is considered unacceptable and contrary to Policies ST5 and ST6 of the South Somerset Local Plan.

### **RECOMMENDATION**

Permission be refused

### **REFUSAL REASON**

01. It is considered that the impact of the proposed change of use upon the residential amenity of the neighbouring property is unacceptable given the disturbance and loss of privacy caused by guests overlooking from the staircase and landing from the application site, and therefore is contrary to Policies ST5 and ST6 of the South Somerset Local Plan.



Area North Committee – 26 September 2012

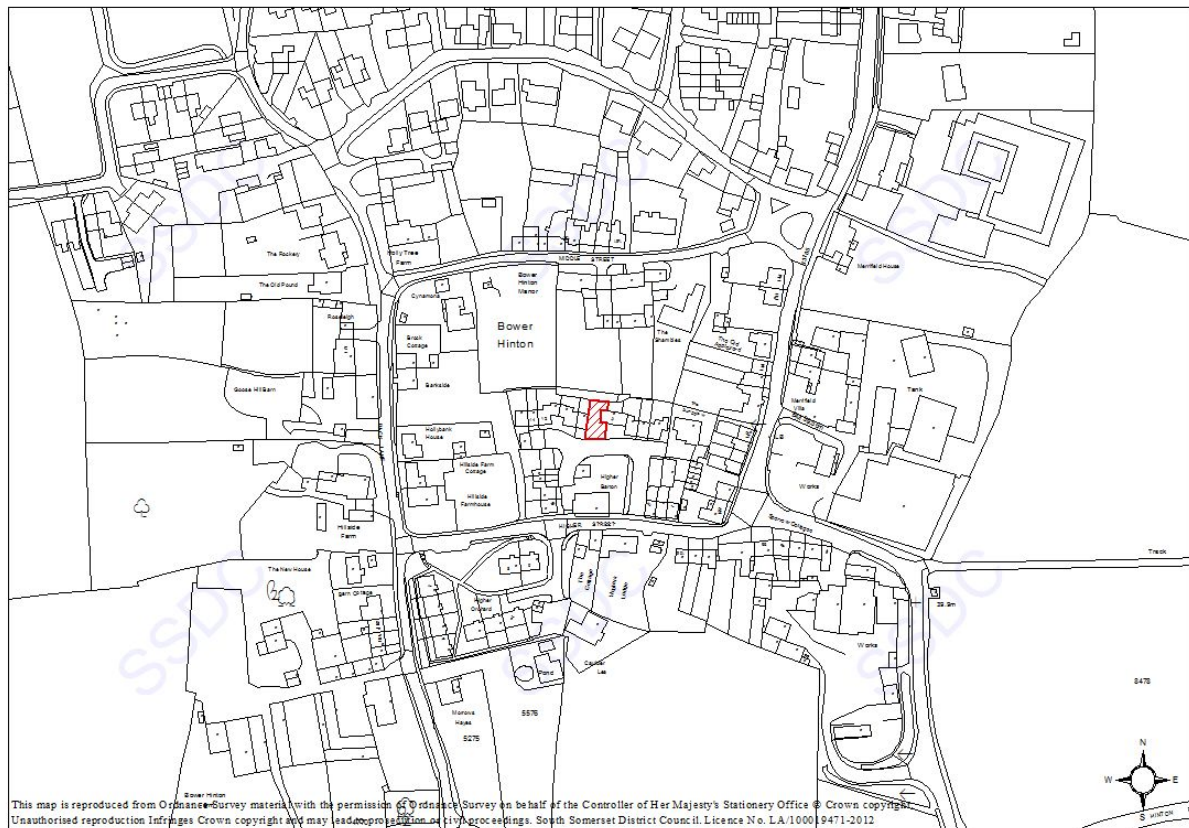
## Officer Report on Planning Application: 12/02780/COU

<b>Proposal :</b>	Change of use of dwelling from C3 (dwelling) to a mixed use of C3 (dwelling) and C1 (accommodation ancillary to hotel) (retrospective) (GR:345582/117912)
<b>Site Address:</b>	9 Barton Close, Bower Hinton, Martock
<b>Parish:</b>	Martock
<b>MARTOCK Ward (SSDC Members)</b>	Cllr Graham Middleton & Cllr Patrick Palmer
<b>Recommending Case Officer:</b>	Claire Alers-Hankey Tel: 01935 462295 Email: claire.alers-hankey@southsomerset.gov.uk
<b>Target date :</b>	11th September 2012
<b>Applicant :</b>	Mr Thomas Walsh
<b>Agent:</b>	Paul Dance, Foxgloves, 11 North Street, Stoke Sub Hamdon, Somerset TA14 6QR
<b>Application Type :</b>	Other Change Of Use

### REASON FOR REFERRAL TO COMMITTEE

This application is referred to the Area North committee at the request of the Vice Chair and one Ward Member to enable the local concerns to be fully debated.

### SITE DESCRIPTION AND PROPOSAL





The property is a two storey dwelling constructed from rendered walls and double Roman roof tiles and currently benefits from C3 residential use. The property has two off road parking spaces.

This application seeks retrospective permission for the change of use of the property from C3 residential use to a mix of C3 residential and C1 hotel accommodation. Over the last six years the Hollies Hotel has purchased a number of properties within the Close, including this one. The Hollies use the property for accommodating short, medium and long term guests. It is accepted that the use of the property for persons staying for 7 days or more complies with the lawful C3 residential use and therefore does not require planning permission by itself. However, the Hollies also use the property for accommodating short term guests where people may stay for less than a week e.g. 2-3 nights. It is considered this element of the services accommodation provided by the applicant falls within a C1 (hotel) use and therefore planning permission is sought for a mix of the C3 and C1 uses to allow these different types of guest accommodation.

This proposal is submitted alongside eight other applications, made by the Hollies Hotel, for the same change of use to separate residential properties in Barton Close.

## HISTORY

05/00469/FUL - Minor amendments to elevational treatment of dwellings in approved development of 17 dwellings. Granted conditional approval on 04/04/2005.

03/03611/FUL - Residential development of 17 dwellings and associated siteworks - amended scheme of 02/03387/FUL. Granted conditional approval on 02/06/2004.

Previous planning history not relevant to this application.

## POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

Saved policies of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011:

- Policy STR1 - Sustainable Development
- Policy STR5 - Development in Rural Centres and Villages
- Policy 9 - The Built Historic Environment
- Policy 22 - Tourism Development in Settlements
- Policy 48 - Access and Parking
- Policy 49 - Transport Requirements of New Development

Saved policies of the South Somerset Local Plan:

- Policy ST5 - General Principles of Development
- Policy ST6 - The Quality of Development
- Policy EH1 - Conservation Areas
- Policy TP7 - Residential Parking Provision
- Policy ME10 - Tourist Accommodation

National Planning Policy Guidance (March 2012):  
 Chapter 1 - Building a Strong Competitive Economy  
 Chapter 6 - Delivering a Wide Choice of High Quality Homes  
 Chapter 7 - Requiring Good Design  
 Chapter 8 - Promoting Healthy Communities

## CONSULTATIONS

**Martock Parish Council** - Object to the proposal. Considered the cumulative effect of more than half the homes in Barton Close now being under the ownership of the applicant, and noted that if approved there would be potential for more short term (hotel room type) use of the available rooms rather than long term accommodation. Consider the proposal would cause a loss of community feel in Barton Close and make existing permanent residents feel as if they are living in a hotel complex, there is potential for the proposal to create more noise and disturbance due to more frequent visitors, and is aware of reported history of lack of respect by guests for the parking arrangements on site.

**County Highway Authority** - No objection to the principle of change of use from residential to a mix of residential and/or accommodation ancillary to the Hollies Hotel. States that on the basis that sufficient on site parking is provided with the site for parking in perpetuity, no objection raised.

**Area Engineer** - No comment

**Conservation Officer** - No objection to the change of use, but would be wary of any proposals for signage which could have an impact upon the conservation area.

## REPRESENTATIONS

**Three letters of support** - Have been received, raising the following points:

- Bower Hinton does not display a community spirit regardless of the fact that the Hollies own these properties; lack of community spirit is not linked to the number of houses that the Hollies own
- Community spirit is down to individuals making the effort
- If the houses had full C3 use, you could not guarantee what neighbours you will get - it could be a family with teenagers who skateboard in the Close, kick footballs against the walls, party at weekends in the Close
- Guests cause only minimal disturbance, which can be quickly resolved by ringing the hotel - if the houses were privately owned and the neighbours were troublesome this would not be the case
- Parking is not an issue as there is safe, off-road parking available for residents and visitors
- The Close is kept clean and tidy by the Hollies, who maintain the gardens, boarders and paths on a weekly basis - this would not be the case if the Hollies did not own these properties
- Value of the properties has increased as a result of the interest the Hollies have in the Close
- Barton Close offers a high standard of living, with peace and quiet for the majority of the time
- Local residents that do not live in Barton Close use the area for off street parking, and this is only possible due to the Hollies owning properties and requiring a

lower level of parking for their needs

- All of the Hollies properties are gardened at the same time on a Friday afternoon, which reduces disruption to local residents in the evening and weekends

**Ten letters of objection** - Have been received, raising concern over the following issues:

- All these applications would allow Barton Close to be used as a 21 bedroom hotel annexe which is out of scale with a small, residential cul-de-sac
- The proposal sets a precedence for the whole close to be used as a hotel annexe
- It makes no sense that a property can be in both C1 and C3 class of use; mixed use would normally apply to a group of properties as a whole with a specific use assigned to the property
- Any demand in hotel accommodation should be met by their nearby hotel and if the hotel is regularly full, it should be extended rather than permitting hotel sprawl in the surrounding residential areas
- The hotel environment impacts on privacy
- Hotel guests assume Barton Close is a hotel complex
- The feeling of living in a hotel complex is exacerbated by daily hotel servicing, hotel signage and weekly hotel gardening contractors
- The hotel insist of maintaining the communal garden areas, despite some residents volunteering to do it
- There is a significant level of hotel servicing that focuses on two garages under the flat at number 8 and these applications would make it worse
- Hotel operation places extra stress on the available parking and the narrow access road
- The frequent arrival and departure of strangers reduces our sense of security
- Proposal provides questionable benefits to the local economy in terms of employment, revenue and business growth
- Hollies have brought up properties that were previously available as low cost houses suitable for first time buyers
- Applications are made in retrospect and hence local residents have not had an opportunity to comment on the proposal until now
- Permission should not be granted for all of the properties the Hollies own to be used with the proposed mixed use
- Parking bays should be clearly marked out and visitors made aware that some are privately owned
- No further external modifications should be allowed to the properties
- If planning permission is granted, it should be personal to the Hollies otherwise they could sell the properties to another hotel
- The Hollies should not be allowed to personally maintain the communal garden areas
- Noise disturbance from shouting, music and loud talking
- Guests frequently walk past ground floor windows causing a loss of privacy
- Guests do not use correct parking spaces allocated to them
- Litter and cigarette ends are left in the Close by guests
- Lights are left on all night
- Water and garden debris is thrown over the fence
- It is believed that a clause was included in the developer's transfer document to prevent the properties on Barton Close being used other than as private dwellings
- House prices have been affected and selling will now be difficult
- Guests cause disturbance through partying to the small hours
- There is no community spirit in the Close as a result of the Hollies buying up all the properties; residents feel as if they are living in a hotel complex

- Proposal would compromise local residents rights to a private life, as set out in the Human Rights Act
- Why do the Hollies need so many properties if only 6% of people staying are short stay guests?
- Longer stay guests use barbeques with no consideration for other residents
- The presence of drunken guests feels uncomfortable and threatening

## CONSIDERATIONS

### Principle

The site is located within the defined development area where the principle of new development is acceptable, and where tourism accommodation is encouraged through Policy 22 of the Structure Plan. The proposal seeks permission for a mixed use of full residential (C3) and hotel (C1) accommodation. This mix is sought to enable a range of occupiers to stay in the property, varying from short periods of overnight to a couple of days as well as longer stays of a week or more. The use of the property for the longer stay guests (i.e. a week or more) falls within the existing C3 authorised use, and hence does not require planning permission in its own right. However the introduction of use for short-stay guests falls within the C1 hotel category, and hence the use of the property for this purpose, even if it is not all of the time, requires planning permission. The mixed use as proposed by the applicant provides tourism accommodation to the local area, which is supported by local and national planning policy due to the economic benefits that this type of use brings.

The economic benefit provided by the proposal has been questioned by local objectors in light of the fact that the property may have periods of being vacant. Most tourism accommodation facilities within the district do not operate at 100% occupancy, often realistically it is more likely to be between 40-60% occupancy per annum. Despite this it is widely accepted that such tourism accommodation will still bring several benefits to the local economy.

### Highways and Parking

The Highway Authority has not raised an objection to the proposal on the basis that adequate parking is available to serve the needs of the property and the proposal does not cause an increase in traffic. Concern has been raised that the proposal causes stress on available parking and the narrow access road. However, it is considered that the C1 hotel use does not create additional traffic above and beyond what would already be created by the C3 full residential use.

Concern has been raised that guests staying in the property do not park in the correct designated spaces. It has also been suggested by one local resident that the parking spaces are clearly delineated. This is considered to be a reasonable suggestion, and could be conditioned as part of any approved scheme.

### Residential Amenity

Several objections have been received regarding the cumulative impact this application, along with all of the other applications that the Hollies submitted for Barton Close, will have upon the residential amenity of the area and the overall character and feel of the area. Comments made by local residents include that there is little community spirit within the Close. While local residents may feel there is a lack of community spirit, this is not something that is a material planning consideration in this circumstance, particularly when the change of use proposed maintains the residential use, and the way in which the property is proposed to be used is so similar to the lawful use. If the Local Planning

Authority were to refuse this application, there is nothing that could be done to ensure that a future occupier of the property would participate with/contribute towards the local community spirit. Therefore it is considered that it would be unreasonable to refuse this application on such grounds.

Several objections received from local residents relate to disturbance caused by guests staying at the properties owned by the Hollies within Barton Close, and that guests think that the whole Close is part of the Hollies hotel. Concern has been raised over noise from music and shouting, however it also appears from objector letters that the Hollies have acted quickly to address noisy guests when it has been reported to them. Furthermore, there is no reason to think that guests staying at the property would be any noisier than a person occupying the property on a full residential C3 basis. The same would apply for concerns raised relating to lights being left on, barbecues being lit, and litter being dropped. As a note to this point, having visited Barton Close several times, the appearance given has always been one of a very clean and tidy area, with no evidence of litter being found.

Objection is also made to disturbance caused from the servicing of the Hollies owned properties in the Close. While daily visits may be made for housekeeping requirements, and weekly visits for garden maintenance, these movements are not considered to be excessive. Furthermore, a normal residential property would generate several movements per day, with trips to work, school, shops and so on.

Concern is raised by several residents that guests staying in the Close cause a loss of privacy and will impact upon their Human Rights as defined in the Act. Attention is drawn to the fact that guests frequently walk past ground floor windows. It is not considered that the proposed use would cause a loss of privacy anymore so than a full residential use. The occurrence of residents walking along the pavements or around the Close is going to happen, regardless of whether occupiers of the property are short term guests or longer term residents. In any case, such glancing views into a ground floor window of a property would not normally be considered to amount to a loss of privacy to the detriment of local residents.

Concern is also raised by local residents over a reduced sense of security from the presence of strangers, some of whom are drunk. However, no evidence has been submitted to demonstrate that this reduced sense of security is well founded as there does not appear to be a history of crime or disorder within the Close.

### **Other Issues**

Concern has been raised locally over the cumulative impact of half the properties within Barton Close being used by the Hollies hotel. This circumstance is unusual in that there do not appear to be any similar cases within the district, however it is necessary for the Local Planning Authority to assess whether the several proposals for change of use as submitted by the Hollies would have a detrimental impact upon the scale of the area. It is reasonable that the area examined relates to the parish rather than just the Close in isolation, and accordingly it is considered the use of these properties within the Close is proportionate with the scale of the area.

Objection has been raised locally on the basis that the use of so many properties within the Close by the Hollies prevents the availability of low cost housing to first time buyer. When planning permission was granted for Barton Close, there was no planning requirement attached to the permission to require any of the properties to be available as affordable housing in perpetuity. Therefore this is not considered to warrant a reason for refusal in this circumstance.

A suggestion has been made that if planning permission is granted for this application, it should be made a personal permission to the Hollies to prevent the property being sold on to another hotel. Given the conscientious way in which The Hollies manage and maintain the property, it is considered this is a reasonable measure.

Comment has been made that no further external modifications should be allowed to the properties. Having checked the history of the property, permitted development rights were originally removed for alterations, extensions and garages to properties within the Close. As this planning permission would start a new chapter in the planning history, it is considered prudent to re-impose such a condition here.

Many issues that have been raised by local residents do not relate to material planning considerations, such as the impact upon property prices, the responsibility of maintenance of communal garden areas, restrictive covenants attached to the property, scope for the hotel to be extended and the application being made retrospectively.

### **Conclusion**

The site is located within the defined development area where tourism accommodation is encouraged in planning policy. The proposed mixed use of C1 and C3 will contribute towards available tourism accommodation in the area, while also maintaining housing supply within the parish. The proposal would not be prejudicial to highway safety, and notwithstanding the objections received, will not harm the residential or visual amenity of the area. Therefore the proposal accords with Policies STR5, 22 and 48 of the Somerset and Exmoor National Park Joint Structure Plan Review, Policies ST5, ST6, TP7 and ME10 of the South Somerset Local Plan and Chapters 1 and 6 of the National Planning Policy Framework.

### **RECOMMENDATION**

Permission be granted

### **JUSTIFICATION**

The site is located within the defined development area where tourism accommodation is encouraged in planning policy. The proposed mixed use of C1 and C3 will contribute towards available tourism accommodation in the area, while also maintaining housing supply within the parish. The proposal would not be prejudicial to highway safety, and notwithstanding the objections received, will not harm the residential or visual amenity of the area. Therefore the proposal accords with Policies STR5, 22 and 48 of the Somerset and Exmoor National Park Joint Structure Plan Review, Policies ST5, ST6, TP7 and ME10 of the South Somerset Local Plan and Chapters 1 and 6 of the National Planning Policy Framework.

### **SUBJECT TO THE FOLLOWING:**

01. Notwithstanding the time limits given to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission (being granted under section 73A of the Act in respect of development already carried out) shall have effect from the 17th July 2012.

Reason: To comply with Section 73A of the Act.



02. Within three months of the date of this permission the car parking space shown on the submitted plan shall be clearly marked out. Such areas shall then be available to serve the needs of the occupiers of 1 Barton Close.

Reason: To ensure that guests staying at the property are aware of the parking spaces related to the property, in accordance with Policy 48 of the Somerset and Exmoor National Park Joint Structure Plan Review.

03. The use hereby permitted is limited to a mixed use of C1 and C3 uses, as defined in the Town and Country Planning (Use Classes) Order 1987 or any statutory instrument revoking and re-enacting that Order. Should the mixed C1 and C3 use cease, the use of the property shall revert to a C3 dwelling.

Reason: In order to define the scope of the permission.

04. The element of C1 use hereby permitted shall only be operated by the Hollies Hotel. Upon severance of the link between the application site and the Hollies Hotel, the use of the application site shall revert to a C3 use.

Reason: In the interests of the residential amenity of the area, in accordance with Policy ST6 of the South Somerset Local Plan.

05. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), there shall be no extensions or alterations to this building without the prior express grant of planning permission.

Reason: In the interests of the local amenities of the area, in accordance with Policy ST6 of the South Somerset Local Plan.

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Area North Committee – 26 September 2012

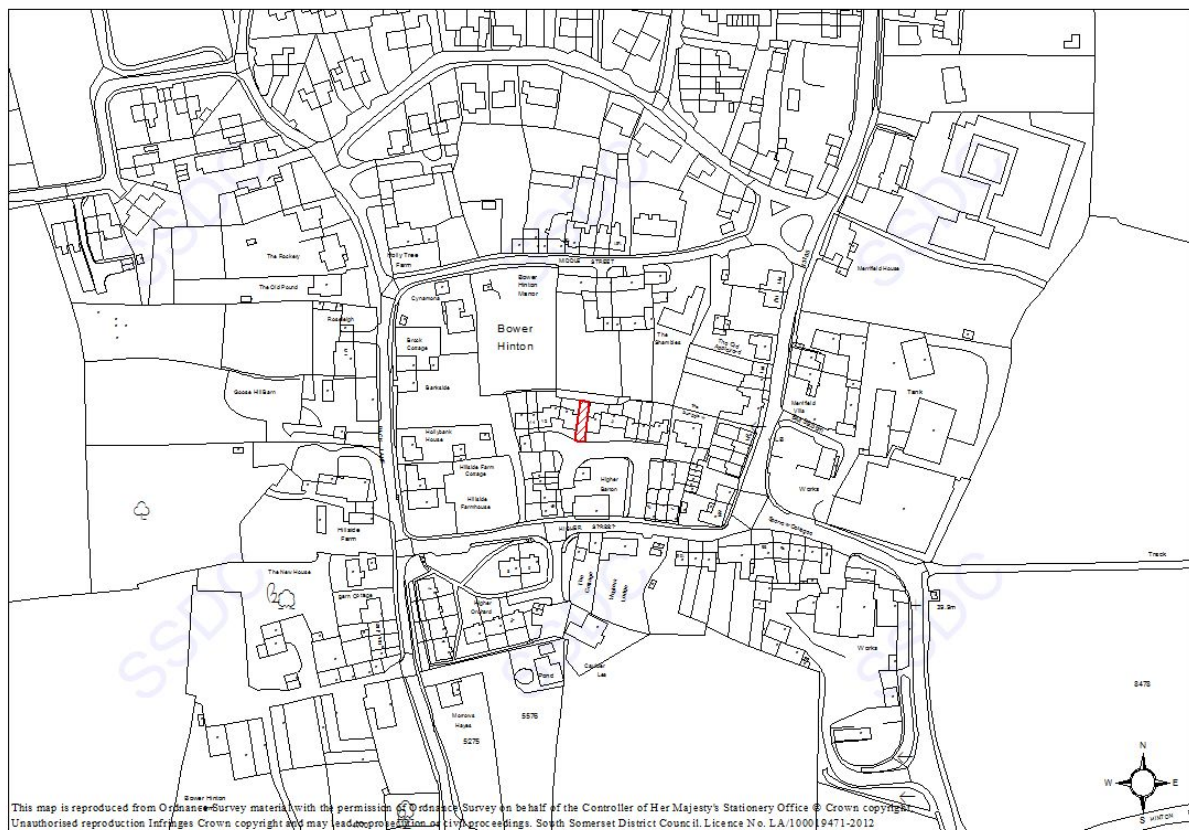
## Officer Report on Planning Application: 12/02769/COU

<b>Proposal :</b>	Change of use of dwelling from C3 (dwelling) to a mixed use of C3 (dwelling) and C1 (accommodation ancillary to hotel) (Retrospective) (GR:345577/117912)
<b>Site Address:</b>	10 Barton Close, Bower Hinton Martock
<b>Parish:</b>	Martock
<b>MARTOCK Ward (SSDC Members)</b>	Cllr Graham Middleton & Cllr Patrick Palmer
<b>Recommending Case Officer:</b>	Claire Alers-Hankey Tel: 01935 462295 Email: <a href="mailto:claire.alers-hankey@southsomerset.gov.uk">claire.alers-hankey@southsomerset.gov.uk</a>
<b>Target date :</b>	11th September 2012
<b>Applicant :</b>	Mr Thomas Walsh
<b>Agent:</b>	Paul Dance, Foxgloves, 11 North Street, Stoke Sub Hamdon, Somerset TA14 6QR
<b>Application Type :</b>	Other Change Of Use

### REASON FOR REFERRAL TO COMMITTEE

This application is referred to the Area North committee at the request of the Vice Chair and one Ward Member to enable the local concerns to be fully debated.

### SITE DESCRIPTION AND PROPOSAL



The property is a two storey, mid-terrace dwelling constructed from rendered walls and double Roman roof tiles and currently benefits from C3 residential use. The property has two off road parking spaces.

This application seeks retrospective permission for the change of use of the property from C3 residential use to a mix of C3 residential and C1 hotel accommodation. Over the last six years the Hollies Hotel has purchased a number of properties within the Close, including this one. The Hollies use the property for accommodating short, medium and long term guests. It is accepted that the use of the property for persons staying for 7 days or more complies with the lawful C3 residential use and therefore does not require planning permission by itself. However, the Hollies also use the property for accommodating short term guests where people may stay for less than a week e.g. 2-3 nights. It is considered this element of the services accommodation provided by the applicant falls within a C1 (hotel) use and therefore planning permission is sought for a mix of the C3 and C1 uses to allow these different types of guest accommodation.

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## CONSULTATIONS

**Martock Parish Council** - Object to the proposal. Considered the cumulative effect of more than half the homes in Barton Close now being under the ownership of the applicant, and noted that if approved there would be potential for more short term (hotel room type) use of the available rooms rather than long term accommodation. Consider the proposal would cause a loss of community feel in Barton Close and make existing permanent residents feel as if they are living in a hotel complex, there is potential for the proposal to create more noise and disturbance due to more frequent visitors, and is aware of reported history of lack of respect by guests for the parking arrangements on site.

**County Highway Authority** - No objection to the principle of change of use from residential to a mix of residential and/or accommodation ancillary to the Hollies Hotel. States that on the basis that sufficient on site parking is provided with the site for parking in perpetuity, no objection raised.

**Area Engineer** - No comment

**Conservation Officer** - No objection to the change of use, but would be wary of any proposals for signage which could have an impact upon the conservation area.

## REPRESENTATIONS

**Three letters of support** - Have been received, raising the following points:

- Bower Hinton does not display a community spirit regardless of the fact that the Hollies own these properties; lack of community spirit is not linked to the number of houses that the Hollies own
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- Barton Close offers a high standard of living, with peace and quiet for the majority of the time
- Local residents that do not live in Barton Close use the area for off street parking, and this is only possible due to the Hollies owning properties and requiring a

lower level of parking for their needs

- All of the Hollies properties are gardened at the same time on a Friday afternoon, which reduces disruption to local residents in the evening and weekends

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- All these applications would allow Barton Close to be used as a 21 bedroom hotel annexe which is out of scale with a small, residential cul-de-sac
- The proposal sets a precedence for the whole close to be used as a hotel annexe
- It makes no sense that a property can be in both C1 and C3 class of use; mixed use would normally apply to a group of properties as a whole with a specific use assigned to the property
- Any demand in hotel accommodation should be met by their nearby hotel and if the hotel is regularly full, it should be extended rather than permitting hotel sprawl in the surrounding residential areas
- The hotel environment impacts on privacy
- Hotel guests assume Barton Close is a hotel complex
- The feeling of living in a hotel complex is exacerbated by daily hotel servicing, hotel signage and weekly hotel gardening contractors
- The hotel insist of maintaining the communal garden areas, despite some residents volunteering to do it
- There is a significant level of hotel servicing that focuses on two garages under the flat at number 8 and these applications would make it worse
- Hotel operation places extra stress on the available parking and the narrow access road
- The frequent arrival and departure of strangers reduces our sense of security
- Proposal provides questionable benefits to the local economy in terms of employment, revenue and business growth
- Hollies have brought up properties that were previously available as low cost houses suitable for first time buyers
- Applications are made in retrospect and hence local residents have not had an opportunity to comment on the proposal until now
- Permission should not be granted for all of the properties the Hollies own to be used with the proposed mixed use
- Parking bays should be clearly marked out and visitors made aware that some are privately owned
- No further external modifications should be allowed to the properties
- If planning permission is granted, it should be personal to the Hollies otherwise they could sell the properties to another hotel
- The Hollies should not be allowed to personally maintain the communal garden areas
- Noise disturbance from shouting, music and loud talking
- Guests frequently walk past ground floor windows causing a loss of privacy
- Guests do not use correct parking spaces allocated to them
- Litter and cigarette ends are left in the Close by guests
- Lights are left on all night
- Water and garden debris is thrown over the fence
- It is believed that a clause was included in the developer's transfer document to prevent the properties on Barton Close being used other than as private dwellings
- House prices have been affected and selling will now be difficult
- Guests cause disturbance through partying to the small hours
- There is no community spirit in the Close as a result of the Hollies buying up all the properties; residents feel as if they are living in a hotel complex



- Proposal would compromise local residents rights to a private life, as set out in the Human Rights Act
- Why do the Hollies need so many properties if only 6% of people staying are short stay guests?
- Longer stay guests use barbeques with no consideration for other residents
- The presence of drunken guests feels uncomfortable and threatening

## CONSIDERATIONS

### Principle

The site is located within the defined development area where the principle of new development is acceptable, and where tourism accommodation is encouraged through Policy 22 of the Structure Plan. The proposal seeks permission for a mixed use of full residential (C3) and hotel (C1) accommodation. This mix is sought to enable a range of occupiers to stay in the property, varying from short periods of overnight to a couple of days as well as longer stays of a week or more. The use of the property for the longer stay guests (i.e. a week or more) falls within the existing C3 authorised use, and hence does not require planning permission in its own right. However the introduction of use for short-stay guests falls within the C1 hotel category, and hence the use of the property for this purpose, even if it is not all of the time, requires planning permission. The mixed use as proposed by the applicant provides tourism accommodation to the local area, which is supported by local and national planning policy due to the economic benefits that this type of use brings.

The economic benefit provided by the proposal has been questioned by local objectors in light of the fact that the property may have periods of being vacant. Most tourism accommodation facilities within the district do not operate at 100% occupancy, often realistically it is more likely to be between 40-60% occupancy per annum. Despite this it is widely accepted that such tourism accommodation will still bring several benefits to the local economy.

### Highways and Parking

The Highway Authority has not raised an objection to the proposal on the basis that adequate parking is available to serve the needs of the property and the proposal does not cause an increase in traffic. Concern has been raised that the proposal causes stress on available parking and the narrow access road. However, it is considered that the C1 hotel use does not create additional traffic above and beyond what would already be created by the C3 full residential use.

Concern has been raised that guests staying in the property do not park in the correct designated spaces. It has also been suggested by one local resident that the parking spaces are clearly delineated. This is considered to be a reasonable suggestion, and could be conditioned as part of any approved scheme.

### Residential Amenity

Several objections have been received regarding the cumulative impact this application, along with all of the other applications that the Hollies submitted for Barton Close, will have upon the residential amenity of the area and the overall character and feel of the area. Comments made by local residents include that there is little community spirit within the Close. While local residents may feel there is a lack of community spirit, this is not something that is a material planning consideration in this circumstance, particularly when the change of use proposed maintains the residential use, and the way in which the property is proposed to be used is so similar to the lawful use. If the Local Planning



Authority were to refuse this application, there is nothing that could be done to ensure that a future occupier of the property would participate with/contribute towards the local community spirit. Therefore it is considered that it would be unreasonable to refuse this application on such grounds.

Several objections received from local residents relate to disturbance caused by guests staying at the properties owned by the Hollies within Barton Close, and that guests think that the whole Close is part of the Hollies hotel. Concern has been raised over noise from music and shouting, however it also appears from objector letters that the Hollies have acted quickly to address noisy guests when it has been reported to them. Furthermore, there is no reason to think that guests staying at the property would be any noisier than a person occupying the property on a full residential C3 basis. The same would apply for concerns raised relating to lights being left on, barbecues being lit, and litter being dropped. As a note to this point, having visited Barton Close several times, the appearance given has always been one of a very clean and tidy area, with no evidence of litter being found.

Objection is also made to disturbance caused from the servicing of the Hollies owned properties in the Close. While daily visits may be made for housekeeping requirements, and weekly visits for garden maintenance, these movements are not considered to be excessive. Furthermore, a normal residential property would generate several movements per day, with trips to work, school, shops and so on.

Concern is raised by several residents that guests staying in the Close cause a loss of privacy and will impact upon their Human Rights as defined in the Act. Attention is drawn to the fact that guests frequently walk past ground floor windows. It is not considered that the proposed use would cause a loss of privacy anymore so than a full residential use. The occurrence of residents walking along the pavements or around the Close is going to happen, regardless of whether occupiers of the property are short term guests or longer term residents. In any case, such glancing views into a ground floor window of a property would not normally be considered to amount to a loss of privacy to the detriment of local residents.

Concern is also raised by local residents over a reduced sense of security from the presence of strangers, some of whom are drunk. However, no evidence has been submitted to demonstrate that this reduced sense of security is well founded as there does not appear to be a history of crime or disorder within the Close.

### **Other Issues**

Concern has been raised locally over the cumulative impact of half the properties within Barton Close being used by the Hollies hotel. This circumstance is unusual in that there do not appear to be any similar cases within the district, however it is necessary for the Local Planning Authority to assess whether the several proposals for change of use as submitted by the Hollies would have a detrimental impact upon the scale of the area. It is reasonable that the area examined relates to the parish rather than just the Close in isolation, and accordingly it is considered the use of these properties within the Close is proportionate with the scale of the area.

Objection has been raised locally on the basis that the use of so many properties within the Close by the Hollies prevents the availability of low cost housing to first time buyer. When planning permission was granted for Barton Close, there was no planning requirement attached to the permission to require any of the properties to be available as affordable housing in perpetuity. Therefore this is not considered to warrant a reason for refusal in this circumstance.

A suggestion has been made that if planning permission is granted for this application, it should be made a personal permission to the Hollies to prevent the property being sold on to another hotel. Given the conscientious way in which The Hollies manage and maintain the property, it is considered this is a reasonable measure.

Comment has been made that no further external modifications should be allowed to the properties. Having checked the history of the property, permitted development rights were originally removed for alterations, extensions and garages to properties within the Close. As this planning permission would start a new chapter in the planning history, it is considered prudent to re-impose such a condition here.

Many issues that have been raised by local residents do not relate to material planning considerations, such as the impact upon property prices, the responsibility of maintenance of communal garden areas, restrictive covenants attached to the property, scope for the hotel to be extended and the application being made retrospectively.

### **Conclusion**

The site is located within the defined development area where tourism accommodation is encouraged in planning policy. The proposed mixed use of C1 and C3 will contribute towards available tourism accommodation in the area, while also maintaining housing supply within the parish. The proposal would not be prejudicial to highway safety, and notwithstanding the objections received, will not harm the residential or visual amenity of the area. Therefore the proposal accords with Policies STR5, 22 and 48 of the Somerset and Exmoor National Park Joint Structure Plan Review, Policies ST5, ST6, TP7 and ME10 of the South Somerset Local Plan and Chapters 1 and 6 of the National Planning Policy Framework.

### **RECOMMENDATION**

Permission be granted

### **JUSTIFICATION**

The site is located within the defined development area where tourism accommodation is encouraged in planning policy. The proposed mixed use of C1 and C3 will contribute towards available tourism accommodation in the area, while also maintaining housing supply within the parish. The proposal would not be prejudicial to highway safety, and notwithstanding the objections received, will not harm the residential or visual amenity of the area. Therefore the proposal accords with Policies STR5, 22 and 48 of the Somerset and Exmoor National Park Joint Structure Plan Review, Policies ST5, ST6, TP7 and ME10 of the South Somerset Local Plan and Chapters 1 and 6 of the National Planning Policy Framework.

### **SUBJECT TO THE FOLLOWING:**

01. Notwithstanding the time limits given to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission (being granted under section 73A of the Act in respect of development already carried out) shall have effect from the 17th July 2012.

Reason: To comply with Section 73A of the Act.

02. Within three months of the date of this permission the car parking space shown on the submitted plan shall be clearly marked out. Such areas shall then be available to serve the needs of the occupiers of 1 Barton Close.

Reason: To ensure that guests staying at the property are aware of the parking spaces related to the property, in accordance with Policy 48 of the Somerset and Exmoor National Park Joint Structure Plan Review.

03. The use hereby permitted is limited to a mixed use of C1 and C3 uses, as defined in the Town and Country Planning (Use Classes) Order 1987 or any statutory instrument revoking and re-enacting that Order. Should the mixed C1 and C3 use cease, the use of the property shall revert to a C3 dwelling.

Reason: In order to define the scope of the permission.

04. The element of C1 use hereby permitted shall only be operated by the Hollies Hotel. Upon severance of the link between the application site and the Hollies Hotel, the use of the application site shall revert to a C3 use.

Reason: In the interests of the residential amenity of the area, in accordance with Policy ST6 of the South Somerset Local Plan.

05. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), there shall be no extensions or alterations to this building without the prior express grant of planning permission.

Reason: In the interests of the local amenities of the area, in accordance with Policy ST6 of the South Somerset Local Plan.

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Area North Committee – 26 September 2012

## Officer Report on Planning Application: 12/02766/COU

<b>Proposal :</b>	Change of use of dwelling from C3 (dwelling) to a mixed use of C3 (dwelling) and C1 (accommodation ancillary to hotel) (retrospective) (GR: 345546/117916)
<b>Site Address:</b>	11 Barton Close, Bower Hinton, Martock
<b>Parish:</b>	Martock
<b>MARTOCK Ward (SSDC Members)</b>	Cllr Graham Middleton & Cllr Patrick Palmer
<b>Recommending Case Officer:</b>	Claire Alers-Hankey Tel: 01935 462295 Email: claire.alers-hankey@southsomerset.gov.uk
<b>Target date :</b>	11th September 2012
<b>Applicant :</b>	Mr Thomas Walsh
<b>Agent:</b>	Paul Dance, Foxgloves, 11 North Street, Stoke Sub Hamdon, Somerset TA14 6QR
<b>Application Type :</b>	Other Change Of Use

### REASON FOR REFERRAL TO COMMITTEE

This application is referred to the Area North committee at the request of the Vice Chair and one Ward Member to enable the local concerns to be fully debated.

### SITE DESCRIPTION AND PROPOSAL



The property is a two storey dwelling constructed from rendered walls and double Roman roof tiles and currently benefits from C3 residential use. The property has two off road parking spaces.

This application seeks retrospective permission for the change of use of the property from C3 residential use to a mix of C3 residential and C1 hotel accommodation. Over the last six years the Hollies Hotel has purchased a number of properties within the Close, including this one. The Hollies use the property for accommodating short, medium and long term guests. It is accepted that the use of the property for persons staying for 7 days or more complies with the lawful C3 residential use and therefore does not require planning permission by itself. However, the Hollies also use the property for accommodating short term guests where people may stay for less than a week e.g. 2-3 nights. It is considered this element of the services accommodation provided by the applicant falls within a C1 (hotel) use and therefore planning permission is sought for a mix of the C3 and C1 uses to allow these different types of guest accommodation.

This proposal is submitted alongside eight other applications, made by the Hollies Hotel, for the same change of use to separate residential properties in Barton Close.

## **HISTORY**

05/00469/FUL - Minor amendments to elevational treatment of dwellings in approved development of 17 dwellings. Granted conditional approval on 04/04/2005.

03/03611/FUL - Residential development of 17 dwellings and associated siteworks - amended scheme of 02/03387/FUL. Granted conditional approval on 02/06/2004.

Previous planning history not relevant to this application.

## **POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

Saved policies of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011:

- Policy STR1 - Sustainable Development
- Policy STR5 - Development in Rural Centres and Villages
- Policy 9 - The Built Historic Environment
- Policy 22 - Tourism Development in Settlements
- Policy 48 - Access and Parking
- Policy 49 - Transport Requirements of New Development

Saved policies of the South Somerset Local Plan:

- Policy ST5 - General Principles of Development
- Policy ST6 - The Quality of Development
- Policy EH1 - Conservation Areas
- Policy TP7 - Residential Parking Provision
- Policy ME10 - Tourist Accommodation



National Planning Policy Guidance (March 2012):  
 Chapter 1 - Building a Strong Competitive Economy  
 Chapter 6 - Delivering a Wide Choice of High Quality Homes  
 Chapter 7 - Requiring Good Design  
 Chapter 8 - Promoting Healthy Communities

## CONSULTATIONS

**Martock Parish Council** - Object to the proposal. Considered the cumulative effect of more than half the homes in Barton Close now being under the ownership of the applicant, and noted that if approved there would be potential for more short term (hotel room type) use of the available rooms rather than long term accommodation. Consider the proposal would cause a loss of community feel in Barton Close and make existing permanent residents feel as if they are living in a hotel complex, there is potential for the proposal to create more noise and disturbance due to more frequent visitors, and is aware of reported history of lack of respect by guests for the parking arrangements on site.

**County Highway Authority** - No objection to the principle of change of use from residential to a mix of residential and/or accommodation ancillary to the Hollies Hotel. States that on the basis that sufficient on site parking is provided with the site for parking in perpetuity, no objection raised.

**Area Engineer** - No comment

**Conservation Officer** - No objection to the change of use, but would be wary of any proposals for signage which could have an impact upon the conservation area.

## REPRESENTATIONS

**Three letters of support** - Have been received, raising the following points:

- Bower Hinton does not display a community spirit regardless of the fact that the Hollies own these properties; lack of community spirit is not linked to the number of houses that the Hollies own
- Community spirit is down to individuals making the effort
- If the houses had full C3 use, you could not guarantee what neighbours you will get - it could be a family with teenagers who skateboard in the Close, kick footballs against the walls, party at weekends in the Close
- Guests cause only minimal disturbance, which can be quickly resolved by ringing the hotel - if the houses were privately owned and the neighbours were troublesome this would not be the case
- Parking is not an issue as there is safe, off-road parking available for residents and visitors
- The Close is kept clean and tidy by the Hollies, who maintain the gardens, boarders and paths on a weekly basis - this would not be the case if the Hollies did not own these properties
- Value of the properties has increased as a result of the interest the Hollies have in the Close
- Barton Close offers a high standard of living, with peace and quiet for the majority of the time
- Local residents that do not live in Barton Close use the area for off street parking, and this is only possible due to the Hollies owning properties and requiring a



lower level of parking for their needs

- All of the Hollies properties are gardened at the same time on a Friday afternoon, which reduces disruption to local residents in the evening and weekends

**Ten letters of objection** - Have been received, raising concern over the following issues:

- All these applications would allow Barton Close to be used as a 21 bedroom hotel annexe which is out of scale with a small, residential cul-de-sac
- The proposal sets a precedence for the whole close to be used as a hotel annexe
- It makes no sense that a property can be in both C1 and C3 class of use; mixed use would normally apply to a group of properties as a whole with a specific use assigned to the property
- Any demand in hotel accommodation should be met by their nearby hotel and if the hotel is regularly full, it should be extended rather than permitting hotel sprawl in the surrounding residential areas
- The hotel environment impacts on privacy
- Hotel guests assume Barton Close is a hotel complex
- The feeling of living in a hotel complex is exacerbated by daily hotel servicing, hotel signage and weekly hotel gardening contractors
- The hotel insist of maintaining the communal garden areas, despite some residents volunteering to do it
- There is a significant level of hotel servicing that focuses on two garages under the flat at number 8 and these applications would make it worse
- Hotel operation places extra stress on the available parking and the narrow access road
- The frequent arrival and departure of strangers reduces our sense of security
- Proposal provides questionable benefits to the local economy in terms of employment, revenue and business growth
- Hollies have brought up properties that were previously available as low cost houses suitable for first time buyers
- Applications are made in retrospect and hence local residents have not had an opportunity to comment on the proposal until now
- Permission should not be granted for all of the properties the Hollies own to be used with the proposed mixed use
- Parking bays should be clearly marked out and visitors made aware that some are privately owned
- No further external modifications should be allowed to the properties
- If planning permission is granted, it should be personal to the Hollies otherwise they could sell the properties to another hotel
- The Hollies should not be allowed to personally maintain the communal garden areas
- Noise disturbance from shouting, music and loud talking
- Guests frequently walk past ground floor windows causing a loss of privacy
- Guests do not use correct parking spaces allocated to them
- Litter and cigarette ends are left in the Close by guests
- Lights are left on all night
- Water and garden debris is thrown over the fence
- It is believed that a clause was included in the developer's transfer document to prevent the properties on Barton Close being used other than as private dwellings
- House prices have been affected and selling will now be difficult
- Guests cause disturbance through partying to the small hours
- There is no community spirit in the Close as a result of the Hollies buying up all the properties; residents feel as if they are living in a hotel complex

- Proposal would compromise local residents rights to a private life, as set out in the Human Rights Act
- Why do the Hollies need so many properties if only 6% of people staying are short stay guests?
- Longer stay guests use barbeques with no consideration for other residents
- The presence of drunken guests feels uncomfortable and threatening

## CONSIDERATIONS

### Principle

The site is located within the defined development area where the principle of new development is acceptable, and where tourism accommodation is encouraged through Policy 22 of the Structure Plan. The proposal seeks permission for a mixed use of full residential (C3) and hotel (C1) accommodation. This mix is sought to enable a range of occupiers to stay in the property, varying from short periods of overnight to a couple of days as well as longer stays of a week or more. The use of the property for the longer stay guests (i.e. a week or more) falls within the existing C3 authorised use, and hence does not require planning permission in its own right. However the introduction of use for short-stay guests falls within the C1 hotel category, and hence the use of the property for this purpose, even if it is not all of the time, requires planning permission. The mixed use as proposed by the applicant provides tourism accommodation to the local area, which is supported by local and national planning policy due to the economic benefits that this type of use brings.

The economic benefit provided by the proposal has been questioned by local objectors in light of the fact that the property may have periods of being vacant. Most tourism accommodation facilities within the district do not operate at 100% occupancy, often realistically it is more likely to be between 40-60% occupancy per annum. Despite this it is widely accepted that such tourism accommodation will still bring several benefits to the local economy.

### Highways and Parking

The Highway Authority has not raised an objection to the proposal on the basis that adequate parking is available to serve the needs of the property and the proposal does not cause an increase in traffic. Concern has been raised that the proposal causes stress on available parking and the narrow access road. However, it is considered that the C1 hotel use does not create additional traffic above and beyond what would already be created by the C3 full residential use.

Concern has been raised that guests staying in the property do not park in the correct designated spaces. It has also been suggested by one local resident that the parking spaces are clearly delineated. This is considered to be a reasonable suggestion, and could be conditioned as part of any approved scheme.

### Residential Amenity

Several objections have been received regarding the cumulative impact this application, along with all of the other applications that the Hollies submitted for Barton Close, will have upon the residential amenity of the area and the overall character and feel of the area. Comments made by local residents include that there is little community spirit within the Close. While local residents may feel there is a lack of community spirit, this is not something that is a material planning consideration in this circumstance, particularly when the change of use proposed maintains the residential use, and the way in which the property is proposed to be used is so similar to the lawful use. If the Local Planning

Authority were to refuse this application, there is nothing that could be done to ensure that a future occupier of the property would participate with/contribute towards the local community spirit. Therefore it is considered that it would be unreasonable to refuse this application on such grounds.

Several objections received from local residents relate to disturbance caused by guests staying at the properties owned by the Hollies within Barton Close, and that guests think that the whole Close is part of the Hollies hotel. Concern has been raised over noise from music and shouting, however it also appears from objector letters that the Hollies have acted quickly to address noisy guests when it has been reported to them. Furthermore, there is no reason to think that guests staying at the property would be any noisier than a person occupying the property on a full residential C3 basis. The same would apply for concerns raised relating to lights being left on, barbecues being lit, and litter being dropped. As a note to this point, having visited Barton Close several times, the appearance given has always been one of a very clean and tidy area, with no evidence of litter being found.

Objection is also made to disturbance caused from the servicing of the Hollies owned properties in the Close. While daily visits may be made for housekeeping requirements, and weekly visits for garden maintenance, these movements are not considered to be excessive. Furthermore, a normal residential property would generate several movements per day, with trips to work, school, shops and so on.

Concern is raised by several residents that guests staying in the Close cause a loss of privacy and will impact upon their Human Rights as defined in the Act. Attention is drawn to the fact that guests frequently walk past ground floor windows. It is not considered that the proposed use would cause a loss of privacy anymore so than a full residential use. The occurrence of residents walking along the pavements or around the Close is going to happen, regardless of whether occupiers of the property are short term guests or longer term residents. In any case, such glancing views into a ground floor window of a property would not normally be considered to amount to a loss of privacy to the detriment of local residents.

Concern is also raised by local residents over a reduced sense of security from the presence of strangers, some of whom are drunk. However, no evidence has been submitted to demonstrate that this reduced sense of security is well founded as there does not appear to be a history of crime or disorder within the Close.

### **Other Issues**

Concern has been raised locally over the cumulative impact of half the properties within Barton Close being used by the Hollies hotel. This circumstance is unusual in that there do not appear to be any similar cases within the district, however it is necessary for the Local Planning Authority to assess whether the several proposals for change of use as submitted by the Hollies would have a detrimental impact upon the scale of the area. It is reasonable that the area examined relates to the parish rather than just the Close in isolation, and accordingly it is considered the use of these properties within the Close is proportionate with the scale of the area.

Objection has been raised locally on the basis that the use of so many properties within the Close by the Hollies prevents the availability of low cost housing to first time buyer. When planning permission was granted for Barton Close, there was no planning requirement attached to the permission to require any of the properties to be available as affordable housing in perpetuity. Therefore this is not considered to warrant a reason for refusal in this circumstance.

A suggestion has been made that if planning permission is granted for this application, it should be made a personal permission to the Hollies to prevent the property being sold on to another hotel. Given the conscientious way in which The Hollies manage and maintain the property, it is considered this is a reasonable measure.

Comment has been made that no further external modifications should be allowed to the properties. Having checked the history of the property, permitted development rights were originally removed for alterations, extensions and garages to properties within the Close. As this planning permission would start a new chapter in the planning history, it is considered prudent to re-impose such a condition here.

Many issues that have been raised by local residents do not relate to material planning considerations, such as the impact upon property prices, the responsibility of maintenance of communal garden areas, restrictive covenants attached to the property, scope for the hotel to be extended and the application being made retrospectively.

### **Conclusion**

The site is located within the defined development area where tourism accommodation is encouraged in planning policy. The proposed mixed use of C1 and C3 will contribute towards available tourism accommodation in the area, while also maintaining housing supply within the parish. The proposal would not be prejudicial to highway safety, and notwithstanding the objections received, will not harm the residential or visual amenity of the area. Therefore the proposal accords with Policies STR5, 22 and 48 of the Somerset and Exmoor National Park Joint Structure Plan Review, Policies ST5, ST6, TP7 and ME10 of the South Somerset Local Plan and Chapters 1 and 6 of the National Planning Policy Framework.

### **RECOMMENDATION**

Permission be granted

### **JUSTIFICATION**

The site is located within the defined development area where tourism accommodation is encouraged in planning policy. The proposed mixed use of C1 and C3 will contribute towards available tourism accommodation in the area, while also maintaining housing supply within the parish. The proposal would not be prejudicial to highway safety, and notwithstanding the objections received, will not harm the residential or visual amenity of the area. Therefore the proposal accords with Policies STR5, 22 and 48 of the Somerset and Exmoor National Park Joint Structure Plan Review, Policies ST5, ST6, TP7 and ME10 of the South Somerset Local Plan and Chapters 1 and 6 of the National Planning Policy Framework.

### **SUBJECT TO THE FOLLOWING:**

01. Notwithstanding the time limits given to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission (being granted under section 73A of the Act in respect of development already carried out) shall have effect from the 17th July 2012.

Reason: To comply with Section 73A of the Act.

02. Within three months of the date of this permission the car parking space shown on the submitted plan shall be clearly marked out. Such areas shall then be available to serve the needs of the occupiers of 1 Barton Close.

Reason: To ensure that guests staying at the property are aware of the parking spaces related to the property, in accordance with Policy 48 of the Somerset and Exmoor National Park Joint Structure Plan Review.

03. The use hereby permitted is limited to a mixed use of C1 and C3 uses, as defined in the Town and Country Planning (Use Classes) Order 1987 or any statutory instrument revoking and re-enacting that Order. Should the mixed C1 and C3 use cease, the use of the property shall revert to a C3 dwelling.

Reason: In order to define the scope of the permission.

04. The element of C1 use hereby permitted shall only be operated by the Hollies Hotel. Upon severance of the link between the application site and the Hollies Hotel, the use of the application site shall revert to a C3 use.

Reason: In the interests of the residential amenity of the area, in accordance with Policy ST6 of the South Somerset Local Plan.

05. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), there shall be no extensions or alterations to this building without the prior express grant of planning permission.

Reason: In the interests of the local amenities of the area, in accordance with Policy ST6 of the South Somerset Local Plan.

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Area North Committee – 26 September 2012

## Officer Report on Planning Application: 12/02765/COU

<b>Proposal :</b>	Change of use of dwelling from C3 (dwelling) to a mixed use of C3 (dwelling) and C1 (accommodation ancillary to hotel) (retrospective) (GR: 345546/117916)
<b>Site Address:</b>	14 Barton Close, Bower Hinton, Martock
<b>Parish:</b>	Martock
<b>MARTOCK Ward (SSDC Member)</b>	Cllr Graham Middleton & Cllr Patrick Palmer
<b>Recommending Case Officer:</b>	Claire Alers-Hankey Tel: 01935 462295 Email: <a href="mailto:claire.alers-hankey@southsomerset.gov.uk">claire.alers-hankey@southsomerset.gov.uk</a>
<b>Target date :</b>	11th September 2012
<b>Applicant :</b>	Mr Thomas Walsh
<b>Agent:</b>	Paul Dance, Foxgloves, 11 North Street, Stoke Sub Hamdon, Somerset TA14 6QR
<b>Application Type :</b>	Other Change Of Use

### REASON FOR REFERRAL TO COMMITTEE

This application is referred to the Area North committee at the request of the Vice Chair and one Ward Member to enable the local concerns to be fully debated.

### SITE DESCRIPTION AND PROPOSAL





The property is a two storey, mid-terrace dwelling constructed from rendered walls and double Roman roof tiles and currently benefits from C3 residential use. The property has two off road parking spaces.

This application seeks retrospective permission for the change of use of the property from C3 residential use to a mix of C3 residential and C1 hotel accommodation. Over the last six years the Hollies Hotel has purchased a number of properties within the Close, including this one. The Hollies use the property for accommodating short, medium and long term guests. It is accepted that the use of the property for persons staying for 7 days or more complies with the lawful C3 residential use and therefore does not require planning permission by itself. However, the Hollies also use the property for accommodating short term guests where people may stay for less than a week e.g. 2-3 nights. It is considered this element of the services accommodation provided by the applicant falls within a C1 (hotel) use and therefore planning permission is sought for a mix of the C3 and C1 uses to allow these different types of guest accommodation.

This proposal is submitted alongside eight other applications, made by the Hollies Hotel, for the same change of use to separate residential properties in Barton Close.

## HISTORY

05/00469/FUL - Minor amendments to elevational treatment of dwellings in approved development of 17 dwellings. Granted conditional approval on 04/04/2005.

03/03611/FUL - Residential development of 17 dwellings and associated siteworks - amended scheme of 02/03387/FUL. Granted conditional approval on 02/06/2004.

Previous planning history not relevant to this application.

## POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

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- Policy 9 - The Built Historic Environment
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National Planning Policy Guidance (March 2012):

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 Chapter 6 - Delivering a Wide Choice of High Quality Homes  
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## CONSULTATIONS

**Martock Parish Council** - Object to the proposal. Considered the cumulative effect of more than half the homes in Barton Close now being under the ownership of the applicant, and noted that if approved there would be potential for more short term (hotel room type) use of the available rooms rather than long term accommodation. Consider the proposal would cause a loss of community feel in Barton Close and make existing permanent residents feel as if they are living in a hotel complex, there is potential for the proposal to create more noise and disturbance due to more frequent visitors, and is aware of reported history of lack of respect by guests for the parking arrangements on site.

**County Highway Authority** - No objection to the principle of change of use from residential to a mix of residential and/or accommodation ancillary to the Hollies Hotel. States that on the basis that sufficient on site parking is provided with the site for parking in perpetuity, no objection raised.

**Area Engineer** - No comment

**Conservation Officer** - No objection to the change of use, but would be wary of any proposals for signage which could have an impact upon the conservation area.

## REPRESENTATIONS

**Three letters of support** - Have been received, raising the following points:

- Bower Hinton does not display a community spirit regardless of the fact that the Hollies own these properties; lack of community spirit is not linked to the number of houses that the Hollies own
- Community spirit is down to individuals making the effort
- If the houses had full C3 use, you could not guarantee what neighbours you will get - it could be a family with teenagers who skateboard in the Close, kick footballs against the walls, party at weekends in the Close
- Guests cause only minimal disturbance, which can be quickly resolved by ringing the hotel - if the houses were privately owned and the neighbours were troublesome this would not be the case
- Parking is not an issue as there is safe, off-road parking available for residents and visitors
- The Close is kept clean and tidy by the Hollies, who maintain the gardens, boarders and paths on a weekly basis - this would not be the case if the Hollies did not own these properties
- Value of the properties has increased as a result of the interest the Hollies have in the Close
- Barton Close offers a high standard of living, with peace and quiet for the majority of the time
- Local residents that do not live in Barton Close use the area for off street parking, and this is only possible due to the Hollies owning properties and requiring a lower level of parking for their needs

- All of the Hollies properties are gardened at the same time on a Friday afternoon, which reduces disruption to local residents in the evening and weekends

**Ten letters of objection** - Have been received, raising concern over the following issues:

- All these applications would allow Barton Close to be used as a 21 bedroom hotel annexe which is out of scale with a small, residential cul-de-sac
- The proposal sets a precedence for the whole close to be used as a hotel annexe
- It makes no sense that a property can be in both C1 and C3 class of use; mixed use would normally apply to a group of properties as a whole with a specific use assigned to the property
- Any demand in hotel accommodation should be met by their nearby hotel and if the hotel is regularly full, it should be extended rather than permitting hotel sprawl in the surrounding residential areas
- The hotel environment impacts on privacy
- Hotel guests assume Barton Close is a hotel complex
- The feeling of living in a hotel complex is exacerbated by daily hotel servicing, hotel signage and weekly hotel gardening contractors
- The hotel insist of maintaining the communal garden areas, despite some residents volunteering to do it
- There is a significant level of hotel servicing that focuses on two garages under the flat at number 8 and these applications would make it worse
- Hotel operation places extra stress on the available parking and the narrow access road
- The frequent arrival and departure of strangers reduces our sense of security
- Proposal provides questionable benefits to the local economy in terms of employment, revenue and business growth
- Hollies have brought up properties that were previously available as low cost houses suitable for first time buyers
- Applications are made in retrospect and hence local residents have not had an opportunity to comment on the proposal until now
- Permission should not be granted for all of the properties the Hollies own to be used with the proposed mixed use
- Parking bays should be clearly marked out and visitors made aware that some are privately owned
- No further external modifications should be allowed to the properties
- If planning permission is granted, it should be personal to the Hollies otherwise they could sell the properties to another hotel
- The Hollies should not be allowed to personally maintain the communal garden areas
- Noise disturbance from shouting, music and loud talking
- Guests frequently walk past ground floor windows causing a loss of privacy
- Guests do not use correct parking spaces allocated to them
- Litter and cigarette ends are left in the Close by guests
- Lights are left on all night
- Water and garden debris is thrown over the fence
- It is believed that a clause was included in the developer's transfer document to prevent the properties on Barton Close being used other than as private dwellings
- House prices have been affected and selling will now be difficult
- Guests cause disturbance through partying to the small hours
- There is no community spirit in the Close as a result of the Hollies buying up all the properties; residents feel as if they are living in a hotel complex
- Proposal would compromise local residents rights to a private life, as set out in

- the Human Rights Act
- Why do the Hollies need so many properties if only 6% of people staying are short stay guests?
- Longer stay guests use barbeques with no consideration for other residents
- The presence of drunken guests feels uncomfortable and threatening

## CONSIDERATIONS

### Principle

The site is located within the defined development area where the principle of new development is acceptable, and where tourism accommodation is encouraged through Policy 22 of the Structure Plan. The proposal seeks permission for a mixed use of full residential (C3) and hotel (C1) accommodation. This mix is sought to enable a range of occupiers to stay in the property, varying from short periods of overnight to a couple of days as well as longer stays of a week or more. The use of the property for the longer stay guests (i.e. a week or more) falls within the existing C3 authorised use, and hence does not require planning permission in its own right. However the introduction of use for short-stay guests falls within the C1 hotel category, and hence the use of the property for this purpose, even if it is not all of the time, requires planning permission. The mixed use as proposed by the applicant provides tourism accommodation to the local area, which is supported by local and national planning policy due to the economic benefits that this type of use brings.

The economic benefit provided by the proposal has been questioned by local objectors in light of the fact that the property may have periods of being vacant. Most tourism accommodation facilities within the district do not operate at 100% occupancy, often realistically it is more likely to be between 40-60% occupancy per annum. Despite this it is widely accepted that such tourism accommodation will still bring several benefits to the local economy.

### Highways and Parking

The Highway Authority has not raised an objection to the proposal on the basis that adequate parking is available to serve the needs of the property and the proposal does not cause an increase in traffic. Concern has been raised that the proposal causes stress on available parking and the narrow access road. However, it is considered that the C1 hotel use does not create additional traffic above and beyond what would already be created by the C3 full residential use.

Concern has been raised that guests staying in the property do not park in the correct designated spaces. It has also been suggested by one local resident that the parking spaces are clearly delineated. This is considered to be a reasonable suggestion, and could be conditioned as part of any approved scheme.

### Residential Amenity

Several objections have been received regarding the cumulative impact this application, along with all of the other applications that the Hollies submitted for Barton Close, will have upon the residential amenity of the area and the overall character and feel of the area. Comments made by local residents include that there is little community spirit within the Close. While local residents may feel there is a lack of community spirit, this is not something that is a material planning consideration in this circumstance, particularly when the change of use proposed maintains the residential use, and the way in which the property is proposed to be used is so similar to the lawful use. If the Local Planning Authority were to refuse this application, there is nothing that could be done to ensure that a future occupier of the property would participate with/contribute towards the local

community spirit. Therefore it is considered that it would be unreasonable to refuse this application on such grounds.

Several objections received from local residents relate to disturbance caused by guests staying at the properties owned by the Hollies within Barton Close, and that guests think that the whole Close is part of the Hollies hotel. Concern has been raised over noise from music and shouting, however it also appears from objector letters that the Hollies have acted quickly to address noisy guests when it has been reported to them. Furthermore, there is no reason to think that guests staying at the property would be any noisier than a person occupying the property on a full residential C3 basis. The same would apply for concerns raised relating to lights being left on, barbeques being lit, and litter being dropped. As a note to this point, having visited Barton Close several times, the appearance given has always been one of a very clean and tidy area, with no evidence of litter being found.

Objection is also made to disturbance caused from the servicing of the Hollies owned properties in the Close. While daily visits may be made for housekeeping requirements, and weekly visits for garden maintenance, these movements are not considered to be excessive. Furthermore, a normal residential property would generate several movements per day, with trips to work, school, shops and so on.

Concern is raised by several residents that guests staying in the Close cause a loss of privacy and will impact upon their Human Rights as defined in the Act. Attention is drawn to the fact that guests frequently walk past ground floor windows. It is not considered that the proposed use would cause a loss of privacy anymore so than a full residential use. The occurrence of residents walking along the pavements or around the Close is going to happen, regardless of whether occupiers of the property are short term guests or longer term residents. In any case, such glancing views into a ground floor window of a property would not normally be considered to amount to a loss of privacy to the detriment of local residents.

Concern is also raised by local residents over a reduced sense of security from the presence of strangers, some of whom are drunk. However, no evidence has been submitted to demonstrate that this reduced sense of security is well founded as there does not appear to be a history of crime or disorder within the Close.

### **Other Issues**

Concern has been raised locally over the cumulative impact of half the properties within Barton Close being used by the Hollies hotel. This circumstance is unusual in that there do not appear to be any similar cases within the district, however it is necessary for the Local Planning Authority to assess whether the several proposals for change of use as submitted by the Hollies would have a detrimental impact upon the scale of the area. It is reasonable that the area examined relates to the parish rather than just the Close in isolation, and accordingly it is considered the use of these properties within the Close is proportionate with the scale of the area.

Objection has been raised locally on the basis that the use of so many properties within the Close by the Hollies prevents the availability of low cost housing to first time buyer. When planning permission was granted for Barton Close, there was no planning requirement attached to the permission to require any of the properties to be available as affordable housing in perpetuity. Therefore this is not considered to warrant a reason for refusal in this circumstance.

A suggestion has been made that if planning permission is granted for this application, it should be made a personal permission to the Hollies to prevent the property being sold



on to another hotel. Given the conscientious way in which The Hollies manage and maintain the property, it is considered this is a reasonable measure.

Comment has been made that no further external modifications should be allowed to the properties. Having checked the history of the property, permitted development rights were originally removed for alterations, extensions and garages to properties within the Close. As this planning permission would start a new chapter in the planning history, it is considered prudent to re-impose such a condition here.

Many issues that have been raised by local residents do not relate to material planning considerations, such as the impact upon property prices, the responsibility of maintenance of communal garden areas, restrictive covenants attached to the property, scope for the hotel to be extended and the application being made retrospectively.

### **Conclusion**

The site is located within the defined development area where tourism accommodation is encouraged in planning policy. The proposed mixed use of C1 and C3 will contribute towards available tourism accommodation in the area, while also maintaining housing supply within the parish. The proposal would not be prejudicial to highway safety, and notwithstanding the objections received, will not harm the residential or visual amenity of the area. Therefore the proposal accords with Policies STR5, 22 and 48 of the Somerset and Exmoor National Park Joint Structure Plan Review, Policies ST5, ST6, TP7 and ME10 of the South Somerset Local Plan and Chapters 1 and 6 of the National Planning Policy Framework.

### **RECOMMENDATION**

Permission be granted

### **JUSTIFICATION**

The site is located within the defined development area where tourism accommodation is encouraged in planning policy. The proposed mixed use of C1 and C3 will contribute towards available tourism accommodation in the area, while also maintaining housing supply within the parish. The proposal would not be prejudicial to highway safety, and notwithstanding the objections received, will not harm the residential or visual amenity of the area. Therefore the proposal accords with Policies STR5, 22 and 48 of the Somerset and Exmoor National Park Joint Structure Plan Review, Policies ST5, ST6, TP7 and ME10 of the South Somerset Local Plan and Chapters 1 and 6 of the National Planning Policy Framework.

### **SUBJECT TO THE FOLLOWING:**

01. Notwithstanding the time limits given to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission (being granted under section 73A of the Act in respect of development already carried out) shall have effect from the 17th July 2012.

Reason: To comply with Section 73A of the Act.

02. Within three months of the date of this permission the car parking space shown on the submitted plan shall be clearly marked out. Such areas shall then be available to serve the needs of the occupiers of 1 Barton Close.



Reason: To ensure that guests staying at the property are aware of the parking spaces related to the property, in accordance with Policy 48 of the Somerset and Exmoor National Park Joint Structure Plan Review.

03. The use hereby permitted is limited to a mixed use of C1 and C3 uses, as defined in the Town and Country Planning (Use Classes) Order 1987 or any statutory instrument revoking and re-enacting that Order. Should the mixed C1 and C3 use cease, the use of the property shall revert to a C3 dwelling.

Reason: In order to define the scope of the permission.

04. The element of C1 use hereby permitted shall only be operated by the Hollies Hotel. Upon severance of the link between the application site and the Hollies Hotel, the use of the application site shall revert to a C3 use.

Reason: In the interests of the residential amenity of the area, in accordance with Policy ST6 of the South Somerset Local Plan.

05. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), there shall be no extensions or alterations to this building without the prior express grant of planning permission.

Reason: In the interests of the local amenities of the area, in accordance with Policy ST6 of the South Somerset Local Plan.

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Area North Committee – 26 September 2012

## Officer Report on Planning Application: 12/02759/COU

<b>Proposal :</b>	Change of use of dwelling from C3 (dwelling) to a mixed use of C3 (dwelling) and C1 (accommodation ancillary to hotel) (retrospective) (GR: 345546/117916)
<b>Site Address:</b>	15 Barton Close, Bower Hinton, Martock
<b>Parish:</b>	Martock
<b>MARTOCK Ward (SSDC Members)</b>	Cllr Graham Middleton & Cllr Patrick Palmer
<b>Recommending Case Officer:</b>	Claire Alers-Hankey Tel: 01935 462295 Email: <a href="mailto:claire.alers-hankey@southsomerset.gov.uk">claire.alers-hankey@southsomerset.gov.uk</a>
<b>Target date :</b>	11th September 2012
<b>Applicant :</b>	Mr Thomas Walsh
<b>Agent:</b>	Paul Dance, Foxgloves, 11 North Street, Stoke Sub Hamdon, Somerset TA14 6QR
<b>Application Type :</b>	Other Change Of Use

### REASON FOR REFERRAL TO COMMITTEE

This application is referred to the Area North committee at the request of the Vice Chair and one Ward Members to enable the local concerns to be fully debated.

### SITE DESCRIPTION AND PROPOSAL



The property is an end of terrace, two-storey dwelling constructed from rendered walls and double Roman roof tiles and currently benefits from C3 residential use. The property has two off road parking spaces.

This application seeks retrospective permission for the change of use of the property from C3 residential use to a mix of C3 residential and C1 hotel accommodation. Over the last six years the Hollies Hotel has purchased a number of properties within the Close, including this one. The Hollies use the property for accommodating short, medium and long term guests. It is accepted that the use of the property for persons staying for 7 days or more complies with the lawful C3 residential use and therefore does not require planning permission by itself. However, the Hollies also use the property for accommodating short term guests where people may stay for less than a week e.g. 2-3 nights. It is considered this element of the services accommodation provided by the applicant falls within a C1 (hotel) use and therefore planning permission is sought for a mix of the C3 and C1 uses to allow these different types of guest accommodation.

This proposal is submitted alongside eight other applications, made by the Hollies Hotel, for the same change of use to separate residential properties in Barton Close.

## HISTORY

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## CONSULTATIONS

**Martock Parish Council** - Object to the proposal. Considered the cumulative effect of more than half the homes in Barton Close now being under the ownership of the applicant, and noted that if approved there would be potential for more short term (hotel room type) use of the available rooms rather than long term accommodation. Consider the proposal would cause a loss of community feel in Barton Close and make existing permanent residents feel as if they are living in a hotel complex, there is potential for the proposal to create more noise and disturbance due to more frequent visitors, and is aware of reported history of lack of respect by guests for the parking arrangements on site.

**County Highway Authority** - No objection to the principle of change of use from residential to a mix of residential and/or accommodation ancillary to the Hollies Hotel. States that on the basis that sufficient on site parking is provided with the site for parking in perpetuity, no objection raised.

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**Conservation Officer** - No objection to the change of use, but would be wary of any proposals for signage which could have an impact upon the conservation area.

## REPRESENTATIONS

**Three letters of support** - Have been received, raising the following points:

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- Community spirit is down to individuals making the effort
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lower level of parking for their needs

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- Proposal would compromise local residents rights to a private life, as set out in the Human Rights Act
- Why do the Hollies need so many properties if only 6% of people staying are short stay guests?
- Longer stay guests use barbeques with no consideration for other residents
- The presence of drunken guests feels uncomfortable and threatening

## CONSIDERATIONS

### Principle

The site is located within the defined development area where the principle of new development is acceptable, and where tourism accommodation is encouraged through Policy 22 of the Structure Plan. The proposal seeks permission for a mixed use of full residential (C3) and hotel (C1) accommodation. This mix is sought to enable a range of occupiers to stay in the property, varying from short periods of overnight to a couple of days as well as longer stays of a week or more. The use of the property for the longer stay guests (i.e. a week or more) falls within the existing C3 authorised use, and hence does not require planning permission in its own right. However the introduction of use for short-stay guests falls within the C1 hotel category, and hence the use of the property for this purpose, even if it is not all of the time, requires planning permission. The mixed use as proposed by the applicant provides tourism accommodation to the local area, which is supported by local and national planning policy due to the economic benefits that this type of use brings.

The economic benefit provided by the proposal has been questioned by local objectors in light of the fact that the property may have periods of being vacant. Most tourism accommodation facilities within the district do not operate at 100% occupancy, often realistically it is more likely to be between 40-60% occupancy per annum. Despite this it is widely accepted that such tourism accommodation will still bring several benefits to the local economy.

### Highways and Parking

The Highway Authority has not raised an objection to the proposal on the basis that adequate parking is available to serve the needs of the property and the proposal does not cause an increase in traffic. Concern has been raised that the proposal causes stress on available parking and the narrow access road. However, it is considered that the C1 hotel use does not create additional traffic above and beyond what would already be created by the C3 full residential use.

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### Residential Amenity

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Authority were to refuse this application, there is nothing that could be done to ensure that a future occupier of the property would participate with/contribute towards the local community spirit. Therefore it is considered that it would be unreasonable to refuse this application on such grounds.

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Concern is also raised by local residents over a reduced sense of security from the presence of strangers, some of whom are drunk. However, no evidence has been submitted to demonstrate that this reduced sense of security is well founded as there does not appear to be a history of crime or disorder within the Close.

### **Other Issues**

Concern has been raised locally over the cumulative impact of half the properties within Barton Close being used by the Hollies hotel. This circumstance is unusual in that there do not appear to be any similar cases within the district, however it is necessary for the Local Planning Authority to assess whether the several proposals for change of use as submitted by the Hollies would have a detrimental impact upon the scale of the area. It is reasonable that the area examined relates to the parish rather than just the Close in isolation, and accordingly it is considered the use of these properties within the Close is proportionate with the scale of the area.

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### **Conclusion**

The site is located within the defined development area where tourism accommodation is encouraged in planning policy. The proposed mixed use of C1 and C3 will contribute towards available tourism accommodation in the area, while also maintaining housing supply within the parish. The proposal would not be prejudicial to highway safety, and notwithstanding the objections received, will not harm the residential or visual amenity of the area. Therefore the proposal accords with Policies STR5, 22 and 48 of the Somerset and Exmoor National Park Joint Structure Plan Review, Policies ST5, ST6, TP7 and ME10 of the South Somerset Local Plan and Chapters 1 and 6 of the National Planning Policy Framework.

### **RECOMMENDATION**

Permission be granted

### **JUSTIFICATION**

The site is located within the defined development area where tourism accommodation is encouraged in planning policy. The proposed mixed use of C1 and C3 will contribute towards available tourism accommodation in the area, while also maintaining housing supply within the parish. The proposal would not be prejudicial to highway safety, and notwithstanding the objections received, will not harm the residential or visual amenity of the area. Therefore the proposal accords with Policies STR5, 22 and 48 of the Somerset and Exmoor National Park Joint Structure Plan Review, Policies ST5, ST6, TP7 and ME10 of the South Somerset Local Plan and Chapters 1 and 6 of the National Planning Policy Framework.

### **SUBJECT TO THE FOLLOWING:**

01. Notwithstanding the time limits given to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission (being granted under section 73A of the Act in respect of development already carried out) shall have effect from the 17th July 2012.

Reason: To comply with Section 73A of the Act.

02. Within three months of the date of this permission the car parking space shown on the submitted plan shall be clearly marked out. Such areas shall then be available to serve the needs of the occupiers of 1 Barton Close.

Reason: To ensure that guests staying at the property are aware of the parking spaces related to the property, in accordance with Policy 48 of the Somerset and Exmoor National Park Joint Structure Plan Review.

03. The use hereby permitted is limited to a mixed use of C1 and C3 uses, as defined in the Town and Country Planning (Use Classes) Order 1987 or any statutory instrument revoking and re-enacting that Order. Should the mixed C1 and C3 use cease, the use of the property shall revert to a C3 dwelling.

Reason: In order to define the scope of the permission.

04. The element of C1 use hereby permitted shall only be operated by the Hollies Hotel. Upon severance of the link between the application site and the Hollies Hotel, the use of the application site shall revert to a C3 use.

Reason: In the interests of the residential amenity of the area, in accordance with Policy ST6 of the South Somerset Local Plan.

05. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), there shall be no extensions or alterations to this building without the prior express grant of planning permission.

Reason: In the interests of the local amenities of the area, in accordance with Policy ST6 of the South Somerset Local Plan.

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Area North Committee – 26 September 2012

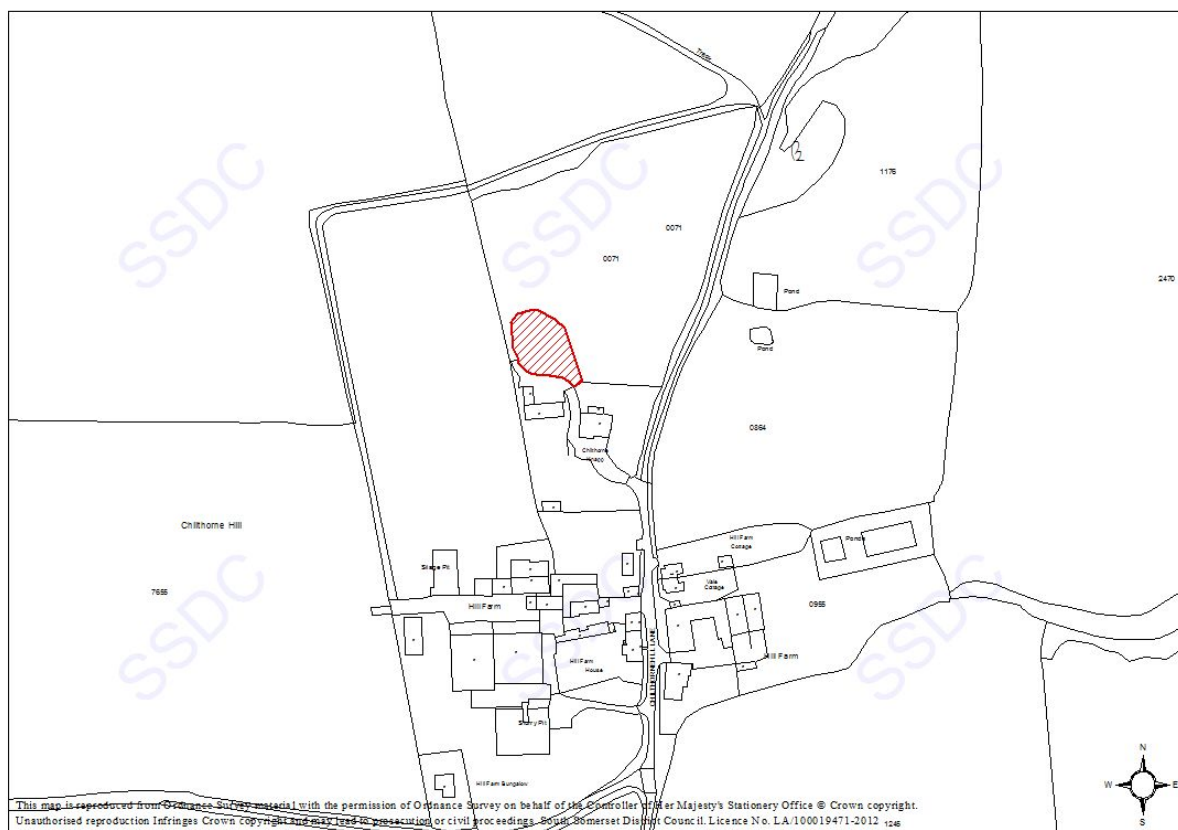
## Officer Report on Planning Application: 12/02772/FUL

<b>Proposal :</b>	The change of use of land for the siting of a holiday lodge (Revised Application). (GR 351982/119639)
<b>Site Address:</b>	Chilthorne Knapp, Chilthorne Hill, Chilthorne Domer
<b>Parish:</b>	Chilthorne Domer
<b>ST MICHAELS Ward (SSDC Member)</b>	Cllr Jo Roundell Greene
<b>Recommending Case Officer:</b>	Andy Cato Tel: (01935) 462015 Email: andy.cato@southsomerset.gov.uk
<b>Target date :</b>	20th September 2012
<b>Applicant :</b>	Mr & Mrs Richard Ferguson
<b>Agent: (no agent if blank)</b>	
<b>Application Type :</b>	Minor Other less than 1,000 sq.m or 1ha

### REASON FOR REFERRAL TO COMMITTEE

The application is referred to the committee as the officer recommendation is contrary to the views of the County Highway Authority on a matter of highway safety.

### SITE DESCRIPTION AND PROPOSAL



Chilthorne Knapp occupies a rural location on the outer edge and at a distance from the main Chilthorne Domer settlement. It comprises a detached dwelling occupying a large

curtilage; the majority of which is a 3 acre open field to the north of the dwelling. Access to the dwelling is via a narrow unclassified country lane, known as Chilthorne Hill. This terminates at the access to the property and continues as an unsurfaced Restricted Byway - a track not available for motorised traffic use by the general public.

The application proposes the change of use of a small part of the field to the north of the dwelling for the siting of a holiday lodge. In support of the application the applicant advises:

*The proposed holiday lodge is to be located on a north facing escarpment of a grassed field which is attached to the applicants dwelling. The lodge will be built to BS 3632, will meet the definition of a mobile caravan and provide 3 bedroom accommodation comfortable for a family of six. The lodges design is contemporary with base materials of natural timber cladding, glazing and decking. A full solar roof to be fitted to the lodge will serve both the lodge and the dwelling.*

*The lodge shall be set within a generous plantation of broadleaf trees, native hedging and shrubs and the escarpment will be graded to enhance the rolling aspect of the existing land contour.*

*The site lies within the parish of Chilthorne Domer and benefits from many local footpaths and bridleways. The Monarch`s way footpath traverse north - south less than a mile to the west. Local pubs in Chilthorne Domer and Tintinhull are easily accessed using the paths. The area is predominantly agriculture with many dairy and arable farms amongst them a water buffalo farm and a shop. Several B&B`s and local hostelryes provide accommodation but self contained holiday lets are notably sparse around the area. Reference is made to a 2005 planning approval allowing the conversion of a farm building to an annexe or holiday let at Sock Farm, Chilthorne Domer (05/01633/FUL).*

The applicant has also supplied a Business and Marketing Plan, in support of the application.

## **HISTORY**

63941 - Erection of dwelling - Refused 1963.  
 63941/A - Siting of caravan - Refused 1964.  
 63941/B - Erection of bungalow and Farm Buildings - Refused 1965.  
 63941/C - Erection of bungalow and Farm Buildings - APPROVED 1965.  
 63941/C/1 - Erection of house and Farm Buildings - Approved 1965.  
 882753 - Erection of bungalow - Refused 16.11.88.  
 94/00572/COL - Continued occupation without complying with agricultural occupancy condition - Approved 27.01.95.  
 96/02821/FUL - Two storey extension - Approved 09.01.97.  
 97/01964/FUL - Further two storey extension - Approved 07.10.97.  
 12/01537/FUL- Siting of two holiday lodges - Withdrawn.

## **POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

In March 2012 the existing national Planning Policy Statements and Guidance Notes (PPS's and PPG's) were superseded by the publication of the National Planning Policy Framework.

The development plan comprises the Somerset and Exmoor National Park Joint Structure Plan Review, and the South Somerset Local Plan (adopted April 2006).

The policies of most relevance to the proposal are:

Somerset and Exmoor National Park Joint Structure Plan (adopted April 2000):

STR1 - Sustainable Development  
STR4 - Development in Towns  
STR5 - Development in Rural Centres  
STR6 - Development outside Towns, Rural Centres and Villages.  
Policy 5 - Landscape Character.  
Policy 23 - Tourism Development in the Countryside  
Policy 49 - Transport Requirements of New Development  
Policy 50 - Traffic Management

South Somerset Local Plan (adopted April 2006):

ST3 - Development Areas  
ST5 - General Principles of Development  
ST6 - The Quality of Development  
ST7 - Public Space  
ST8 - Sustainable Construction  
EC3 - Landscape Character  
EU3 - Water Services  
EU4 - Drainage  
ME10 - Proposals for New Tourist Accommodation  
TP1 - New Development and Pedestrian Movement  
TP7 - Car Parking

National Planning Policy Framework - March 2012  
Chapter 3 Supporting a Prosperous Rural Economy  
Chapter 7 - Requiring Good Design

Other Relevant Documents:

The Good Practice Guide for Tourism. This Government guidance is to be read alongside national planning policies.  
Value of Tourism 2010 South West Tourism Alliance 2011.

## **CONSULTATIONS**

### **Chilthorne Domer Parish Council –**

The Clerk has advised: "Chithorne have yet to make their comments on 12/02772/FUL The change of use of land for the siting of a holiday lodge Chilthorne Knapp, Chilthorne Hill, Chilthorne Domer. (The date was 22 August). I hope to get them to you by Tuesday. (4th Sept.) I suspect they will be the same as on the original application. NO FORMAL COMMENTS RECEIVED TO DATE.



### **SSDC Tourism and Business Development Officer -**

Advise that no statistical knowledge is known about local demand for this type of accommodation but anecdotal information from self-catering owners indicates that demand is healthy. Opinions that the situation and outlook for the proposed lodge would be appealing for the type of visitors who come to South Somerset for short breaks but that a concern applies over the access lane which is said to be off putting.

### **SSDC Landscape Architect -**

Refers to the recent earlier application to site two holiday lodges here. Turning to this revised proposal opinions that the proposed siting of the lodge is satisfactory in terms of its relationship with the existing buildings at the site and subject to a need for the accommodation being established raises no landscape objections subject to imposition of a landscaping condition.

### **SCC Highways –**

Point out that the site is beyond any development limit is remote from services and facilities and that as users will rely on use of private motor vehicles there will be an increase in traffic over and above what exists currently. Also make reference to the single width long trackway which serves as the only vehicle access - that this has no footways or street lighting and its junction at Yeovil Road is restricted in terms of visibility. Taking the "highway deficiencies" into account the Highway Authority have "concerns regarding the increase in any vehicular or pedestrian traffic in this location, and whilst it may not be significant over and above what currently occurs here, it could set a precedent if permitted for further development, and the increased use of the site will incrementally increase the risk to the safety of road users in this location".

In conclusion, the Highway Authority recommends a refusal for the following reason:

*The approach road by reason of its restricted width, poor alignment and substandard junction is considered unsuitable to serve as a means of access to the proposed development. The proposal is therefore contrary to policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and ST5 of the South Somerset Local Plan.*

### **Other –**

A site Notice has been posted and neighbouring householders have been notified and invited to comment on the application. One email received from the owner of the Carpenters Arms in Chilthorne Domer gives full support to the application advising that the public house are asked by "a lot of passing trade" for local accommodation. That whilst they are supported by local guest houses already the area can easily support an addition.

## **CONSIDERATIONS**

The NPPF emphasizes that planning should support economic growth in rural areas by taking a positive approach to sustainable new development. Rural tourism and leisure developments should be supported provided they respect the character of the countryside and they meet a need that is not being met by existing facilities in "rural service centres".

Guidance on the approach to be taken to tourism development is currently set out in the

Good Practice Guide on Planning for Tourism (2006), which replaced PPG21 Tourism (1992).

The guide places great emphasis on the benefits of tourism to the national and local economy, and the social and environmental well being of the whole country. The particular value of these benefits to rural areas is noted. The guide recognizes the role of the planning system in facilitating the development and improvement of tourism in appropriate locations and encourages a pro-active approach in order to achieve expansion of this important industry. Examples of local authority best practice in planning for tourism are given in the guide.

The guide focuses on broad principles that are relevant to most types of tourist development and does not deal in detail with individual types of development. Key planning considerations for all types of visitor and tourist developments are given as location, design and fit with surroundings:

Location: this should be accessible, ideally by a variety of means of transport, and not cause harm to a sensitive environment. New developments should be as sustainable as possible in transport terms but the guidance also recognizes that there will be instances, some due to functional need, where the choice of location cannot meet this objective.

Design: this should be attractive, functional and sustainable in terms of energy efficient construction and operation, or involve the re-use of existing buildings;

Fit with surroundings: development should conserve and enhance local environmental qualities, whether that quality lies in the historic built environment, natural landscape or nature conservation.

The good practice guide provides specific advice on tourism in rural areas. It states that the provision of essential facilities for visitors is vital for the development of tourism in rural areas and that RSS and LDF policies should engender a positive approach to rural tourism proposals, within the context of certain principles such as:

- Wherever possible, tourist and visitor facilities should be housed in existing or replacement buildings, particularly where they are located outside existing settlements.

At the local level reference needs to be had to the policies and advice contained in the Structure and Local Plan which reflect national policy and advice; namely:

1. The protection of the countryside against unjustified proposals with a priority to reuse existing buildings and brownfield land.
2. Requiring good design to reflect local distinctiveness that is appropriate to its setting and is sustainable.
3. Requiring a satisfactory and safe means of access.

Having regard to the above three main headings can be identified in the assessment of the application as follows:

1. Need and reuse the existing large outbuilding. Whilst no views were expressed in respect of the potential use of the outbuilding the applicants had initially advised that only three key competitors in the locality applied. Whilst the Councils Tourism Officer could not comment on this a "Google" search revealed that a further eight sites can be considered as local competitors, not including the Halfway House, existing B&B's and the new hotel development recently allowed in the Town Centre. The applicant has provided the following comments:

*There is no self catering accommodation in Chilthorne Domer. The Halfway House offers B & B only.*

*There is 1 apartment which offers daily rates, self catering, in Yeovil.*

*In a scattering of villages around Yeovil there is mainly single cottages, namely,*

*East Coker, Barwick, Montecute, East Chinnock, Tintinhull, Queen Camel, Martock.*

*Of these, only one offers accommodation for a family larger than 4. Some do not allow children under 18 or pets.*

*None are detached lodges, which have their own desirability.*

*The "Farmyard", I now understand is aimed more at the Corporate Sector, this reflected in their rates.*

*I have checked availability for all of the cottages I can find, and there is none for the whole of September (not high season), and many already have bookings for xmas and next year.*

*We have also learned this weekend, that a letter of support for our application was sent to you on the 7th August, from the owner of The Carpenters Arms. We were not aware of the letter since it had not appeared on the Planning website, but it further supports the demand in this locality for our venture.*

*We believe we have done everything we could possibly do to ensure a successful venture and we are confident we will have a profitable business if we are permitted to go ahead.*

*Mary Ostler (Tourism) was very positive when I met with her, and in her appraisal of our application. She stated that the demand was "buoyant" and the location "striking and unusual". On the day she visited, we had torrential rain and the hedgerows were encroaching on the lane way as they needed trimming. This was done only a few days later. Mary's issues with the lane are different from the those raised by Highways, who are concerned with the junction splays.*

*Your comments to my husband when you visited last, regarding the conversion of our stables being preferable, makes no sense to us. It would only carry a much greater timescale and financial burden, which we simply cannot afford.*

2. Design and impact on landscape setting. The current application follows on from a withdrawn proposal to provide two holiday modular buildings here. The Councils Landscape Officer had concerns over the earlier application and this current proposal follows advice he gave to the applicants; the Landscape Officer raises no objections to this resubmission for one holiday lodge subject to landscape planting being carried out. The proposed building comprises a single storey modular building finished in timber boarding and fitted with a flat roof. It has three bedrooms with space for 3 double beds and measures a total of 14 m x 7.7 m x 3.94 m (high). Of a low key configuration, the building is considered to be attractive and whilst not conforming to the local vernacular, it should not appear harmful to its immediate setting.

3. Highways. The County Highway Authority have recommended a refusal of the application due to the restricted width of Chilthorne Lane its limited passing places and lack of footways and street lighting and its substandard junction with Yeovil Road. The Councils Tourism Officer has raised a concern over the "off-putting" nature of the Lane. In reply the applicant has stated:

*The lane is similar to most single track lanes all over the country. It is 0.52 miles of no through road, with 8 good passing places. To our knowledge, and that of other locals, our lane junction does not have an accident record. People seek out remote locations for holidays, accepting that the road is likely to be single track and rural. If an assessment of all holiday accommodation access was carried out, I believe many would be far worse than ours, and I am tired of having to defend our lane way throughout this process.*

## CONCLUSIONS

Both national and local planning policy positively support proposals for new tourist related facilities subject to such proposals meeting a known need and being compatible in terms of the landscape setting and highway safety. In this case whilst a known need may not have been completely and robustly proven and an existing building on the site may be capable of conversion, it is considered that the siting of this single modular structure can prove successful and should not adversely impact on other local tourist accommodation in the area. In terms of highway safety whilst the site has good linkage with the main highway public footpaths and nearby facilities, the Highway Authority point out that main junction onto Yeovil Road suffers from restricted visibility. The other point made is that Chilthorne Lane is not ideal for pedestrians; a point that can be made in respect of most rural lanes.

In this case the Lane provides access to a handful of properties only and the addition of this one holiday Lodge unit should not impact significantly on traffic users and the Highway Officers reason for a refusal is not supported.

On balance the application is reported for a conditional approval.

Finally, having regard to the strong policy support for existing tourist facilities to develop and thrive, should this proposal prove successful then future applications to expand with additional accommodation would be unlikely to receive support due to the impact on the landscape setting and the highway concerns that would undoubtedly be raised.

## RECOMMENDATION

Grant Permission

01. The proposal is of a size, scale, design and nature which preserves the areas rural appearance, is not prejudicial to highway safety and provides tourist accommodation of a scale consistent with its rural surrounds and is therefore in accordance with policies STR1, STR6, 5, 23 and 49 of the Somerset and Exmoor National Park Joint Structure Plan (Adopted 2000) and saved policies ST3, ST5, ST6, ST8, EC3, TP7 and ME10 of the South Somerset Local Plan.

### 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 and details:

Location plans reference LP1 and 2 Rev 4, Site Plan Elevations reference Rev2, Lodge Elevations reference Rev2 Lodge Floor Plan reference Rev2 and Solar Array Detail dated stamped 20th July 2012.

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

03. The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels; all planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual and rural amenity and further to saved policy ST6 and EC3 of the South Somerset Local Plan.

04. The occupation of the holiday accommodation hereby permitted shall be restricted to bona fide holidaymakers for individual periods not exceeding 4 weeks in total in any period of twelve weeks. A register of holidaymakers shall be kept and made available for inspection by an authorised officer of the Local Planning Authority at all reasonable times.

Reason: The accommodation provided is unsuitable for use as a permanent dwelling because of its relationship with the main dwelling, and inadequate facilities on site and the Local Planning Authority wish to ensure that the accommodation is available for tourism, to accord with saved policy ME10 of the South Somerset Local Plan.

05. The approved holiday let unit shall not be sold or disposed of separately from the remainder of the farm known as Chilthorne Knapp. There shall be no fragmentation of the planning unit to facilitate the separation of the uses comprised in this mixed use.

Reason: In view of the proximity to the main dwelling and shared access and parking facilities and in accordance with saved policy ST6 of the South Somerset Local Plan.

06. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) as defined in Classes A, B, D and E of Part 1, Schedule 2 there shall be no extensions to the holiday lodge unit or outbuildings erected on the site of the holiday lodge without the prior express grant of planning permission.

Reason: To safeguard the rural character and appearance of the area, in accordance with saved policy EH3 of the South Somerset Local Plan.

07. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), there shall be no fences, gates or walls erected on the site of the holiday lodge without the prior express grant of planning permission.

Reason: To safeguard the rural character and appearance of the area, in accordance with saved policy EC3 of the South Somerset Local Plan.

08. There shall be no direct access, either vehicular or pedestrian, from the application site onto Chilthorne Lane other than by the existing access serving Chilthorne Knapp, as detailed on the approved plans.

Reason: In the interests of highway safety and rural amenity in accordance with saved policy EC3 and ST5 of the South Somerset Local Plan.

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Area North Committee – 26 September 2012

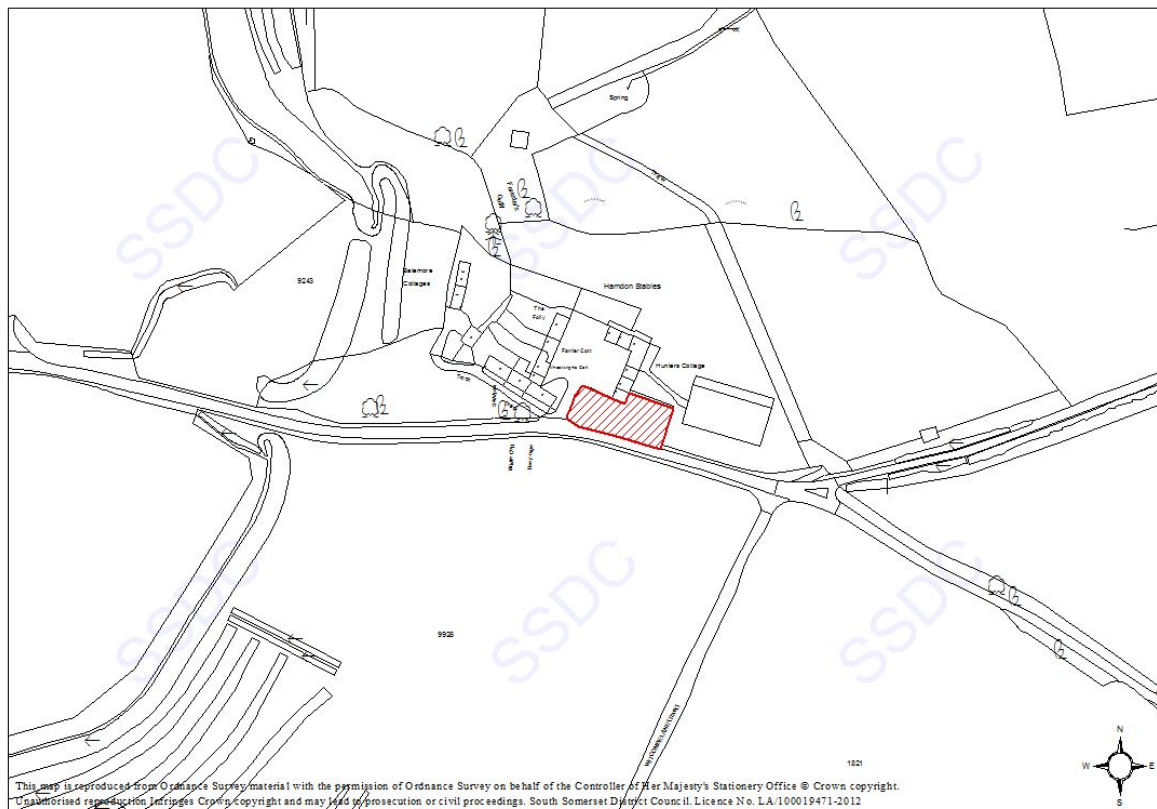
## Officer Report on Planning Application: 12/02571/FUL

<b>Proposal :</b>	Retention of stone reveals to the windows. ( GR 349050/116380)
<b>Site Address:</b>	Stable House, Hamdon Stables, Montacute
<b>Parish:</b>	Montacute
<b>ST MICHAELS Ward (SSDC Member)</b>	Cllr Jo Roundell Greene
<b>Recommending Case Officer:</b>	Claire Alers-Hankey Tel: 01935 462295 Email: claire.alers-hankey@southsomerset.gov.uk
<b>Target date :</b>	12th September 2012
<b>Applicant :</b>	Mr A Gillespie
<b>Agent: (no agent if blank)</b>	
<b>Application Type :</b>	Other Householder - not a Change of Use

### REASON FOR REFERRAL TO COMMITTEE

This application is referred to the committee under the Council's adopted Scheme of Delegation, as the applicant is a member of staff at SSDC.

### SITE DESCRIPTION AND PROPOSAL



The site is located outside of any defined development area, to the southwest of Montacute. The property is a converted hamstone barn and forms part of the Hamdon

Stables barn conversion complex.

This application seeks retrospective permission for the retention of stone reveals that have been inserted into the new windows at the property.

## HISTORY

08/02999/FUL - Modification of existing windows, formation of new windows and the installation of sunpipes to north roof slope. Application refused on 02/09/2008, but allowed at appeal on 22/01/2009.

Condition 02 stated: No development shall take place until details of the design, materials and finish to be used in the windows, window reveals, doors, eaves and other external elements of the development hereby permitted have been submitted to and approved in writing by the local planning authority. These details shall include sectional drawings at a scale of at least 1:5. **The development shall be carried out in accordance with the approved details and shall not be altered thereafter without the prior written agreement of the local planning authority.**

07/01288/FUL - Modification of existing windows, installation of new windows and rooflight. Application refused on 04/07/2007.

97/00496/FUL - Construction of courtyard wall and extension to residential curtilage. Granted conditional approval on 25/04/1997.

941649 - The carrying out of alterations, conversion of barn into seven dwellings and provision of garaging/stable block and store. Granted conditional approval on 19/10/1994.

Condition 09 stated: Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 (or any order revoking and re-enacting that Order) and to safeguard the amenities and character of the area, no additional windows or other openings shall be formed in these buildings, **or other alterations made to their external appearance, without the prior express grant of planning permission.**

Condition 12 stated: To safeguard the character and appearance of the buildings, before the development hereby permitted shall be commenced details of the material and external finish to be used for all windows, doors, openings and timber elements shall be approved in writing by the District Planning Authority. **Such approved details, once carried out shall not be altered without the prior express grant of planning permission.**

## POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

Saved policies of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011:

Policy STR1 - Sustainable Development

Saved policies of the South Somerset Local Plan:  
Policy ST4 - Extensions and Alterations to Buildings in the Countryside  
Policy ST5 - General Principles of Development  
Policy ST6 - The Quality of Development

National Planning Policy Guidance (March 2012):  
Chapter 7 - Requiring Good Design

Other Relevant Considerations:

09/02281/FUL - The formation of rear windows and the installation of sunpipes at Bridle Cottage, Batemore Barns, Park Lane, Montacute. Granted conditional approval on 22/07/2009. This application relates to one of the neighbouring barns to this application and allowed reveals of a similar appearance to this proposal.

## CONSULTATIONS

**Montacute Parish Council** - No objection, but makes the observation that the window should be level with the front of the building, not recessed so far back, and the window frames are a lighter colour and there is a lintel over the large horizontal window.

**County Highway Authority** - No observations

**Area Engineer** - No comment

## REPRESENTATIONS

None received

## CONSIDERATIONS

The sole issue relates to the design of the reveals.

It is considered that the minor alterations of retaining the stone reveals on windows would not detract from the appearance or character of the building and would not harm the visual amenity of the wider area. Accordingly the proposal is considered to be acceptable.

The Parish Council whilst not objecting to the proposal, have drawn attention to the recessing of the windows and state the window should be level with the front of the building and not set back so far. This aspect of the window design does not form part of the proposal, and in any case, many sources of barn conversion good practice guidance state it is often the case that glass in openings should be recessed further back in converted buildings, to disguise the appearance of the opening as much as possible. The Parish Council also draw attention to the colour of the window frame and the lintel over the top of the large horizontal window. Again these aspects do not form part of the proposal, and as far as the LPA are concerned, they are in accordance with the approved details.

**RECOMMENDATION**

Permission be granted

The minor alterations of retaining the stone reveals on windows would not detract from the appearance or character of the building and would not harm the visual amenity of the wider area. Therefore the proposal is considered to accord with policies ST4, ST5 and ST6 of the South Somerset Local Plan.

**SUBJECT TO THE FOLLOWING:**

01. Notwithstanding the time limits given to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission (being granted under section 73A of the Act in respect of development already carried out) shall have effect from the 18th July 2012.

Reason: To comply with Section 73A of the Act.

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Area North Committee – 26 September 2012

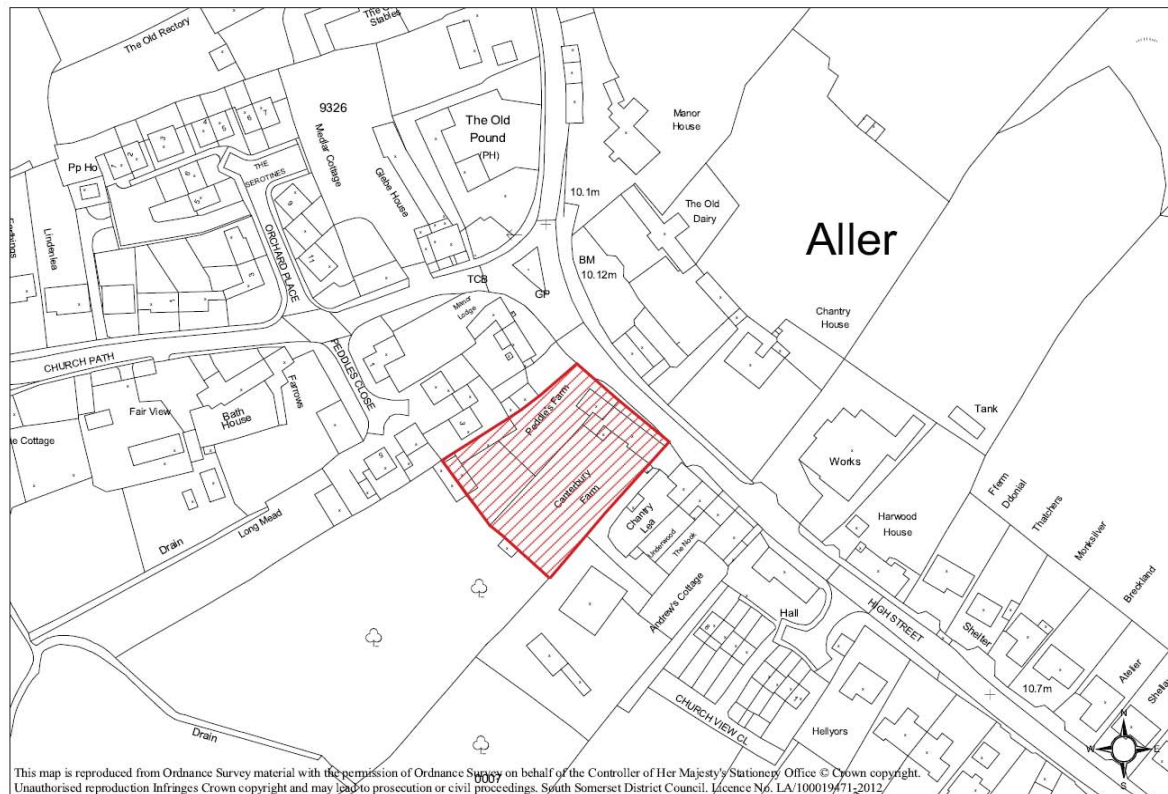
## Officer Report on Planning Application: 12/02940/LBC

<b>Proposal :</b>	Internal and external repairs and alterations to property to include new roof structure and re-thatching, rebuilding of removed chimney and installation of replacement windows (GR: 340045/129198)
<b>Site Address:</b>	Canterbury Farm, High Street, Aller
<b>Parish:</b>	Aller
<b>TURN HILL Ward (SSDC Member)</b>	Cllr S Pledger
<b>Recommending Case Officer:</b>	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
<b>Target date :</b>	24th September 2012
<b>Applicant :</b>	Mr S Pledger
<b>Agent:</b>	Mr Shaun Travers, Boon Brown Architects, Motivo, Alvington, Yeovil BA20 2FG
<b>Application Type :</b>	Other LBC Alteration

### REASON FOR REFERRAL TO COMMITTEE

The application is referred to the committee as the applicant is a district councillor.

### SITE DESCRIPTION AND PROPOSAL



The proposal seeks partially retrospective consent for various internal and external alterations including a new roof structure, re-thatching, and rebuilding of removed chimney. The property is a two-storey detached house constructed of natural stone, with painted timber window frames and no roof. The house is a Grade II listed building and located close to various residential buildings. The property is not within a development area as defined by the local plan.

Additional plans have been provided to amend the construction of the brick clad rear wall, to show the gable wall being rendered, to removal all reference to altering the rear extension to the house, to remove reference to altering the floor levels in the dining room, and to remove the proposed replacement of the windows from the scheme. The amended plans were provided along with notes as to how the existing roof structure would be treated.

## HISTORY

03/03485/LBC - Erection of parish council notice board - Application permitted with conditions 28/01/2004

03/01799/FUL - Minor internal alterations and conversion of outbuildings to provide self-contained dependent relative's flat - Application permitted with conditions 07/08/2003

03/01801/LBC - Minor internal alterations and conversion of outbuildings to provide self-contained dependent relative's flat - Application permitted with conditions 07/08/2003

95/05008/LBC - The demolition of partially collapsed barn and the erection of 7ft high lapped panel timber fencing - Reg3 County (SSDC raise no objections) 12/06/1995

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

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



## Relevant Development Plan Documents

Somerset and Exmoor National Park Joint Structure Plan  
STR1 - Sustainable Development

South Somerset Local Plan (Adopted April 2006)  
EH3 - Alterations to Listed Buildings

## CONSULTATIONS

### English Heritage

This application should be determined in accordance with national and local policy guidance, and on the basis of your expert conservation advice.

### Society for the Protection of Ancient Buildings (SPAB) –

*"No structural or condition survey is attached to the application nor any detailed proposals covering what are extensive works. Mention is made of a report by the Vernacular Architecture Group dated February 2012 but this is not attached.*

*There is a mention of raising the roof. This could affect the historic continuity and significance of the building and is not justified in our opinion.*

*It is proposed that many of the windows should be replaced. If [it] is not possible to repair them they should be replaced on a like for like basis. Any glazing bars should be of a proper section to receive the double glazing units and not split and applied to the face of the glass.*

*In our opinion the tiling of the back extension should be retained as being the more likely historic roof covering. We note and support your Conservation officer's comments in this respect."*

SPAB go on to recommend that a detailed schedule of works should be agreed with the applicant.

### SSDC Technical Services

No comment

### Aller Parish Council

The parish council support the application. They consider it would be acceptable for the temporary structure to remain until the works to restore the thatch is completed.

### SSDC Conservation Officer

*"In themselves many of the repairs works are extensive, but ultimately accepted, but lack detail for the implementation of any replacement or repair works. These works will need to be detailed either by condition, or as the applicant is keen to progress works, could usefully use this period of consultation with the application to forward this detail at this stage."*

The conservation officer then details at length the extra information that should be supplied to support the application.

No comment received since the receipt of amended plans.

## REPRESENTATIONS

None

## CONSIDERATIONS

The scheme represents part 1 of a two phase scheme. At the time of writing the report an application for the second phase had not been received. This application is to deal with urgent repair works needed to stabilise the building. The applicant/agent has made it clear that an application for further alterations will be submitted at a later date.

The Society for the Protection of Ancient Buildings (SPAB) was consulted and raised some concerns with the proposal as initially proposed. Similarly, the SSDC Conservation Officer, whilst accepting the principle of the scheme, raised several concerns with the detailing. Since the receipt of these comments amended plans have been received in an effort to address the concerns of the conservation officer.

The amendments are considered to broadly address the concerns of the conservation officer, and his remaining concerns can be addressed through the imposition of suitable conditions on any consent issued. The amendments do not address all of the concerns of SPAB. However, the concerns of SPAB do not accord with the concerns of the conservation officer, and the advice of the specialist local officer with intimate knowledge of the building and the circumstances surrounding the application are considered to outweigh the advice of a national amenity society such as SPAB. Furthermore English Heritage has advised that the application should be determined in accordance with national and local policy guidance, and on the basis of the local authority's specialist conservation advice.

As such, subject to the imposition of suitable conditions on any permission issued, the proposal is not considered to have a negative impact on the character or setting of the listed building in accordance with the NPPF, and policy EH3 of the South Somerset Local Plan.

As such the proposal should be recommended for approval.

## RECOMMENDATION

Grant consent for the following reason:

01. The proposal, by reason of its materials and design is considered to respect the historic and architectural interests of the building and is in accordance with policy 9 of the Joint Structure Plan Review, EH3 of the South Somerset Local Plan, and the provisions of the NPPF.

## SUBJECT TO THE FOLLOWING:

01. Notwithstanding the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 this consent shall be deemed to have been implemented on 16 July 2012 as prescribed by Section 8 of the above Act.

Reason - To comply with section 8 of the above Act.

02. The development hereby permitted shall be carried out in accordance with the following approved plans: 3195/100 A, 3195/101 A, 3195/102 B, and 3195/103 A received 31 August 2012.

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

03. Any additional conditions, as put forward by the conservation officer in relation to the amended plans, to be recommended to the committee as a verbal update to this report.
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