

Planning Applications – 29 January 2014

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 3.20pm.

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	41	LANGPORT & HUIISH	13/03115/ OUT	Residential development of land.	Land To The Rear Of Badger Cottage, Newtown Road, Langport	Grosvenor Place Holding Ltd.
2	55	WESSEX	13/03399/ COU	Change of use from agricultural to a mixed use of agricultural and contractors storage yard.	Land Os 3038 Part, Somerton Road, Compton Dundon.	Mr G A Doble (Civil Engineering) Ltd
3	63	WESSEX	12/01501/ OUT	Residential development and construction of new access road.	Home Farm, West End, Somerton.	H & S Development s Ltd
4	75	HAMDON	13/03341/ COU	Continued use of land for a mixed use of residential and B8 storage of used windows and doors with ancillary sales (retrospective).	Leggs Stores, West Street, Stoke Sub Hamdon.	Mr M Legg
5	84	SOUTH PETHERTON	13/03881/ FUL	Erection of detached dwelling and garage, alterations to existing access.	Land Between 30 And 34 South Street, South Petherton.	Mr & Mrs M & W Turner
6	91	ISLEMOOR	13/04557/ OUT	Change of use & erection of two new 4 bedroom dwellinghouses & associated garaging, the formation of access drive & the demolition of part of existing vacant retail unit, retaining part for residential use.	Hambridge Fisheries, Underhill, Hambridge	Mr & Mrs C Butland
7	100	TURN HILL	13/04548/ S73A	Application to vary condition 2 of planning permission 12/01461/FUL - alterations to opening on the south west elevation & the installation of roof lights on the rear elevation.	Land Off Cross Lane, Long Sutton, Langport.	Mr S Pledger

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Area North Committee – 29 January 2014

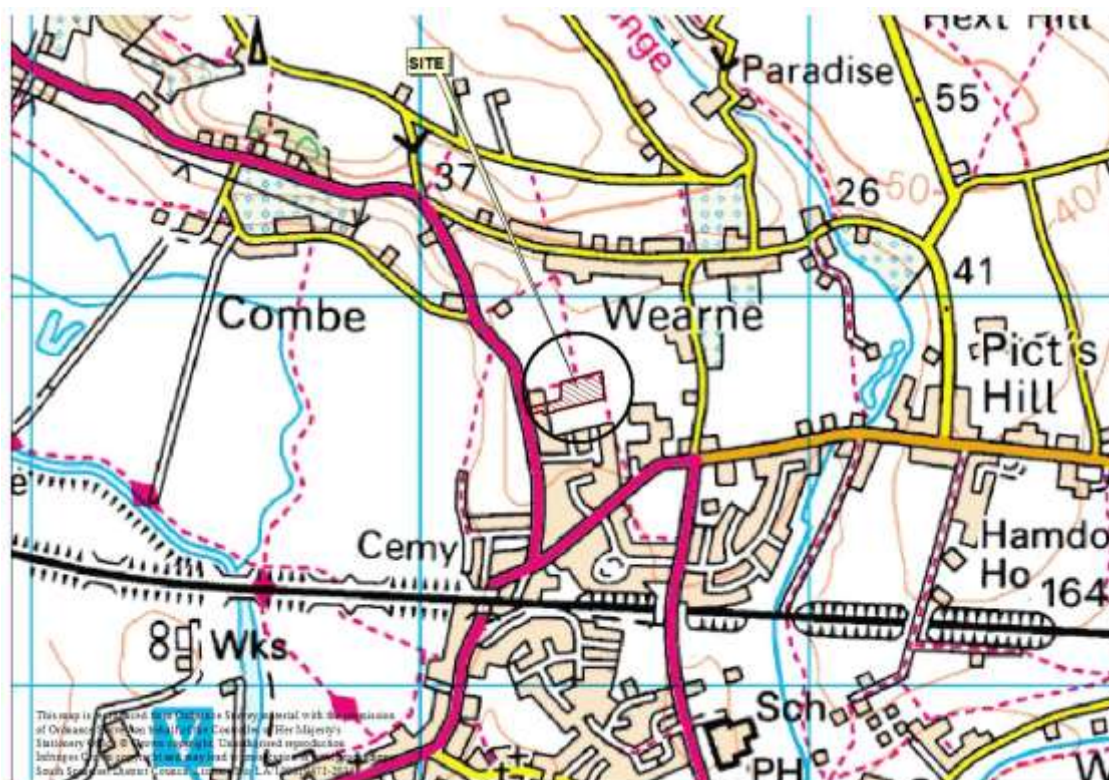
Officer Report On Planning Application: 13/03115/OUT

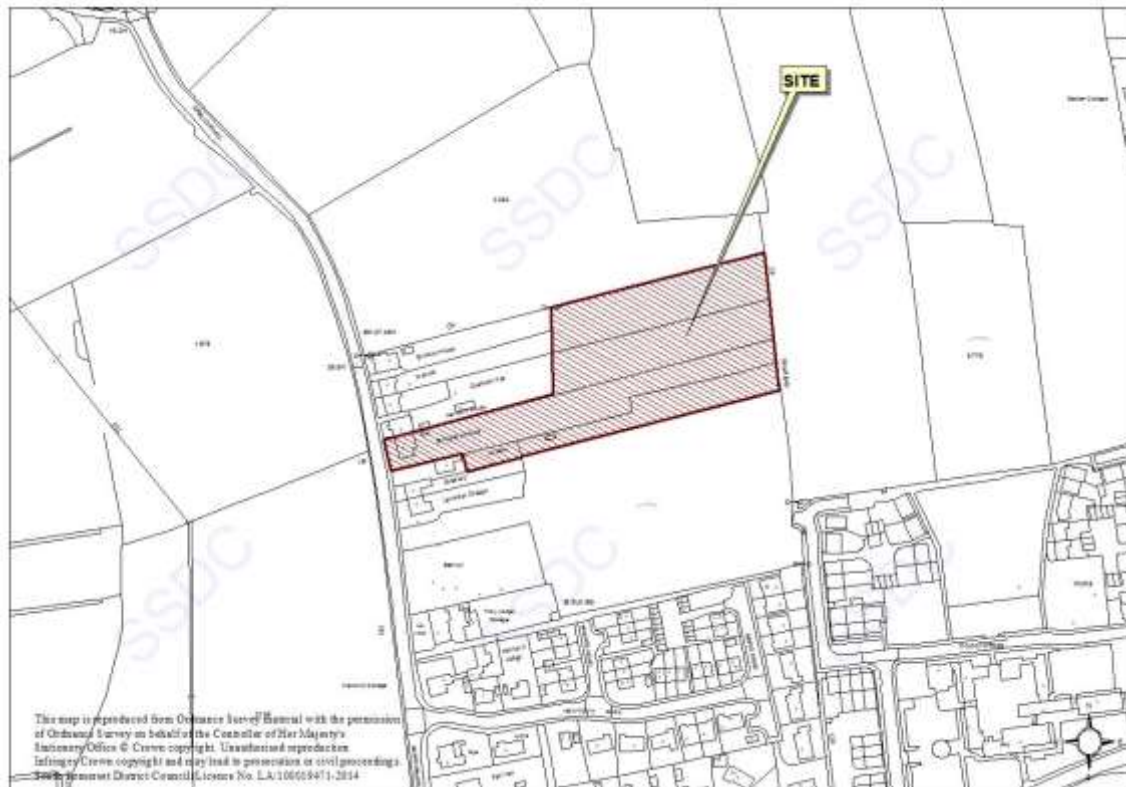
Proposal :	Residential development of land. (GR 342398/127755)
Site Address:	Land To The Rear Of Badger Cottage, Newtown Road, Langport
Parish:	Huish Episcopi
LANGPORT AND HUISH Ward (SSDC Member)	Cllr Roy Mills
Recommending Case Officer:	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
Target date :	2nd November 2013
Applicant :	Grosvenor Place Holding Ltd.
Agent: (no agent if blank)	Clive Miller And Associates Ltd, Sanderley Studio, Kennel Lane, Langport TA10 9SB
Application Type :	Major Dwlg's 10 or more or site 0.5ha+

REASON FOR REFERRAL TO AREA NORTH COMMITTEE

This application for residential development is recommended for approval as a departure from saved policy ST3 of the South Somerset Local Plan which seeks to constrain development within Development Areas. However, given the Council's current lack of a demonstrable 5 year housing land supply, ST3, as a policy to constrain development, conflicts with the National Planning Policy Framework. Accordingly the application is referred to committee to enable the justification for the development to be considered in light of the issues raised locally.

SITE DESCRIPTION AND PROPOSAL





This application seeks outline permission for the residential development of land, with all matters reserved. The site consists of an area of broadly flat agricultural land to the rear of a row of dwellings fronting the highway. The site is currently divided into several long thin plots and laid to grass and scrubland. The site contains one existing building of agricultural/industrial appearance. The site is bounded by a variety of residential properties to the west of the site and a residential building plot (currently under construction) to the south, with open countryside to the north and east. The site is not located within a development area as defined by the local plan.

The indicative layout shows access being derived from the main road between two of the existing properties. The layout shows the provision of 25 dwellings set around a central looped road layout. The layout shows footpath links through to existing public footpaths that bound the site to the north and east.

The application is supported by:

- Combined Planning Statement.
- Ecological Survey
- Reptile Mitigation Strategy
- Heritage Statement and Written Scheme of Investigation for a Programme of Archaeological Field Evaluation
- Transport Statement
- Landscape Supporting Statement
- Various site surveys and indicative plans.

HISTORY

13/03955/EIASS - Screening opinion for residential development of land - EIA Not Required 02/10/2013.

10/05188/FUL - The erection of 3 no. detached dwellings, 1 no. garage, associated parking and the formation of a new vehicular access - Application withdrawn 23/02/2011.

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.

For the purposes of determining current applications the local planning authority considers that the relevant development plan comprises the saved policies of the South Somerset Local Plan.

The policies of most relevance to the proposal are:

Saved policies of the South Somerset Local Plan (Adopted April 2006):

ST3 - Development Area
 ST5 - General Principles of Development
 ST6 - The Quality of Development
 ST7 - Public Space
 ST9 - Crime Prevention
 ST10 - Planning Obligations
 EC3 - Landscape Character
 EC8 - Protected Species
 EU4 - Drainage
 TP1 - New Development and Pedestrian Movement
 TP4 - Road Design
 TP7 - Car Parking
 CR2 - Provision for Outdoor Playing Space and Amenity Space in New Development
 CR3 - Off Site Provision
 CR4 - Amenity Open Space
 HG7 - Affordable Housing

National Planning Policy Framework

Chapter 4 - Promoting Sustainable Transport
 Chapter 6 - Delivering a Wide Choice of High Quality Homes
 Chapter 7 - Requiring Good Design
 Chapter 8 - Promoting Healthy Communities
 Chapter 10 - Meeting the Challenge of Climate Change, Flooding and Coastal Change
 Chapter 11 - Conserving and Enhancing the Natural Environment

South Somerset Sustainable Community Strategy

Goal 3 - Healthy Environments
 Goal 4 - Services and Facilities
 Goal 8 - High Quality Homes

Other Policy Considerations

Verrington Hospital Appeal Decision 11/02835/OUT - this established that the Council did not then have a demonstrably deliverable 5-year housing land supply as required by the NPPF (para. 47).

Slades Hill Appeal Decision 12/03277/OUT - on the basis of the Annual Housing Monitoring Report 2012 the Council conceded that it could not demonstrate a deliverable 5 year housing land supply. This was accepted by the Inspector (29/10/13)

The 2013 Annual Housing Monitoring Report is currently being finalised, however preliminary analysis is that the Council still does not have a demonstrably deliverable 5 year housing land supply. In such circumstances, the National Planning Policy Framework (NPPF) advises that relevant policies for the supply of housing should not be considered up to date (NPPF para. 49) and housing applications should be considered in the context of the presumption in favour of development. In this Council's case, the principal effect is that saved policy ST3 (Development Areas) no longer applies in relation to housing or mixed use proposals which should not be refused simply on the basis that they are outside Settlement Limits.

CONSULTATIONS

Langport Town Council - Recommends refusal for the following reasons:

- Site is outside existing Local Plan and emerging Local Plan development area.
- Concern over ability of existing infrastructure to support the development including sewerage, water supply, Huish Academy, Langport Surgery and Langport Dental.
- Newton Road already suffers from congestion problems. With no evidence of further growth in the job market, any new residents would need to travel to places of employment thus increasing the level of commuter traffic.
- Concern that scheduled development of the Shires Garage site will create traffic problems for people attending funerals at Langport Cemetery which could impact on traffic flow along Newton Road.

Huish Episcopi Parish Council - Notes the need for only 85 more houses in the Huish Episcopi/ Langport area up to 2028 as indicated by the emerging local plan. They state there are a number of houses available in Huish Episcopi along with a number that have permission but have not yet been started. They also note that there are empty properties in the area which should be tackled urgently. They argue they should be able to influence where development is to take place, otherwise there is little point in their existence. They state that they are therefore recommending refusal of any estate developments until specific local sustainability issues have been addressed.

They state that the existing sewage and waste water system are not adequate for existing levels and new development would exacerbate the situation. They require Wessex Water to make a written commitment that the Langport area system will be fully checked and certified as capable of taking all the proposed new properties' waste and surface water, and must take responsibility for rectifying damage and compensating anyone affected. They also state that new developments could exacerbate existing flooding problems in Langport.

They raise a concern regarding the lack of employment opportunities in Langport, which will lead to future occupiers having cars and needing to commute, exacerbating existing traffic issues. They also note that existing medical and dental facilities are under pressure, and the local supermarket frequently short of parking.

They recommend refusal, but ask in the event of permission being granted strong consideration should be given to the provision of bungalows for the elderly or infirm or for those who would like to downsize.

County Highway Authority - Notes the site is outside the development area, but leaves it to the LPA to determine whether development is acceptable in principle. The highway authority raises no objection to the development subject to conditions to control:

- A construction management plan
- A condition survey of the existing highway
- The disposal of surface water
- The details of estate roads, footways, cycleways, etc.
- Servicing of dwellings with roads prior to occupation
- A drainage scheme
- The implementation of the proposed vehicular access and pedestrian crossing
- A service road
- A network of cycleway and footpath connections
- Parking and turning for proposed dwellings
- The preparation and implementation of a travel plan
- Details of the proposed vehicular access

Natural England - Notes the proximity of the site to the Aller Hill Site of Special Scientific Interest (SSSI), but is satisfied that the proposed development will not damage or destroy the interest features of the SSSI. In regard to great crested newts they note the findings of the submitted survey and conclude that the proposed development would be unlikely to affect great crested newts. In regards to bats they consider there to be suitable features on the site and in the vicinity for bats to use as roosts, including two buildings which will be retained. They note that they have not assessed the survey for other species. They also refer to the developer and local authority duties in regards to local wildlife site, biodiversity enhancements and landscape enhancements.

SSDC Area Engineer - They request condition to ensure drainage details are submitted for approval.

SSDC Open Spaces Officer - Requests on site open space of 220-275 square metres. She notes that the Council will only adopt Open Space at a minimum of 275 square metres. She notes that as alternative an off-site contribution at rate of £273.46 per house could be sought to be spent on neighbouring open space.

SSDC Planning Policy - Notes the current planning policy situation regarding a lack of five year housing supply. She concludes that overall the proposal is contrary to 'saved' policy ST3 of the adopted Local Plan but the current lack of a 5 year housing supply means that there must be significant reasons to object to the scheme. Therefore, no planning policy objection is raised subject to there being no other adverse impacts that would significantly and demonstrably outweigh the benefits of additional housing provision.

SSDC Landscape Architect - Notes the land is categorised by the peripheral landscape study for Langport (undertaken during 2008) as having a moderate to high capacity for development. He notes the comments of the submitted landscape and visual impact assessment and considers that it suggests an appropriate approach to a potential development layout. He raises no objection to the scheme and suggests that a detailed landscape proposal should accompany any future reserved matters application.

SSDC Conservation Manager - Suggests that mitigation on the North and East would seem necessary, but states there will be no significant impact on the setting of Kelways (listed building). He notes that the indicative scheme shows a layout where parked vehicles will be visually dominant in contrast to the adjacent approved site.

SSDC Community, Health and Leisure - Requests contributions of £64,564.11 towards local facilities, £29,864.53 towards strategic facilities, £21,120.78 in commuted sums, and a £1,155.49 service administration fee. This gives a total contribution sought of £116,704.93 or £4,668.20 per dwelling.

SCC Archaeology - Confirms the presence of prehistoric archaeology on site, which is likely to be associated with the Newton Park site to the south. He states that he does not consider the archaeology to be of national significance. He recommends the use of a condition on any permission issued to require the excavation and recording of the heritage asset.

SCC Education - They note that the local primary school is likely to be over-crowded taking into account demographic factors alone without any new housing. They therefore conclude that it is appropriate for all new development to contribute to meeting the likely shortfall in places. They note that the local secondary school would probably have sufficient places available to meet additional demand. They state that the cost of each primary school place is £12,257, so with 25 dwellings generating the need for an additional 5 primary school places contributions totalling £61,285 should be sought, or £2,451.40 per dwelling.

SSDC Ecologist - He indicates that he is satisfied with the submitted ecological survey and broadly in agreement with its conclusions. He notes that the survey identified several protected species issues that will require further attention through condition, but are not sufficient to preclude development of the site. He recommends the use of a condition in relation to badgers, a condition in relation to reptiles and an informative in relation to nesting birds. He notes that no demolition is required as part of the proposal, but if this changes then a bat survey should be carried out.

SCC Rights of Way - No objections, but notes rights and responsibilities of the developer in relation to the nearby public right of way.

Wessex Water - They note that the site is adjacent to an existing site under construction. They advise that they would prefer the foul and surface water disposal to connect into the adjacent site rather than the existing foul sewer crossing the site. They note that the permission of the adjacent developer would be needed as the new sewers are not yet adopted. They also note that additional attenuation storage and flow control would be needed for surface water before connecting to the adjacent site. In regard to water supply they state that they presume there is sufficient capacity in the network to service the proposed development.

REPRESENTATIONS

Four letters of representation have been received. Three are letters of objection from the occupiers of properties in the Langport / Huish Episcopi Area. The fourth letter was written on behalf of the applicant for a nearby development by their planning agent.

Objections were raised on the following grounds:

- The proposal would exacerbate existing traffic problems on Newtown Road, as residents would have to commute due to lack of local jobs.
- The proposal is an overdevelopment of the area as there is insufficient local employment to support an increase in population.
- Public transport, for anything other than short journeys, is not really viable.

- Previous scheme on the land opposite was refused partly because of highway impacts, proposal for additional signage and rumble strips would make no difference.
- Weight should be given to policy ST3 of the Local Plan.
- Objector's site is within the direction of growth for Langport / Huish Episcopi as specified in the emerging local plan and therefore should be given greater priority than the application site which is not in the direction of growth. The objector's site is for approximately 80 dwellings of the 84 new dwellings required in the plan period of the emerging local plan.

APPLICANT'S CASE

"There is still a shortfall in the supply of housing land in South Somerset and therefore the relevant housing policies in the Adopted Local Plan cannot be considered up to date.

The NPPF states that where the Development Plan is silent or relevant policies are out of date planning permission should be granted unless there are any adverse impacts which would significantly and demonstrably outweigh the benefits.

The site occupies a sustainable location in a Local Market Town where there are employment, community, retail and educational facilities. The new residents would not be reliant on the car for travel with good connections for pedestrians, buses etc.

The development has been the subject of discussions with Council Officers and would have limited visual impact. Measures are proposed which would mitigate any impact on the northern boundary.

The site is well related to the existing form of the settlement and represents a natural extension of the built up area.

The development provides for 17 units of market housing together with 8 units for affordable housing of which 4 will be rented and 4 will be shared equity.

The development would accord with the principles set out in the NPPF concerning the promotion of sustainable development."

CONSIDERATIONS

The main areas of consideration are considered to be:

- Principle of Development
- Highways
- Visual Amenity
- Residential Amenity
- Ecology
- Planning Obligations
- Trees
- Flooding, Drainage, and Water Supply
- Archaeology
- Infrastructure and Facilities

Principle of Development

It is accepted that the site is located outside the defined development area of Langport / Huish Episcopi, where residential development is normally strictly controlled by local and national planning policies. However in a recent appeal decision in relation to a residential development at Verrington Hospital in Wincanton (11/02835/OUT) a planning inspector concluded that SSDC cannot demonstrate a deliverable 5-year land supply as required by paragraph 47 of the National Planning Policy Framework (NPPF). More recently (29/10/13) the Inspector at the Slades Hill, Templecombe appeal (12/03277/OUT) concluded that the Council was still unable to show a five- year land supply.

In such circumstances, the NPPF advises that policies for the supply of housing should not be considered up to date (para 49). Housing applications must therefore be considered in the context of the presumption in favour of development. Accordingly, policy ST3, which seeks to limit development outside settlement limits, can no longer be regarded as a constraint on residential development simply because it is outside development areas.

The Council's position in light of this decision is that sites outside, but adjacent to current settlement boundaries, may be acceptable in principle for residential development subject to there being no other significant objections on other grounds. This stance reflects two considerations. Firstly the development areas were drawn around the larger villages and settlements that were considered to be sustainable locations where development was seen as acceptable in principle. In Langport's case the previous local plan designated the town as a Rural Centre and appropriate for development given the:-

..generally superior service provision, better accessibility, generally better employment opportunities and Capacity in terms of both physical and community infrastructure to absorb further development... (para. 2.48)

Secondly it acknowledges that the emerging local plan designates Langport / Huish Episcopi as a Market Town capable of accommodating at least 85 additional dwellings up to 2028 (policy SS5, Proposed Submission of Local plan, June 2012). It is not proposed to allocate sites at this stage; rather it would be a case of responding to each proposal on its merits. This reflects the fact that Langport / Huish Episcopi is a small town containing a variety of shops, services, facilities, and employment opportunities and is a sustainable location for residential development.

The 25 dwellings proposed by the current scheme, taken with the 36 allowed at appeal at Newtown (13/00314/OUT) and the 85 proposed at the Trail Ground (13/03483/OUT) exceeds the 85 dwellings identified for Langport / Huish Episcopi up until 2028 through the emerging plan (policy SS5), however, it should be noted that this figure is the minimum requirement identified for the settlement and not the maximum. It is considered that Langport's role and function as a Local Market Town makes it suitable, in principle, to absorb further housing growth to that identified. In this instance the additional housing proposed through the current scheme is not considered to be disproportionate in scale bearing in mind the settlement's role, function and size.

It is considered that this position is consistent with the advice of the NPPF, which advises that where relevant policies are out of date, permission should be granted unless any adverse impacts of so doing would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or where specific policies in the Framework indicate development should be restricted (NPPF para 37). This means that normal development management criteria will continue to apply in terms of landscape, historic environment, access, flooding, environmental damage, amenity

etc. There is no automatic assumption that sites will be approved.

On this basis, and notwithstanding the various objections from the parish council and neighbouring occupiers in relation to principle, it is considered that the principle of the residential development of this site is acceptable and the application therefore falls to be determined on the basis of its impacts.

One objector, the applicant for another potential housing site in Huish Episcopi, has objected on the grounds that their site should be prioritised over the application site, as their site is within the direction of growth in the emerging local plan. However, as discussed above, the current application must be considered on its own merits, and the fact that an application for another site elsewhere has been submitted cannot be a reason to refuse the current scheme.

A concern has been raised that the proposal is an overdevelopment of the area as there is insufficient local employment to support an increase in population. However, the emerging local plan has identified Langport / Huish Episcopi as a Market Town capable of accommodating at least 85 additional dwellings up to 2028, so there is evidence for at least this level of growth and, in any case, there is no evidence that 25 dwellings is out of kilter with the employment opportunities available in the settlement.

Highways

Concerns have been raised by the parish and town councils and neighbouring occupiers regarding the highway impacts of the proposal, both in terms of highway safety in relation to the proposed access, and the potential to exacerbate existing congestion problems. However, the highway authority have considered the impacts of the scheme and raised no objections subject to the imposition of certain conditions on any permission issued. Therefore, notwithstanding the concerns raised, the highway impacts of the scheme are considered to be acceptable in line with policy ST5 of the South Somerset Local Plan. Some of the conditions suggested by the county highway authority are not applicable to an outline application, and should instead be applied to any reserved matters permission.

Visual Amenity

The SSDC Landscape Architect and the SSDC Conservation Manager were consulted as to the visual impacts of the scheme. The conservation manager confirmed that the site would have no significant impact on the setting of the nearby listed building. He raised no objections to the scheme, although had some minor concerns with the indicative layout, which would be best addressed as part of any reserved matters application. The landscape architect noted that the land is categorised by the peripheral landscape study of Langport as having a moderate to high capacity for development. He also raised no objections and suggested that a detailed landscape proposal should accompany any future reserved matters application.

Therefore, subject to detail at the reserved matters stage, the proposed residential development of the land is not considered to cause demonstrable harm to the visual amenity of the area or the characteristic pattern of the surrounding landscape in accordance with policies ST5, ST6 and EC3 of the South Somerset Local Plan.

Residential Amenity

No concerns have been raised regarding the residential amenity of adjoining occupiers. It is considered that the proposed level of development could be accommodated on site

with causing demonstrable harm to residential amenity, subject to a suitable layout and detailing at the reserved matters stage. As such the proposal is considered to cause no demonstrable harm to residential amenity in accordance with policy ST6 of the South Somerset Local Plan.

Ecology

The SSDC Ecologist and Natural England were consulted as to the ecological impacts of the proposed development. Natural England raised no objections. The SSDC Ecologist indicated that he is satisfied with the submitted ecological survey and is broadly in agreement with its conclusions. He noted that the survey identified several protected species issues that will require further attention through condition, but concluded that they are not sufficient to preclude development of the site. He recommended the use of a condition in relation to badgers, a condition in relation to reptiles and an informative in relation to nesting birds. He noted that no demolition is required as part of the proposal, but if this changes then a bat survey should be carried out. The suggested conditions and informatives are considered to be necessary and appropriate.

Planning Obligations

A contribution of £116,704.93 (or £4,668.20 per dwelling) has been sought towards outdoor playing space, sport, and recreation. A contribution of £61,285 towards providing primary school places in the Langport / Huish Episcopi area has been sought. A s.106 monitoring fee of 20% of the application fee has also been sought. The applicant has agreed to pay all the contributions, and agreed that 35% of the dwellings will be for affordable housing.

Accordingly, should the application be approved a Section 106 agreement will be necessary to:-

- Secure the agreed contribution towards strategic and local outdoor playing space, sport and recreation facilities.
- Secure the agreed contribution towards education.
- Ensure that 35% of the dwellings units are affordable and remain so in perpetuity.
- Provide an appropriate Travel Plan.
- Secure the agreed monitoring fee.

Subject to the applicant agreeing to these obligations the proposal would comply with saved policies ST5, ST10, CR2 and HG7 of the local plan.

Trees

It is considered that the development of the site will not necessitate the removal of any significant trees of landscape value, and suitable landscaping can be agreed as part of any reserved matters application.

Flooding, Drainage, and Water Supply

The site is not within an environment agency flood zone. The SSDC Engineer was consulted and requested that the details of any drainage scheme are secured through the imposition of a suitable condition on any permission issued. Such a condition is considered to be reasonable and necessary. Concerns have been raised by the parish and own councils regarding the adequacy of the existing drainage and water supply systems. Wessex Water were therefore consulted. They raised no objections to the

scheme in relation to either water supply or the proposed drainage details. They have expressed particular preferences for foul and surface water drainage methods. It is considered that such matters can be adequately controlled through the imposition of suitable conditions on any permission issued.

Archaeology

The SCC Archaeologist was consulted as to the potential impacts on buried archaeology. They confirmed the presence of prehistoric archaeology on site, which is likely to be associated with the Newton Park site to the south. He stated that he does not consider the archaeology to be of national significance, and therefore recommended that the use of a condition on any permission issued to require the excavation and recording of the heritage asset would be adequate.

Infrastructure and Facilities

A number of concerns have been raised regarding whether Langport/Huish Episcopi has the necessary infrastructure and facilities to cope with the proposed development. However such concerns are not supported by technical consultees or service providers and, where necessary, details can be conditioned. No service supply issues (e.g. education, healthcare etc.) have been identified in Langport / Huish Episcopi by the local plan process and the emerging local plan indicates that at least 85 houses can be provided in Langport / Huish Episcopi without significant adverse impact on the settlement's infrastructure. Indeed no critical infrastructure issues relevant to this development are identified by the Council's Report on Infrastructure Planning in South Somerset. As discussed above a contribution towards education provision has been sought and agreed by the applicant.

EIA

The requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 have been considered. The Council is of the opinion that the proposed development will not have significant environmental effects and that no environmental statement is required for the purposes of environmental impact assessment.

Other Matters

The town council have raised a concern that the scheduled development of the Shires Garage site will create traffic problems for people attending funerals at Langport Cemetery which could impact on traffic flow along Newton Road. However, this does not directly relate to the consideration of the current application and is not a reason to constrain the development.

Huish Episcopi Parish Council have recommended refusal but ask in the event of permission being granted strong consideration should be given to the provision of bungalows for the elderly or infirm or for those who would like to downsize. This would be a matter for detailed design and should be considered as part of any reserved matters application.

Given the Council's lack of a five year housing land supply and the site's location adjacent to the settlement limits of Langport / Huish Episcopi, it is considered that, in principle, it is a sustainable location for development. No adverse impacts on the landscape, ecology, drainage, residential amenity or highway safety have been identified that justify withholding outline planning permission and all matters of detail would be

adequately assessed at the reserved matters stage or by the agreement of details required by condition. The applicant has agreed to pay the appropriate contributions.

Therefore, notwithstanding the various concerns raised, the proposed development is considered to be in accordance with policies EH5, ST3, ST5, ST6, ST7, ST9, ST10, EC3, EC8, EU4, TP1, TP2, TP4, TP7, CR2, CR4, EH12 and HG7 of the South Somerset Local Plan and the aims and provisions of the NPPF. As such the application is recommended for approval.

RECOMMENDATION

That application reference 13/03115/OUT be approved subject to:-

- 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:-
- 1) Secure the agreed contribution of £4,668.20 per dwelling towards strategic and local outdoor playing space sport and recreation facilities.
 - 2) Secure the agreed contribution of £2,451.40 per dwelling towards the provision of primary school facilities.
 - 3) Ensure that 35% of the residential units are of affordable tenure and remain so in perpetuity.
 - 4) That a travel plan is agreed with Somerset County Council and fully implemented in accordance with the agreed details.
 - 5) To secure a section 106 monitoring fee of 20% of the application fee.

b) The following conditions:

01. Notwithstanding the local concerns, the provision of up to 25 houses in this sustainable location would contribute to the council's housing supply without demonstrable harm to archaeology, residential amenity, highway safety, ecology or visual amenity, and without compromising the provision of services and facilities in the settlement. As such the scheme is considered to comply with the saved policies of the local plan and the aims and objectives of the NPPF.

SUBJECT TO THE FOLLOWING:

01. Details of the access, appearance, landscaping, layout and scale (herein after called the "reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

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

02. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development shall begin no later than three years from the date of this permission or not later than two years from the approval of the last "reserved matters" to be approved.

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

03. The development hereby permitted shall be carried out in accordance with the following approved plans: 1028/05 received 01 August 2013.

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

04. No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. Such a scheme shall include details of how the discharge of surface water onto the highway will be prevented. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Such scheme shall also include details of how the scheme shall be maintained and managed after completion.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

05. Prior to, (and within one month of), commencement of each significant stage of ground works, an update survey for badger setts will be undertaken by a competent person, and if any are present within 30 metres (including on adjoining land) of the area of activity, the works shall not commence until a method statement for the protection of badgers has been produced and any necessary Natural England licences have been obtained. The method statement shall be implemented in full.

Reason: For the conservation and protection of legally protected species in accordance with Policy EC8 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981, and The Protection of Badgers Act 1992.

06. Mitigation measures in respect of reptiles shall be implemented in accordance with the Reptile Mitigation Strategy (Michael Woods Associates, July 2013), unless otherwise agreed in writing by the local planning authority.

Reason: For the conservation and protection of legally protected species of recognised nature conservation importance in accordance with Policy EC8 of the South Somerset Local Plan, and to ensure compliance with Wildlife and Countryside Act 1981.

07. No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

Reason: In the interests of recording and advancing understanding of the significance of heritage assets in accordance with paragraph 141 of the NPPF.

08. The development hereby permitted shall not commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with Somerset County Council). The plan shall

include construction vehicle movements, construction operation hours, construction vehicular routes to and from site, construction delivery hours, expected number of construction vehicles per day, car parking for contractors, specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice and a scheme to encourage the use of public transport amongst contractors. The development shall be carried out strictly in accordance with the approved Construction Management Plan.

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

Informatives:

01. The Wildlife and Countryside Act 1981 makes it an offence to disturb a nest of any wild bird whilst it is in use or in the process of being built. Clearance of trees, scrub, ivy, bramble or other dense vegetation, and removal of sheds or outbuildings etc., could cause disturbance to nesting birds, and it is advisable to carry out such works outside of the main nesting season of 1st March to 31st August inclusive, unless a prior check by a competent person has confirmed the absence of nesting birds.
-

Area North Committee – 29 January 2014

Officer Report On Planning Application: 13/03399/COU

Proposal :	Change of use from agricultural to a mixed use of agricultural and contractors storage yard. (GR 349295/131379)
Site Address:	Land Os 3038 Part, Somerton Road, Compton Dundon.
Parish:	Compton Dundon
WESSEX Ward (SSDC Members)	Cllr Pauline Clarke Cllr David Norris
Recommending Case Officer:	Nicholas Head Tel: (01935) 462167 Email: nick.head@southsomerset.gov.uk
Target date :	10th October 2013
Applicant :	Mr G A Doble (Civil Engineering) Ltd
Agent: (no agent if blank)	Paul Dance, Foxgloves, 11 North Street, Stoke Sub Hamdon TA14 6QR
Application Type :	Other Change Of Use

REASON FOR REFERRAL TO AREA NORTH COMMITTEE

The report is referred to Committee as the officer recommendation is contrary to County Highways Standing Advice in relation to development taking access onto a classified highway.

SITE DESCRIPTION AND PROPOSAL





This site is located in open countryside on the west side of the B3151 to the south of Compton Dundon. It is an open yard with three large buildings erected originally for agricultural use, including an open, wet-grain and general storage building along the western side; a dry grain storage building along the north; and a general purpose agricultural storage building on the east side, nearest the highway. The site is currently used mostly for the storage of machinery and equipment used in connection with a civil engineering contracting business, although grain is stored in the dry grain store, and the site is also used in connection with a farming operation.

Retrospective permission is sought for the use of the site as a storage yard for the contracting business as well as the existing agricultural use.

Amended drawings were supplied by the applicant at the request of the Highways Authority, showing the extent of visibility splays that could be achieved along the B3151.

HISTORY

- 08/02510/FUL The erection of a building for the storage of wet grain and farm implements and the retention of raised ground levels and hardstanding areas - permitted with conditions
- 04/00956/FUL Erection of grain store and farm implement shed. Approved September 2004. Only the grain store has been constructed.
- 03/03345/AGN Notification of intent to erect a grain store. Planning permission required.
- 03/03341/AGN Notification of intent to erect a farm implement store. PP required.
- 03/01966/AGN Erection of grain store and farm implement shed and retention of earth bund. Withdrawn.
- 03/01552/AGN Erection of grain store. PP required.
- 03/01551/AGN Erection of farm implement store. PP required.

02/00804/COU COU from agricultural holding to contractor's storage area. Refused June 2002.

01/00868/FUL Erection of poultry shed and implement store, provide hardcore area and earth bund and retention of hay container (revised application of 00/0617/FUL). Refused May 2005.

Various planning applications and enforcement investigations have taken place at the site. Non-agricultural uses have been investigated on site.

POLICY

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

For the purposes of determining current applications the local planning authority considers that the relevant development plan comprises the saved policies of the South Somerset Local Plan.

The policies of most relevance to the proposal are:

Saved policies of the South Somerset Local Plan (April 2006):

ST3 - Development Areas
 ST5 - General Principles of Development
 ST6 - The Quality of Development
 EC3 - Landscape Character
 EP1 - Pollution and Noise
 EP2 - Pollution and Noise
 EP3 - Light Pollution
 ME4 - Expansion of Existing Businesses in the Countryside
 ME5 - Farm Diversification

National Planning Policy Framework (March 2012):

1. Building a strong, competitive economy
3. Supporting a prosperous rural economy
4. Promoting sustainable transport
7. Requiring good design
11. Conserving and enhancing the natural environment

Policy-related Material Considerations

South Somerset Sustainable Community Strategy

Goal 1 - Safe and Inclusive
 Goal 2 - Healthy and Active
 Goal 3 - Healthy Environments
 Goal 5 - High Performance Local Economy
 Goal 8 - Quality Development
 Goal 11 - Environment

Somerset County Council Highways Standing Advice, June 2013.

CONSULTATIONS

Parish Council: *Compton Dundon Parish Council considered this application at their meeting on 4th September 2013 where it was RESOLVED to RECOMMEND REFUSAL on the grounds that:*

- i) the application for change of usage bore no resemblance to the actual operation on site.*
- ii) the noise, dust, odour, and timing of operations bore more resemblance to a B2 usage location*
- iii) there was a historic disregard for conditions of usage and served Notices*
- iv) specific highways access issue exist.*

Highways Authority: The Highways Authority has not responded to amended plan details submitted on 23 October, indicating the visibility splays that can be achieved. However, in an earlier response, an objection was raised on the basis that adequate visibility splays could not be provided, and that proposal would be unable to provide safe access, and would be prejudicial to highway safety.

At the time of writing, a further request for any comments has been sent to the Highways Authority. Any comments will be tabled at the Committee meeting.

SSDC Area Engineer: No comment.

SSDC Landscape Officer: *The application does not seek additional building form, hence in landscape terms, there is no spatial change to the plot and its contents. I note the plot to be defined by hedging, and providing this is retained and maintained, then I have no landscape issue with this proposal.*

SSDC Economic Development Officer: Initial comment: *The site of this application opens onto an A class road [note: this is incorrect: it is a B Class road], which for the moving of heavy plant has advantages. Also, the applicant's current yard is in the middle of Compton Dundon, accessed through the village onto the main road at a junction which is not the easiest to negotiate. It appears from the documents that I have read that the plant business formulates the lions share of the total business, with agriculture contributing less than 5% to the total turnover. This leads me to consider that this application is possibly not so much a farm diversification scheme, more the extension of an existing business operating in the locality. Does that have an economic bearing on my response to this application - probably not. The site has been the subject of various enforcement notices initially as there was a concern it was being used for non-agricultural purposes. Subsequently, an application was approved for the development of a building for grain storage which has now become redundant, hence this COU application. As there has been a number of changes in the business plan for this business in a relatively short space of time, I consider it would not be unreasonable to request from the applicant a statement of intent for the continued growth of this business. I would also appreciate an indication if the site of this application is intended to replace the yard in the middle of the village, or be additional to it.*

Subsequent to these comments, the applicant submitted further details, in response to which the following comments were made:

From an economic perspective, answers to the questions I raised have been answered and I am comfortable with the proposed development.

SSDC Environmental Protection Unit: The site has been visited. No concerns from an

environmental protection perspective have been raised, but would recommend that any permission is subject to conditions including:

- no burning of material on site
- no crushing of stone or screening on site
- no servicing of vehicles on site

The issue of storage of crushed stone and soil has been brought to the attention of the Environment Agency, as some of the activities may require licensing under waste regulations.

REPRESENTATIONS

Four letters of objection have been received, raising the following concerns:

- the historic use of the site raises concerns, and it would appear the site is currently used for a wide range of non-agricultural activities, including storage and industrial work;
- the submission documents do not accurately reflect either the history or the current activities;
- activities on the site have led to nuisance complaints in respect of noise, smoke, etc;
- there is a history of contraventions of planning control, and a further permission is unlikely to restrict this;
- there are highway safety issues with the road access;
- the applicant is unlikely to limit activity on site to what has been applied for, given past history;
- the site currently produces excessive noise, particularly associated with a crusher, and this proposal would increase the problem;
- burning of material on site currently causes amenity problems;

CONSIDERATIONS

Principle of Development

The site is in open countryside, where development is strictly controlled and limited to that which benefits economic development, maintains the environment, and does not foster growth in the need to travel (Policy ST3 of the Local Plan). Subject to compliance with other plan policies and considerations, the principle of establishing a contractor's yard in this locality is not ruled out, depending on the balance of assessment of the issues raised by this policy, and the general advice on sustainability of development in the NPPF.

Visual and Landscape Impact

The site is well contained, as noted by the Landscape Officer, who raises no objections to the proposal. No built development is proposed, and it is not considered that approval of a change of use to permit storage on the site would result in any harmful visual or landscape impact.

Impact on Amenity

The site has been inspected by the Council's EPU Officer, who raises no objection.

Concerns have been raised about activities not encompassed by the proposal - i.e. noise from crushing, and smoke. However, given the relative distance of neighbouring residential properties, the nearest of which is 70m away to the north, it is not considered that activities associated with storage of contracting equipment would warrant a refusal of the application on the basis of noise nuisance.

For the sake of clarity, and in the interests of amenity, it is proposed that conditions be imposed restricting the conduct of any activities on the site other than storage, as suggested by the EPU Officer.

Highway Safety

The Highways Authority objected to the proposal on the basis that it had not been demonstrated that adequate visibility splays could be provided. The applicant has supplied additional information, but no response has been received from the Highways Authority.

The splays that can be provided, from inspection on site and comparison with the road record supplied by Highways, would appear to be as follows:

To north, speed limit 50 mph: full extent of land owned by applicant: 110m

To south, speed limit 40 mph: highway land: 120m (taking into consideration curve of road, this amount is increased beyond the 120m)

The Highways Officer's initial comment referred to a 60 mph limit towards the north of the site. This is incorrect: the speed limit changes at the site entrance to 50 mph.

Highways Standing Advice requires visibility of 120m in a 40 mph zone (which can be achieved to the south); and 160m in a 50 mph zone (which cannot be achieved to the north).

The accident record for the stretch of road passing the site reflects 5 accidents in the past 15 years, and only one within the last 5 years. This latter accident was on the curve 230m to the north of the site, and involved only one driver who lost control of his vehicle. No accidents have been recorded in this period involving this access point.

The visibility towards the south is considered acceptable, providing a clear view beyond the 120m limit required, well into the left curve of the highway. Towards the north, only 110m visibility can be achieved measured to the nearside kerb, which is the limit of land ownership by the applicant. However, at this point the highway curves to the left, offering an extended view of the far-side part of the carriageway, to a distance of around 160m. Whilst this is not perfect, given the relatively good accident record on this stretch of road, and fact that this access point has operated without accidents over the past 15 years, it is considered that the existing visibility is adequate, and does not raise a reason to refuse the application.

Concerns of Parish Council

The Parish has commented that the application does not relate to historic activities on the site. The current application is required, however, be considered on its merits, and taking into account what has been applied for. It is proposed to ensure that any new permission would have clear conditions, dealing with issues that have caused past concern (such as crushing materials, dust, etc). The highways concern raised by the PC has been dealt with in detail above.

Concerns of Neighbours

The concerns raised by local residents have been noted, and taken into account in making a recommendation that would enable clear decision making in the event of future breaches of planning control. As mentioned in the paragraph above, this application is assessed on its merits, in the light of what has been applied for. Application has not been made for the various activities causing concern, and conditions are proposed restricting the use of the site accordingly.

EIA Regulations

EIA not required.

Conclusion

The proposal seeks to provide storage facilities for a successful local business, employing a large number of people, whilst retaining some agricultural storage available for use of the existing farming operations of the applicant. Although issues have been raised relating to various activities that have taken place on the site, these are not activities under consideration in this application. From the point of view of what is actually being applied for, there is not considered to be any amenity reason for refusal of the application, subject to the imposition, and subsequent enforcement, of conditions relating to issues which have been causing concern in the past.

RECOMMENDATION

Grant permission.

01. The proposal provides necessary storage space for an existing local business benefitting local economic development, as well as diversification of any existing farming operation, which would maintain the environment and cause no demonstrable harm to residential amenity in accordance with the aims and objectives of the NPPF and Policies ST3, ST5, ST6 and EC3 of the South Somerset Local Plan, 2006.

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 13 August 2013.

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

02. The subject land including any building(s) thereon shall be used for agricultural purposes or for a civil engineering contractor's storage yard, and for no other purpose (including any other purpose in Classes B1, B2 or B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To establish the scope of the permission and in the interests of safeguarding the character and amenity of the area, in accordance with the aims of the NPPF and Policy ST6 of the South Somerset Local Plan, 2006.

03. No burning of any materials, crushing of stone or concrete, screening, or servicing of motor vehicles shall take place on the subject land.

Reason: To safeguard the residential amenity of neighbouring residents in accordance with the aims of the NPPF and Policy ST6 of the South Somerset Local Plan, 2006.

04. No manufacturing, including carpentry, joinery or metalworking, shall take place on the subject land.

Reason: To safeguard the residential amenity of neighbouring residents in accordance with the aims of the NPPF and Policy ST6 of the South Somerset Local Plan, 2006.

05. No operational activity in connection with the contractor's yard, including manoeuvring of vehicles and equipment, access to and egress from the site and washing down of vehicles, shall take place outside the hours of 07h00 to 18h00 Mondays to Fridays; and 07h00 to 13h00 on Saturdays.

Reason: To safeguard the residential amenity of neighbouring residents in accordance with the aims of the NPPF and Policy ST6 of the South Somerset Local Plan, 2006.

06. At the access to the site there shall be no obstruction to visibility greater than 300 millimetres above adjoining road level within the visibility splay shown on the submitted plan (drawing No 2086-03A received on 24 October 2013) along the entire frontage of the site, including the land edged blue on the plan.

Reason: In the interests of highway safety, and to accord with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review, 2000, and Policy ST5 of the South Somerset Local Plan, 2006.

Informatives:

01. The applicant's attention is drawn to the conditions attached to planning permission 08/02510/FUL in relation to the grain storage building, which remain relevant.

Area North Committee – 29 January 2014

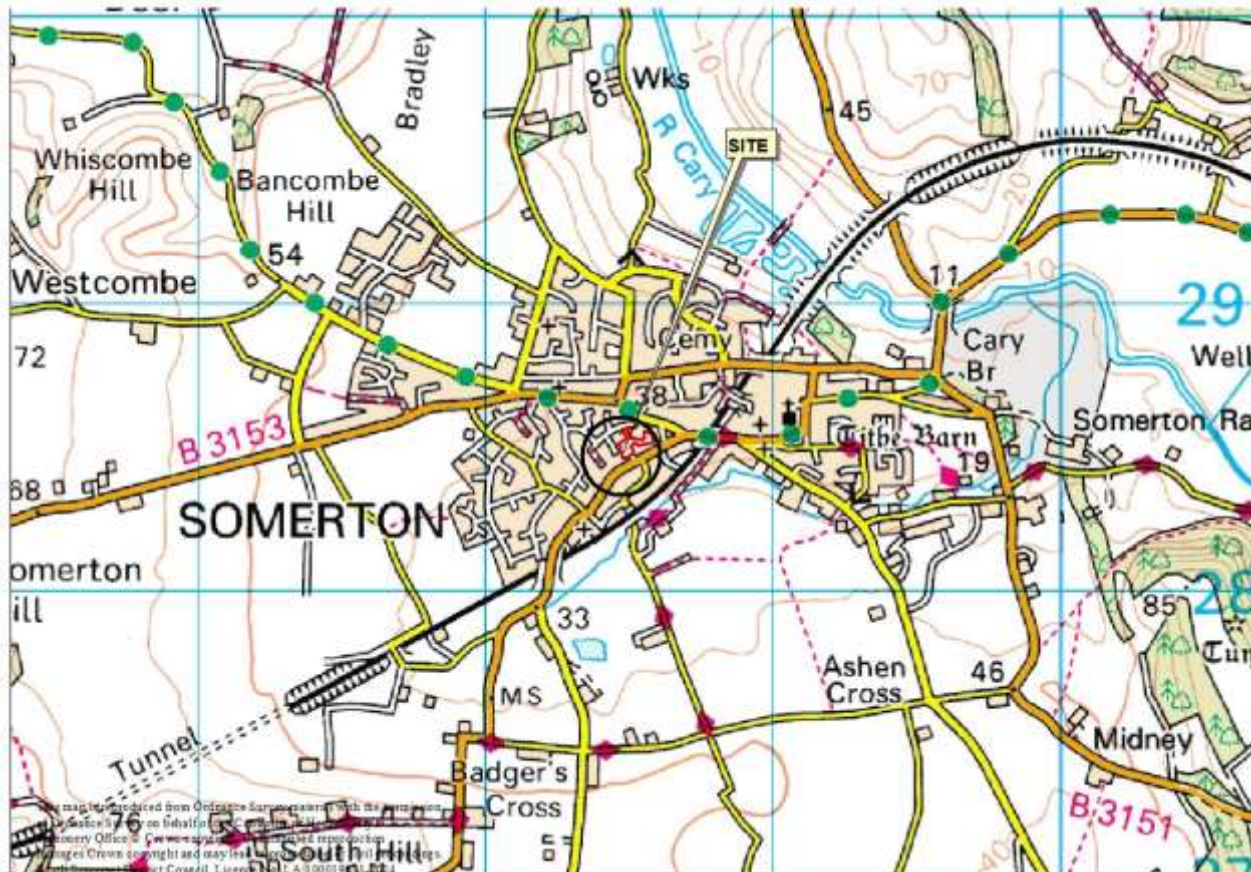
Officer Report On Planning Application: 12/01501/OUT

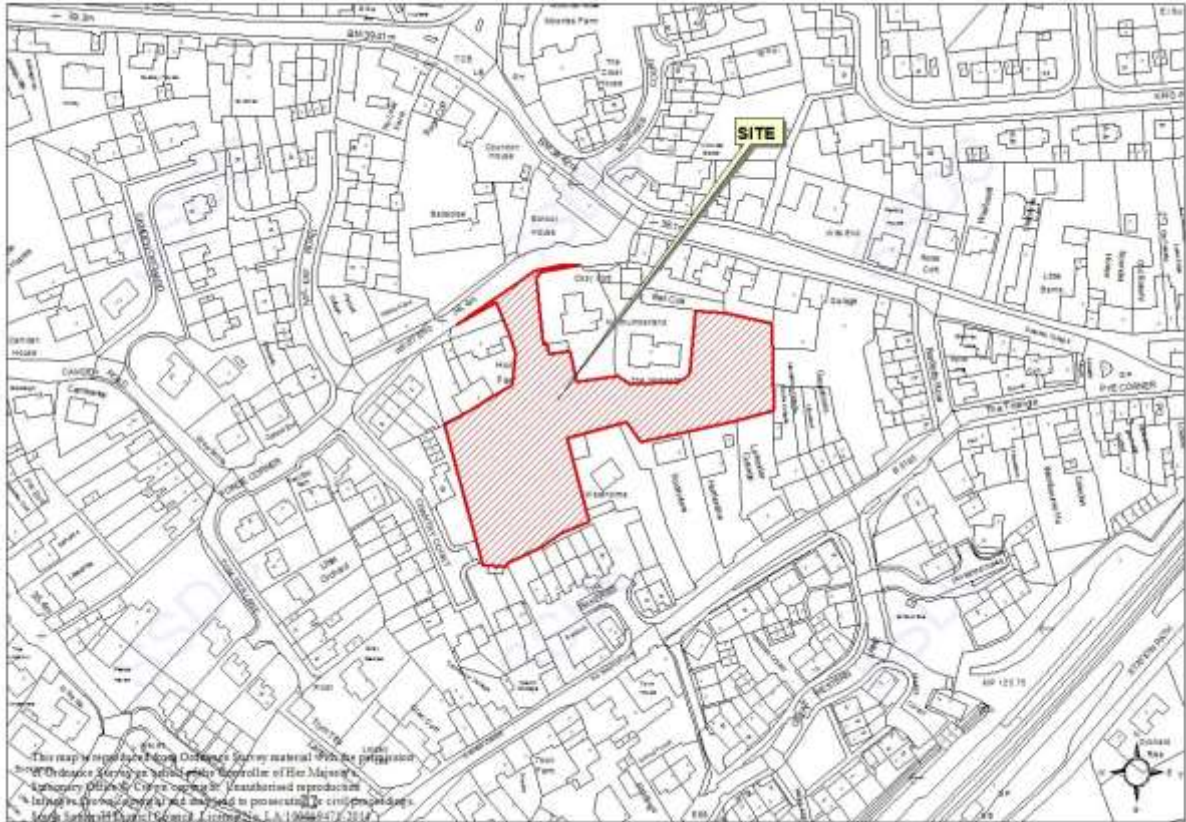
Proposal :	Residential development and construction of new access road (GR 348477/128539)
Site Address:	Home Farm, West End, Somerton.
Parish:	Somerton
WESSEX Ward (SSDC Member)	Cllr Pauline Clarke Cllr David Norris
Recommending Case Officer:	Adrian Noon Tel: (01935) 462370 Email: adrian.noon@southsomerset.gov.uk
Target date :	11th July 2012
Applicant :	H & S Developments Ltd
Agent: (no agent if blank)	Mr Barry Buckley, Castellum, Tinneys Lane Sherborne DT9 3DY
Application Type :	Minor Dwellings 1-9 site less than 0.5ha

REASON FOR REFERRAL TO COMMITTEE

This application is referred to Committee at the request of the Ward Members, with the agreement of the Chairman to enable the issues raised to be fully debated.

SITE DESCRIPTION AND PROPOSAL





The application site is within development limits to the west of the town centre, surrounded by residential development – a mix of single and two storey properties. It comprises the former agricultural yard to Home Farm which has been cleared of the more recent structures, retaining one that supports the high stone wall that forms the western boundary. Home Farm is grade II listed building that is in a perilous state and is on the council's Heritage at Risk Register, however it is in separate ownership.

The proposal originally sought outline planning permission for residential development comprising 14 dwellings with the detail of the new access to be considered at this stage and all other matters (Appearance, Landscaping, Layout and Scale) to be considered at Reserved Matters stage. An indicative layout was provided along with detailed plans of the access.

Following concerns about the potential impact on existing properties, the relationship with the listed Home Farm and the safety of the access the application has been amended to omit an area of land immediately to the rear of Home Farm and agreed to drop the reference to 14 houses (03/01/13) and revise the access details (05/04/13). The application is now simple for outline permission for residential development with access to be considered now. The layout and number of houses would be agreed at the reserved matter stage.

Heads of terms of a S.106 agreement have been agreed to cover:-

- Sports arts and leisure contributions
- The transfer of the area to the rear of Home farm to the District Council to be either maintained as open space or reunited with Home farm should an appropriate scheme to renovate this listed building come forward.

PLANNING HISTORY

- 27/09/2000 Area North Committee resolved to serve a discontinuance order in relation to “agricultural/industrial/business use of the land to the rear of Home farm, Somerton”. This was subsequently made on 19/01/01 and confirmed by the Secretary of State on 09/01/02..
- 25/10/2000 Outline planning permission granted for residential development of site covered by discontinuance order (25/10/2000). Not implemented.
- 12/01504/FUL Proposal for 4 houses on part of the site withdrawn as this is covered by this application.
- 13/001466/LBC Associated application for reduction in boundary wall to Home Farm to facilitate access proposed by 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.

Sections 16 and 66 of the Planning (Listed Building and Conservation Areas) Act 1990 require authorities considering applications for planning permission or listed building consent for works that affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building.

For the purposes of determining current applications the local planning authority accords significant weight to the saved policies of the South Somerset Local Plan.

Save policies of the South Somerset Local Plan:

Policy ST1 – Rural Centres

Policy ST5 - General Principles of Development

Policy ST6 - The Quality of Development

ST10 – Planning Obligations

Policy EH3 – Listed Buildings

Policy EH5 - Setting of Listed Buildings

Policy EH12 - Area of High Archaeological Potential

EC8 – Ecology

EU4 – Drainage

EP5 – Contaminated Land

EP6 – Construction Sites

CR2 – Provision for Outdoor Playing Space and Amenity Space in New Development

CR3 – Off Site Provision

CR4 – Amenity Open Space

Regard shall also be had to:

National Planning Policy Framework (March 2012):

Chapter 4 – Promoting Sustainable Transport

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

Chapter 12 - Conserving and enhancing the historic environment.

CONSULTATIONS

Somerton Town Council – initially raised concerns about the density, proximity to existing dwellings' relationship with the listed building, visibility at the access, lack of footpath across the West End frontage, ownership issues and inaccuracies in the drawings. It was suggested the application be withdrawn pending resolution of these issues.

Subsequently maintained a concern that the level of information is insufficient and a full application should be provided. Questions raised over piecemeal development and the protection of then listed building and the control over the land being left for future use of Home Farm (SSDC should take control).

Finally in relation to the consultations on the revised access, and following the Town Council's involvement in discussions about securing land to be reunited with Home Farm, support is offered for the application.

County Highway Authority – initially raised no objections subject to conditions to agree the details of estate roads, construction of footpaths and turning spaces and drainage. Later raised a concern over a blind spot to the right of the access, however the previous position is maintained and no objection is raised subject to conditions.

Environmental Protection Unit – No observations.

Area Engineer – Disposal of surface water via soak a ways will not probably be suitable for disposal of surface water from the highway. The proposed foul sewerage connection to the existing public sewer should investigate the possibility of connecting surface water from the proposed highway to the existing highway. Drainage system in Chantry Court: some surface water attenuation measures will be required for this option and drainage details will need to be submitted for approval.

Conservation Officer – initially concerned about a 'suburban' layout, the setting of the listed building and the lack of curtilage for Home Farm, without which its future viability is questioned.

In relation to the revised scheme observes:-

"The principle of residential development on the land adjacent to Home Farm house is supported as the only reasonably achievable approach to its use. Although in the curtilage of the listed farm house, the site contains a collection of sub-standard modern structures and buildings, the majority of no historic interest and which harm the overall setting of the listed building. Regeneration through redevelopment is accepted as the appropriate solution. This solution must provide for an adequate curtilage for the listed building however and I support the proposed allocation of land to be set aside for this purpose. This is essential and any form of development that does not allow for this will be unacceptable.

"The access position off West End is the only available and I therefore raise no objection but will expect its impact upon the setting of the listed buildings and historic street to be mitigated with appropriate landscape, containing walling etc to details to be agreed.

"The layout concept of the estate road is for information only and no support over and above the issues mentioned is given to this. The design of the layout, buildings and landscape remain to be determined through a reserved matters application."

Archaeology – not objections subject to a condition to require the monitoring of the development and a report on any discoveries made.

Ecologist – No objection subject to conditions requiring a bat and reptile surveys.

Wessex Water – no objection, however general comments are made regarding the provision of drainage and water supply.

Climate Change Officer – general comments with reference to the Code of Sustainable Homes requirements.

Community, Health and Leisure – originally requested £4,946.07 per dwelling (£69,245.02 based on 14 dwellings) towards mitigating the impact of increased demand for outdoor playing space, sport and recreation facilities should the scheme be approved:

- £33,366 to be used for local facilities (in particular the existing equipped play area, youth facilities, playing pitches and changing room facilities at Somerton).
- £22,490 to be used for strategic facilities.
- £12,701 commuted sum.
- £685 as the Community, Health and Leisure Services administration fee.

Subsequently confirmed that if numbers are not to be stated the rate per dwelling should be £4,946.07.

REPRESENTATIONS

Original consultation responses (14):

- Back development and gross overdevelopment. The buildings are too close together and too close to adjacent properties.
- Density
- Effect of any development upon the character and appearance of the area
- Most of the site forms the curtilage of the listed building.
- The development will seriously impair the viability of any conservation/ restoration of the listed grade II Home Farm farmhouse.
- The principle of residential development on this particular parcel of land is established. It should not be necessary for this to be further tested by an outline planning permission.
- The proximity of both dwellings in this position would appear extremely oppressive and overbearing when seen from Southview (neighbouring property), with an unacceptable impact upon general levels of daylight, outlook and privacy.
- A wall should be constructed along backs of 1 to 6 The Bakeries.
- Additional traffic and highway safety.
- Conflict with Pedestrians at the junction of West End and West Street.
- No provision for vehicular access to Home Farm.
- Detached property very close to 4 The Bakeries.
- Loss of privacy, loss of light.
- Subsidence.
- Asbestos/ chemicals on site.
- Flooding at junction of West End, increase in storm water in this area.
- Sewerage back up
- Site level differences
- Supports the provision of green space amenity area

4 responses have been received following re-consultation for amended plans.

- The density (13) of dwellings is high.
- Blue outlined land should form part of the curtilage of listed building or left as recreational open space.
- The principle of residential development is accepted and therefore the effect on the character and appearance of the area is a matter to be considered now.
- Visibility splay includes part of my property (The Homestead) and I object to its inclusion.

CONSIDERATIONS

Principle

The site is within development limits, where the principle of new development is acceptable. This outline planning permission considers access and seeks to secure leisure contributions and the area outlined in blue to be reserved to be put back with the listed building or to be used as a public open space. Appearance, Landscaping, Layout and Scale are to be considered at the Reserved Matters stage. Whilst additional information, or a full planning application might be desirable this does not mean that this outline application is objectionable on the basis of the lack of additional detail.

It is considered that sufficient access detail has been provided to assess its impact on highways safety and that with the provision a buffering land to the rear of Home Farm and the omission of reference to the number of dwellings there is sufficient information to enable this outline application to be properly assessed. Whilst local concerns about possible overlooking, layout and density of development, boundary treatment and loss of light are acknowledged it is considered that such issues can be fully assessed at the reserved matters stage when the layout, design, scale and landscaping are put forward.

Visual Amenity

Whilst local concerns are noted it is not considered that the development of this site would be intrinsically detrimental to the character or pattern of development of the locality. The application indicates 2-storey dwellings. This is not considered to be inappropriate and the design and layout of the houses could be adequately assessed at the reserved matters stage.

Relationship with Home Farm

The Conservation manager has noted the poor and deteriorating condition of Home Farm a grade 2 listed building which has been 'at risk' for some time. A number of years ago the Council served a discontinuance notice on the former farm yard to the rear of Home Farm. This required the cessation of the existing uses, namely a mixed use involving the storage of hay, a contract haulage business, and agricultural and general engineering business, the storage of scrap vehicles, including car and lorries bodies and broken agricultural machinery and the storage of a multitude of other material, including building materials. This has been complied with leaving a cleared area to the rear of the listed farm house.

The application originally indicated that houses would be built in close proximity to Home Farm and land that was formerly part of the Home Farm curtilage. It was considered that this would unacceptably compromise the setting of the listed building and it was agreed

to set aside land to safeguard the setting of the listed building. This also acknowledges that the future viability of Home farm relies partly on the provision of a suitable curtilage (to provide garden and parking areas), commensurate with its status as a family home. Currently the only amenity space available to occupiers of Home Farm is a narrow strip of land at the rear and the front garden.

It has therefore been agreed that the land immediately to the rear of Home farm should be kept free of development, firstly to safeguard the setting of the listed building, and secondly to be available to be reunited with Home Farm in the event that an appropriate scheme of renovation is agreed by the local planning authority. This would be conditional upon the implementation the approved scheme. Until such time the land would be held by the District Council and maintained as landscaped space for which a commuted sum would be provided. If this is not achieved its retention as open space would continue to conserve the setting of the listed building.

It is considered that this would ensure that the setting of the listed building would be safeguarded and that its future viability would not be endangered. On this basis it is considered that the amended proposed complies with policies EH3 and EH5

Access

The amended proposal provides for visibility splays on either side of the access from West End, within which the existing front boundary walls to the adjoin properties (Home Farm and Northumberland) will need to be demolished and rebuilt at the rear of the visibility splays. This is acceptable to the highways authority and the conservation officer has not objected to the works to the wall in front of home farm which is listed. These works are covered by the associated application for listed building consent to which there is no objection in principle.

Whilst the rebuilding of these walls affects third party land, the applicant has notified the affected parties and will have to secure the permission of the relevant parties to enable the permission to be implemented. Although concern about this has been raised locally it is not an uncommon situation and the onus would be on the developer to secure all necessary permissions/consents/agreements to implement any planning permission given by the local planning authority.

Other concerns have been raised about general highways and pedestrian safety, however the highways authority does not share these concerns and it is not considered that there is any justification to override their advice.

On this basis it is not considered that the objections to the access arrangements or on matters of highways safety could be sustained, and in this respect the proposal complies with policy ST5 of the local plan.

Residential Amenity

Local concerns are acknowledged, however the appearance and layout of the proposed dwellings are reserved and any loss of light or privacy could be assessed at the reserved matter stage when the position of the houses and their window arrangements are put forward. It is considered that the site is of sufficient size to ensure that these issues could be satisfactorily addressed with an appropriate layout and house design.

On this basis it is considered that an objection on the grounds of residential amenity could not be sustained at this stage and compliance with policy ST6 could be ensured at

the reserved matters stage.

Planning Obligations

It is accepted that the amended site area is less than 0.5 hectare and does not therefore trigger the need to deliver affordable housing (policy HG7). It is considered that this does not constitute the piecemeal development of the site that would be objectionable under the provisions of policy ST10. The land that has been taken out is not considered developable and it needs to remain undeveloped to safeguard the setting of the listed building (Home Farm).

On this basis it is not unreasonable to expect this development to set aside an appropriate parcel of land not just to safeguard the setting of a listed building, but also to be earmarked to be reunited with its original host building. Given the state of Home Farm it is not considered that it has a viable future unless there is a chance that some of its original curtilage can be reunited with the house.

The applicant is willing to enter into a Section 106 agreement whereby the land edged in blue on the amended plans is transferred to the District Council for a nominal sum. The District Council would undertake to maintain it as open space until such time as an appropriate renovation scheme has been agreed for Home Farm. The land would then be transferred to Home Farm, subject to suitable conditions.

The applicant accepts the obligations requested in relation to sports, arts and leisure facilities.

Other Issues

The modern agricultural buildings have been removed from the site since the application was first submitted, accordingly the requirement for a bat survey is no longer relevant, although a reptile survey suggested by the ecologist could be attached to any permission. Adequate drainage and levels could be conditioned and appeal decisions indicate that sewerage is no longer a planning matter being covered by other legislation and statutory undertakers.

Although the environmental protection officer has not identified an issue, it is considered prudent, given the previous nuisance uses at the site to recommend a condition to ensure that the potential for land contamination is investigated. This would comply with policy EP5. Additionally, given the predominantly residential location and construction management condition is recommended as required by policy EP6.

Finally a reserved matters application would deal with all other matters.

Conclusion

Notwithstanding local concerns this site is within the built-up part of Somerton and its residential re-development of this site within development limits would constitute an acceptable form of development that would preserve the setting of the listed building, whilst not prejudicing its future renovation. The proposed access arrangements would not be detrimental to highway safety and all other matters could reasonably be considered at reserved matter stage.

RECOMMENDATION

Grant Permission subject to:-

- 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:-
- 1) Secure the agreed contribution of £4,946.07 per dwelling towards strategic and local outdoor playing space sport and recreation facilities to the satisfaction of the Assistant Director (Wellbeing).
 - 2) secure, to the satisfaction of the Development Manager, the transfer of the land edged in blue on the approved plans to the local planning authority, making provision for:-
 - The land to be maintained as open space until such time as an scheme for the renovation of Home Farm is approved by the local planning authority
 - A suitable commuted sum to cover the maintenance cost
 - In the event of the approval of a scheme for the renovation of Home Farm the land shall be transferred to the ownership Home Farm subject to the satisfactory completion of the approved scheme
 - In the event that a scheme of renovation is not agreed within 10 years the land shall revert to the applicant's ownership
- b) The following conditions:

Justification

The residential development of this site within development limits, which includes the former curtilage of Home Farm, represents an acceptable form of development that would preserve the setting of the listed building, whilst not prejudicing the future renovation of this listed building at risk. The proposed access arrangements would not be detrimental to highways safety and all other matters could reasonable be considered at reserved matter stage. As such the proposal complies with the saved policies of the South Somerset Local Plan and the policies contained within the National planning Policy Framework.

Conditions

01. The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of the approval of the last of the reserved matters to be approved, whichever is the later.

Reason: In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004 (Commencement No. 5 and Savings) Order 2005.

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

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

03. All reserved matters referred to in Condition 2 above shall be submitted in the form of one application to show a comprehensive and coherent scheme with respect to design, layout, plot boundaries, internal ground floor levels, materials, and landscaping.

Reason: To ensure that the development of the site is dealt with in a comprehensive manner to protect the character and appearance of the local setting and to secure a high quality development in accordance with policies ST5, ST6 and EH5 of the South Somerset Local Plan.

04. The proposed estate roads, footways, footpaths, tactile paving, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with the details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose details of the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: In the interests of highway safety and visual amenity in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan.

05. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: In the interests of highway safety and residential amenity in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan.

06. No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. Such a scheme shall include details of the prevention of the discharge of surface water onto the highway along with details of how the scheme shall be maintained and managed after completion. The development shall be carried out and subsequently maintained in accordance with the approved details.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

07. No development hereby approved shall be commenced until details and specifications of the new access to West End, based on the revised site layout received 05/04/13 have been submitted to and approved in writing by the local planning authority. Once approved the new access arrangements shall be fully implemented prior to the occupation of any dwelling on the site and shall be maintained at all times thereafter.

Reason: In the interests of highway safety and residential amenity in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan.

08. No development hereby approved shall be commenced until details, including the provision of samples, of the rebuilt wall to the front of Home Farm have been submitted to and agreed in writing by the local planning authority. Once approved such details shall be fully implemented prior to the new access being first brought into use and shall be maintained at all times thereafter.

Reason: In the interests of highways safety and to safeguard the setting and special architectural and historic qualities of this listed building in accordance policies ST5, EH3 and EH5 of the South Somerset Local Plan

08. No development hereby approved shall be commenced until such time as the findings and recommendations of a reptile specific survey of the site have been submitted to and agreed in writing by the local planning authority. Once approved the development shall be carried out in accordance with the agreed mitigation measures. In the event that it is not possible to adhere to these measures all work shall cease and not recommence until such time as an alternative and been submitted to and agreed in writing by the local planning authority. All subsequent work shall comply with any amended mitigation measures.

Reason: To safeguard the ecology of the site in accordance with saved policy EC3 of the South Somerset Local Plan.

09. No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: To safeguard the archaeological potential of the site in accordance with saved policy EH12 of the South Somerset Local Plan.

10. No development hereby approved shall be commenced until such time and details of the existing and final levels, including finished floor levels, have been submitted to and approved in writing by the local planning authority. Once approved such levels shall be implemented as part of the development hereby approved.

Reason: In the interests of visual and residential amenity in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan.

11. 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 any land contamination can be dealt with adequately in the interests of the amenities of future occupiers in accordance with saved policy EP5 of the South Somerset Local Plan.

12. The development hereby permitted shall not commence unless a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include construction operation hours, construction vehicular routes to and from site, construction delivery hours, car parking for contractors and specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice. Once approved the development shall be carried out in accordance with the approved Construction Management Plan.

Reason: To safeguard the amenities of the locality in accordance with accord with Policy EP6 of the South Somerset Local Plan.

13. The development hereby permitted shall be carried out in accordance with the revised site layout received 05/04/13.

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

Area North Committee – 29 January 2014

Officer Report On Planning Application: 13/03341/COU

Proposal :	Continued use of land for a mixed use of residential and B8 storage of used windows and doors with ancillary sales (retrospective) (GR 346669/116976)
Site Address:	Leggs Stores, West Street, Stoke Sub Hamdon.
Parish:	Stoke Sub Hamdon
HAMDON Ward (SSDC Member)	Cllr Sylvia Seal
Recommending Case Officer:	Anuska Gilbert Tel: 01935 462159 Email: anuska.gilbert@southsomerset.gov.uk
Target date :	18th October 2013
Applicant :	Mr M Legg
Agent: (no agent if blank)	Mr D Stephens, Battens Solicitors Ltd, Mansion House, Princes Street, Yeovil BA20 1EP
Application Type :	Minor Other less than 1,000 sq.m or 1ha

REASON FOR REFERRAL TO COMMITTEE

This application is referred to committee at request of the Ward Member with the agreement of the Chairman to enable the issues raised to be fully debated.

SITE DESCRIPTION AND PROPOSAL





The application site is located on the north side of West Street, on the western outskirts of the village of Stoke Sub Hamdon and within the development area. The surrounding properties to the east and west are mainly residential, with open land to the north and south. The site comprises of a detached 2 bedroom bungalow with garden area to the front and rear and a driveway along the western side of the plot.

The application seeks permission for the continued use of land for a mixed use of residential and B8 storage of used windows and doors. Included in this use would be a small amount of ancillary sales.

RELEVANT HISTORY

SE4844	Erection of a sweet and cigarette shop – refused January 1954- appeal allowed. The Appeal decision indicated that there was an existing market garden use to the rear.
4844/A	Erection of two petrol pumps and installation of underground tanks at forecourt of bungalow and shop – refused – March 1964
22186/A	Erection of extension to existing shop store at West End Stores – permitted with conditions – October 1966
4844/C	Erection of tomato store – Permitted with conditions – September 1970
800163	The use of existing shop stores for the assembly and distribution of timber garden sheds and the manufacture and process of rabbit hutches at West End Stores – permitted with conditions – May 1980 – temporary permission
820736	The continued use of existing shop stores for the assembly and

- distribution of timber garden sheds and manufacture and process of rabbit hutches at West End Stores – permitted with conditions – July 1982 – temporary permission
- 831153 The continued use of existing shop stores for the assembly and distribution of timber garden sheds and manufacture and process of rabbit hutches at West End Stores – temporary permission
- 861969 Continued use of shop stores for the assembly and distribution of timber garden sheds and manufacture of rabbit hutches – permitted with conditions – November 1986 – temporary permission
- 89/01861/FUL The continued use of shop stores for the assembly and distribution of timber garden sheds and manufacture and process of rabbit hutches – refused – March 1990 – Appeal against enforcement notice – split decision. Allowed continued use of land for residential and retail purposes on a temporary basis subject to conditions. Upheld the enforcement notice in respect of the dismantling of pallets/other timber articles/sheds/hutches/other wooden articles.
- 97/00079/COU Use of land and buildings for residential and retail purposes – permitted with conditions – February 1997 – temporary permission
- 02/00453/COU Use of land and buildings for residential and retail purposes (renewal of temporary permission 97/00079/COU) – permitted with conditions – April 2002 – temporary permission for 5 years, which lapsed on 30 April 2007.

This final permission was personal to the applicant, limited to 'garden sundries', required the drive way to be kept clear and limited storage in the front garden to 25% of its area with nothing to be stacked more than 1m high.

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.

For the purposes of determining current applications the local planning authority considers that the relevant development plan comprises the saved policies of the South Somerset Local Plan and the provisions of the National Planning Policy Framework (NPPF).

The policies of most relevance to the proposal are:

Saved policies of the South Somerset Local Plan (April 2006)

- Policy ST2 – Development in Villages
- Policy ST5 - General Principles of Development
- Policy ST6 - The Quality of Development
- Policy MC3 – Shopping Proposals outside Preferred locations
- Policy MC5 – Non-shopping Uses
- Policy MC6 – Non-shopping Uses outside Town Centres

National Planning Policy Framework - March 2012

Chapter 1 – Building a strong, competitive economy
 Chapter 2 – Ensuring the vitality of town centres
 Chapter 3 – Supporting a Prosperous Rural Economy
 Chapter 7 – Requiring good design
 Chapter 8 – Promoting Healthy Communities

South Somerset Sustainable Community Strategy

Goal 5 – High Performance Local Economy
 Goal 7 - Distinctiveness
 Goal 8 – Quality Development

CONSULTATIONS

Stoke Sub Hamdon Parish Council – The use of the property for the storage of doors, windows etc. particularly in the front garden or the side driveway should not be permitted.

SCC Highways – Refer to standing advice, particularly access, parking and turning for all uses. B8 use – 1 parking space per 200 square metres in Zone C. Therefore 4 spaces should be required together with at least 2 residential parking spaces and associated turning.

Environmental Protection Officer – No observations

REPRESENTATIONS

8 letters of representation received, raising points and concerns covering

- the history of the site and the change of the use of the site over time
- the visual impact of the use, the use itself and its suitability and scale
- residential amenity

Other matters including whether the windows and doors meet building regulation standards, whether the materials on site are recycled, health, safety and fire hazard concerns and questions over the ability of the applicant to adhere to any conditions that may be included in an approval.

CONSIDERATIONS**History**

The application constitutes the most recent chapter of a substantial planning history dating from 1954. Over this time the applicant has received various permissions; beginning with permission granted at appeal for the erection of a sweet and cigarette shop in 1954. According to the inspector's report this permission was for the addition of a small general store, a little larger than a domestic garage to be erected behind the bungalow in place of two existing sheds. Various applications followed between 1955 and 1970.

In 1980 an application was considered which proposed the first significant change of use of the site since 1954; for the use of the shop stores for assembly and distribution of timber garden sheds and the manufacture and process of rabbit hutches. This was

followed by three permissions for the continued use of the site for the same purposes. The applications granted temporary permission for various periods of time, with conditions including a personal condition, hours of operation and that no metal was to be cut or worked on on-site.

In 1990 a further application was considered for this same use of the site and was refused. Enforcement action was subsequently authorised, requiring the applicant to permanently cease the use of the site for timber works, storage of timber, the manufacture of sheds and hutches and the retail/display/sale/storage of articles on the land otherwise than in connection with the permitted use of part of the site for shop purposes.

The enforcement notice was appealed and a split decision was issued, with the inspector noting that “it is clear that the commercial use of the site has expanded very substantially since planning permission was granted on appeal in 1954 for the erection of a shop in the back garden of the bungalow for use as a small general store”. The inspector upheld the enforcement notice insofar as it related to the use of the land for timber works and the manufacture and assembly of sheds, hutches and other wooden articles.

However, the appeal was allowed in terms of the continued use of the land for residential and retail purposes, subject to conditions. These conditions included a personal condition, a temporary condition for 5 years, that no goods should be stored in the driveway in front of the front wall of the dwelling and that not more than 25% of the front garden area should be used for the display of goods for sale, with such goods restricted to garden sundries with no display exceeding 1 metre in height.

In 1997 and 2002 respectively temporary planning permissions were granted for the use of land and buildings for residential and retail purposes, both of which contained the same conditions applied by the inspector in relation to the 1990 appeal against the enforcement notice. The latter of these two temporary permission expired in 2007, with no applications having been made since until now.

Visual Impact

Concerns have been raised by both neighbours and the parish council in terms of the appearance of the site. It is clear that the level of the current use of the site for the storage of a considerable amount of material both in front of and to the rear of the dwelling is out of keeping with the predominantly residential streetscene. It is also clear that the level of use is substantially different to that considered by previous applications. Previous permissions on the site have restricted the area, height, amount and type of material stored.

On this basis it is considered that to allow the fettered continuation of the existing use would be unacceptable and contrary to policies ST5 and ST6. Nevertheless at a certain level the mixed commercial/residential use of this site has been repeatedly deemed acceptable over the years.

The applicant has indicated that they now wish to wind down and cease the current use. It is considered that this is welcome however there would need to be a clear undertaking on their part to abide by such intention. To this end the applicant has indicated a willingness to give an undertaking in the form of a S106 agreement to do so.

Residential Amenity

Concerns have been raised by a number of neighbours over the effect of the use of the

site on residential amenity. They note that along with concerns over health, safety and fire hazard, the material stored on site is encroaching on neighbours' boundaries due to the weight of the materials leaning against fences and walls. It is considered clear that the current state of the site is such that there is a clear harm to residential amenity that could not be supported under the terms of policy ST6.

Nevertheless mixed residential /commercial use of the site has been deemed acceptable, subject to tight controls, albeit on a temporary basis. Accordingly it is accepted that at a suitable level the principle of the residential use of the site in conjunction with B8 storage for a limited period of time is considered acceptable.

Highways Safety

The proposal includes the mixed use of the site as residential and for B8 storage. Whilst the existing situation is such that parking cannot be easily provided, the reduction of the material stored on site over time will free up the driveway area so that it may be used for vehicle parking.

Special Circumstances

It is clear that from a straight forward visual and residential amenity point of view there is little (if any) justification to allow the current use to perpetuate. However, when arriving at a planning decision section 38(6) of the Planning and Compulsory Purchase Act 2004 allows local planning authorities to consider whether there are material considerations that justify making an exceptional decision.

In this instance there is a long standing (c.60 years) permission for a mixed residential/retail use of the site. Furthermore there is history of temporary permissions, stretching back to 1980, for the use of the site for storage/display and sale of larger items. Clearly the applicant's activities are in breach of a number of conditions of the 2002 permission. Not only has the use not ceased, it now covers more than 25% of the front garden, where goods are displayed more than 1m high, and clearly the use is no longer confined to 'garden sundries'.

Whilst these breaches of planning control are legion, consideration must be given to the applicant's fall-back position. This is set out in the temporary condition attached to the 2002 permission. This stated:-

"The use hereby permitted (other than that allowed on appeal on 6 October 1954) shall be for a limited period expiring on 1 March 2007 and by the end of such period the use shall cease and any buildings, works or structures comprised in the said development shall be removed and the land restored to its former condition."

Effectively the site should have reverted to the mixed residential/retail/market garden use approved by the Inspector in 1954. This did not limit the range of goods to be sold, although the then intent was a modest village store selling "sweets tobacco, tinned goods and general groceries". There is no suggestion of a limited sales area however it would be reasonable to suggest that this could be interpreted as a limited area, commensurate with the modest retail use proposed.

Notwithstanding this theoretical fall-back position it is clear that the current use is more akin to a B8 storage use with ancillary retail sales of second-hand door and window units. It would not be reasonable to accept that these activities are within the scope of the historic use to which the site should have reverted. However it is possible that a scaled back operation could be argued as being lawful – for example a retail activity

based on the sale of second-hand doors and windows, with minimal outside storage, operating from the building approved as a shop in 1954. It is considered that this theoretically lawful use is a material consideration.

Consideration should also be had to the applicant's circumstances. He some 70 years old and is of limited means. Following lengthy discussions it is accepted that total and immediate clearance of the site is probably beyond his means. Accordingly whilst a breach of condition or enforcement notice (or possibly a Section 215 notice) might be served to require the clearance of the site within a relatively short time the Council should be mindful of the difficulties that might arise.

The applicant is aware of the situation and is willing to co-operate with the local planning authority to agree a managed wind-down of his activities. To this end it has been offered to clear the front garden of all non-domestic items within 6 months and to clear the rear garden area, a third at a time over 5 years, with trigger points at one and three years. The applicant is also willing to accept a personal condition and limitations on the height of the storage of items.

Circular 11/95 (the use of conditions in planning permission) advises that it may exceptionally be reasonable to "grant permission for the use of a building or land for some purpose which would not normally be allowed at the site, simply because there are strong compassionate or other personal grounds for doing so." (para. 93).

Given the history of the site, the fall-back options theoretically available to the applicant, his willingness to wind-down his activities and mindful of his circumstances it is not considered reasonable to refuse the application, and, in this instance it would be reasonable to make any permission personal to the applicant.

Other Matters

Neighbour comments have questioned whether the doors and windows stored on the site would not meet with building regulation standards. This is not a planning consideration with other legislation existing to address such concerns. In terms of the health and safety concerns raised, the environmental protection officer has not objected to the proposal. It has been confirmed that any issues relating to the burning of materials in association with a trade use would be dealt with under the 1993 Clean Air Act.

Section 106

If approved the applicant should provide a formal undertaking to reduce his activities on the site so that after 5 years the sole use of the site would be a house and garden with a small retail shop as originally approved by the Planning Inspector in 1954, with no external storage.

Conclusion

Whilst the neighbours have suggested that the use of the site is not suitable in its location, the extensive history of the site shows that it is the intensity of the use, rather than the use itself, which has proved problematic. Nevertheless, whilst including conditions to limit the use, permissions have continually been granted for the use of the site for residential and retail purposes. What is clear is that past permissions have not had success in controlling the type of material permitted on site, with problems encountered over the terms included in previous conditions.

The applicant's agent has advised that the applicant is looking to "wind down" the use in an orderly and manageable way". Taking this, and the history of the site, into consideration it is suggested that the most appropriate way to recover control over this difficult site would be to agree a final temporary planning permission, in association with a Section 106 agreement.

It is considered that in this unique case it would be reasonable to agree, subject to appropriate conditions, a managed reduction of the current activities over an agreed timescale. The applicant is willing to enter into a planning obligation to do so and on this basis it is considered reasonable, in this instance, to support the proposal.

RECOMMENDATION

That application reference 13/03341/COU be approved subject to:

(a) The prior completion of a section 106 planning agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to secure a staged reduction of open storage area over a 5 year period ending in total clearance of non-domestic items as follows:-

- Within 6 months of the date of the permission all non-domestic items shall be removed from the front garden which shall be subsequently maintained free of all non-domestic items at all times thereafter unless planning permission is granted for an alternative use.
- Within 1 year of the date of the permission a third of the rear garden area shall be cleared of all non-domestic items and thereafter maintained free of all non-domestic items at all times unless planning permission is granted for an alternative use.
- Within 3 years of the date of the permission a further third of the rear garden area shall be cleared of all non-domestic items and thereafter maintained free of all non-domestic items at all times unless planning permission is granted for an alternative use.
- Within 5 years of the date of the permission the whole of the rear garden area shall be cleared of all non-domestic items and thereafter maintained free of all non-domestic items at all times unless planning permission is granted for an alternative use.

(For the purposes of this agreement the front garden shall be the land forward of the front elevation of the dwelling and the rear garden shall the land to the rear of the front elevation, including the land to the sides of the house.)

(b) and the following conditions.

Justification

The proposal allows the District Council to control a staged reduction in the use of the site that would be in the interests of the amenities of the locality in accordance with Policies ST5 and ST6 of the South Somerset Local Plan and the provisions of the National Planning Policy Framework

Conditions

01. The mixed use of residential and B8 storage of used windows and doors with

ancillary sales hereby permitted shall cease on or before the expiration of five years from the date of this letter. Thereafter the use of the site shall be as a dwelling, with residential curtilage, and a shop within the former garage building as approved in 1954 by application SE4844 attached to this permission.

Reason: In the interests of the amenities of the locality in accordance with policy ST6 of the South Somerset Local Plan.

02. The use hereby permitted shall be carried on only by Michael Legg and shall be for a limited period being the period of 5 years from the date of this letter, or the period during which the premises are occupied by Michael Legg, whichever is the shorter.

Reason: In view of the applicant's exceptional circumstances and to safeguard of the amenities of the locality in accordance with policy ST6 of the South Somerset Local Plan.

03. At no time shall any material stored in the rear garden of the property be in excess of 2 metres in height

Reason: In the interests of the amenities of the locality in accordance with policy ST6 of the South Somerset Local Plan.

04. At no time shall any material stored in the front garden of the property be in excess of 1 metre in height

Reason: In the interests of the amenities of the locality in accordance with policy ST6 of the South Somerset Local Plan.

05. The permission hereby granted shall relate solely to the land edged in red on the plan submitted with the application received 12/08/13.

Reason: In the interests of clarify and to determine the scope of this permission.

Informative

01. You are reminded that this permission subject to a planning obligation under section 106 of the Town & County Planning Act 1990.
-

Area North Committee – 29 January 2014

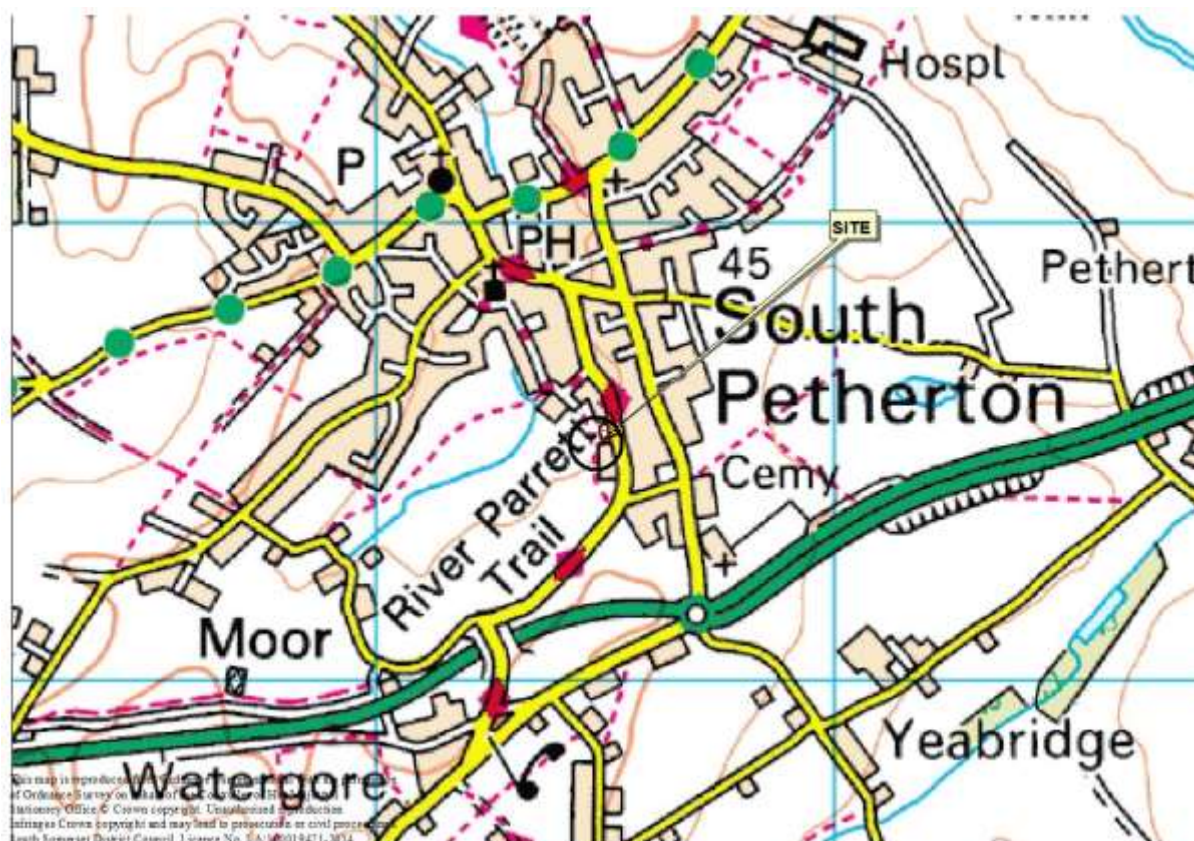
Officer Report On Planning Application: 13/03881/FUL

Proposal :	Erection of detached dwelling and garage, alterations to existing access (GR 343510/116543)
Site Address:	Land Between 30 And 34 South Street, South Petherton.
Parish:	South Petherton
SOUTH PETHERTON Ward (SSDC Members)	Cllr Paul Thompson Cllr Barry Walker
Recommending Case Officer:	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
Target date :	22nd November 2013
Applicant :	Mr & Mrs M & W Turner
Agent: (no agent if blank)	Alan Young, The Lodge, Penn Hill, Yeovil BA20 1SF
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

The application is referred to Committee at the request of the Ward Members, with the agreement of the Area Chair to allow the impact on the character and setting of the conservation area and adjoining listed building to be fully debated.

SITE DESCRIPTION AND PROPOSAL





The site is located on the west side of South Street and is within both the South Petherton defined development area and conservation area. The site itself is a square grassed plot with a 1.5m natural stone wall forming the roadside boundary, residential development to the north, south and east and open countryside to the west. A public footpath runs alongside the west side boundary. The site is a remnant of a former orchard that was developed in the 1960s. As such, it is the only undeveloped land between the first village dwelling to the south and the village centre. It is currently maintained as a semi-private open space with several attractive mature trees.

There is a grade II listed house, South Farmhouse (27 South Street), immediately opposite the application site. The gable end of this listed property fronts directly onto South Street and sits centrally with the application site.

The general pattern of development comprises a linear form of development running southwards out of the more densely developed centre of the village. There is a mix of dwellings from older natural stone houses (generally on the east side of South Street) and more modern reconstituted stone dwellings (generally on the west side). Houses on the east side of the road are a mix of terraces, detached and semi-detached properties and are mostly set close to the road. Those on the west side are predominantly detached properties, set back from the road.

The proposal is made to erect a 4 bedroom, detached 'chalet bungalow' (i.e. with rooms in the roof space) and garage. The road side wall would be lowered to 900mm and the vehicular access would be enlarged. The proposal has been amended to address the concerns of the tree officer in relation to the relationship of the access and a Mulberry tree which is to be retained next to the access. To the rear the existing hawthorn hedge to the western boundary would be retained along with a walnut and a redwood. All other trees would be removed.

HISTORY

62270: (Outline) Development of land for residential purposes and the formation of vehicular access - Conditionally approved 1st May 1962.

Various detailed consents for the development of land to the north for the provision of housing, in relation to outline consent 62270.

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.

For the purposes of determining current applications the local planning authority accords significant weight to the saved policies of the South Somerset Local Plan where these accord with the National Planning Policy Framework.

South Somerset Local Plan 2006:

ST1 – Rural Centres

ST3 - Development Areas

ST5 - General Principles of Development

ST6 - The Quality of Development

EH1 - Conservation Areas

EH5 - Development Proposals Affecting the Setting of Listed Buildings

EH12 - Areas of High Archaeological Potential and Other Areas of Archaeological Interest

National Planning Policy Framework (March 2012):

Chapter 4 - Promoting Sustainable Transport

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

Chapter 12 - Conserving and Enhancing the Historic Environment

Other Considerations

Somerset County Council Parking Strategy (March 2012)

Somerset County Council Highways Development Control - Standing Advice (June 2013)

South Somerset Sustainable Community Strategy (2008-2026):

Goal 3 - Healthy Environments

Goal 4 - Services and Facilities

Goal 8 - High Quality Homes

CONSULTATIONS

Parish Council: Recommend approval.

County Highway Authority: no objection subject to compliance with the county's parking standards (3 spaces would be required for a 4 bedroom house) and conditions to ensure the access is properly constructed, with suitable visibility splays (43m in each direction with nothing above 900mm within the splays)

County Archaeology: No objection on archaeological grounds.

SSDC Landscape Architect: raises a concern about the possible loss of a traditional feature that helps to define a distinct sense of place. In this instance it is noted that: _

“ this site context is within the village' Conservation Area, with a listed building - South Farmhouse - opposite the site. I consider there to be a potential adverse impact of development form and site access arrangements upon local character here, as expressed by the orchard-like arrangement of individual tree planting above grassland; the listed building's setting - primarily its relatively open westward prospect; and the street's walled enclosure. I view this small planted area as a distinctive element of the village, originating as orchard, and it appears to be the last remaining small open plot in this section of the street, not only contributing as such to local character, but enabling views out to the open farmland beyond the village edge from South Street. The immediate context is also relatively unspoilt, to add to the charm of this stretch of the conservation area, and to provide a sympathetic setting for the open plot, just as the plot provides a sympathetic setting for the listed building opposite. Consequently I view the proposal as potentially being at variance with local character, LP policy ST5 para 4, and suggest there are grounds to resist it.”

SSDC Tree Officer: no objection to the loss of trees subject to appropriate protection measures being agreed in relation to the retained trees. Initially raised concerns about the impact of the proposed access on the retained mulberry tree. A revised arboricultural method statement and tree protection plan have been provided which are broadly acceptable subject to a number of suggested minor changes.

SSDC Conservation Officer: notes that this area is a residual area of open land that gives the listed building some room to breathe and that the height of the boundary wall, with views through to the countryside beyond, defines the character of the conservation area at this point. There are views of the listed building from the public footpath, although setting and appreciation of a heritage asset are not strictly defined by public views. It is advised that:-

“The walls in this part of the conservation run generally at 1.5m height on this side of the road, and the alterations to the front wall by the removal of some 600mm, and the formalisation and increase in size of the access are also detrimental to the character of the conservation area.

“In my view to develop this land would be harmful to the street scene, conservation area and setting of the listed building by the reduction of the height of the wall, new access and loss of the open space and views across the site of the listed building.”

REPRESENTATIONS

4 local residents have commented, 3 in support and 1 objecting. The supporters consider that only one dwelling is proposed with an acceptable design that is sympathetic to the local character only one dwelling is proposed. Concern is raised about what will happen to the land if left undeveloped. While it has been well maintained in the recent times, there is uncertainty as to whether this will continue.

The objector refers to the contribution the undeveloped site makes to the pleasantness of the street and the presence of rare specimen trees that need protecting. It is considered that building on this plot would be developing for development sake.

CONSIDERATIONS

Principle of Development

The proposal is made for the erection of a detached dwelling and garage, with associated works to improve access and lower the roadside boundary wall. The site is within the defined development area and as such a proposal is considered acceptable in principle subject to being in accordance with other Development Plan policies and proposals. The site is however also within the conservation area and immediately opposite a grade II listed house. As such, particular care must be taken to protect the character and local distinctiveness of the area. The main considerations are the impact on the character and appearance of the locality, including the setting of the conservation area and adjacent listed building, residential amenity of the occupiers of adjoining properties, the impact on highway safety and trees within the development site.

Design and Historic Context

At first glance, the site appears to be an ideal development plot. It is similarly proportioned to neighbouring plots and offers the opportunity to provide a dwelling that would fit in well with those in the area. The plot is the only open space and undeveloped site of this size in the street, which in itself is the reason concerns have been raised by officers. The applicant carried out pre-application discussions with the Local Planning Authority prior to submitting the application and as a result of these, concerns were raised about the loss of an important open space in the conservation area, impact on the setting of the opposite listed building and also impact on the appearance of the street scene with the alterations to the roadside boundary wall.

Saved policy EH1 of the South Somerset Local Plan states that all development in a conservation area or outside the area, which would affect the settings or views in or out of the area, will be required to preserve or enhance the character or appearance of the area. Saved policy EH5 states that planning permission will not be permitted for development that would have an adverse effect on the setting of a listed building or its contribution to the local scene. Guidance within the National Planning Policy Framework (NPPF) also requires 'great weight' to be given to heritage assets conservation, with any harm or loss requiring clear and convincing justification from the applicant. Furthermore, saved Local Plan policy ST6 requires the proposal, in terms of density, form, scale, mass, height and proportions, should respect and relate to the character of its surroundings. Additionally, it should not result in the unavoidable loss of open spaces (including gaps and frontages) with visual or environmental value.

In general design terms, the dwelling is well considered and fits comfortably within the plot. It is a 1½ -storey property, to be constructed of natural stone, which is considered appropriate for the area and would maintain a high quality finish. The issues raised do not relate to the principle of development in general policy terms or to the appearance of the dwelling itself but to the impact on the character of the area and local heritage assets as a result of developing this site.

The site is within the South Petherton conservation area and when considering new development in conservation areas, it is just as important to consider the spaces between buildings as well as the buildings themselves. Saved Local Plan policies relating to both general design and conservation matters repeat the importance that open spaces can have in contributing to the character and distinctiveness of an area. In this case, there are no other similar open spaces of such quality. It is considered to provide an important break in the built form along South Street offering relief within the

general street scene. Its development is considered to have a significantly detrimental impact on the character and appearance of the conservation area.

Not only is the retention of this open space considered important in the preservation of the character and appearance of the conservation area, it is also considered to contribute to the setting and appearance of the listed building, South Farmhouse, which sits directly opposite, in a central location in conjunction with the application site. The positioning of this listed building directly onto the public highway also brings it in close proximity to the site. This relationship means that the listed building is framed by the open space opposite and offers a sympathetic setting and room for it to breathe, which would be lost by the development of this land. As a result, this is considered to significantly impact on its setting and reduce its contribution to the local scene. It is also noted that the openness of the site also allows views of the listed building and the conservation area, from the public footpath in open countryside to the west, which would also be lost.

When looking along the street, the character of the area is also defined by the presence of the natural stone roadside walls. There is a general uniformity of height with some high boundary walls on the east side of the road and lower walls fronting directly onto the carriageway to the west. The roadside boundary wall of the site is 1.5m in height and the heights of walls either side are approximately 1.25m, with other walls being similarly sized. The site frontage is punctuated by a very simple agricultural style five bar gate. In order to make the development acceptable in highway safety terms, the wall to the front of the site will need to be lowered to 900mm in height and the access widened to a minimum of 3m with rounded visibility splays formed. These works are considered to be unacceptable as they will inappropriately alter the appearance of this prominent roadside frontage to the detriment of the local street scene and the setting of the conservation area.

The Council's Conservation Officer and Landscape Architect have both commented on the proposal and raised objections on the basis of the loss of this visually important open space and the impact that this and the alterations to the roadside boundary will have on the character and setting of the area in general and more specifically on the conservation area and adjacent listed building.

Highway Safety

The County Highway Authority has commented, advising that the application would usually fall under their Standing Advice. In this case however, further comment has been made in respect to the requirements for development of this type. In considering highway safety, the most important elements of this scheme are to ensure that the access is appropriately sized, there are sufficient levels of visibility and that there is enough on-site parking to prevent parking on the public highway. The proposal as submitted incorporates these requirements by providing parking and turning space within the site, lower the boundary wall to 900mm and altering the access. Therefore, as submitted there are no highway safety concerns.

Trees

There are some fine trees within the site, which contribute to the character of the conservation area and are intended to be retained. Of particular significance is 'T2', a high value, early-mature Mulberry. This tree is located adjacent to the vehicular access, which is a concern to the Council's Tree Officer in respect to the installation of the drive, alterations to the vehicular access, changes to soil levels, volume of hard standing and required levels of pruning and maintenance. The Tree Officer initially objected to the

scheme on this basis, however amended plans have been received moving the access slightly further from the tree. These amendments are considered by an amended Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP). Whilst the Tree Officer has some reservations about these documents these are minor and suitable revisions could be agreed by condition. On this basis it is considered that the proposal will not adversely impact on the trees on site.

Residential Amenity

The proposed dwelling would be sited in line with existing residential properties, in a similar manner to already present in the street. The size of the plot and the proposed dwellings position within it means that there will be no overbearing impact or overshadowing to adjoining properties. There will be no overlooking to the properties to the north and south and views to the east will be no different to those already gained from existing public vantage points. The principle views to the west are onto open countryside. Overall, the proposed development will not lead to any unacceptable harm to the residential amenity of neighbouring occupiers.

Conclusion

It is considered that the erection of a dwelling on this former orchard and creation of an enlarged access with associated visibility requirements would result in the loss of the last open space in this part of the conservation area to the detriment of the character and appearance of the conservation area and the setting of the adjacent listed building.

RECOMMENDATION

Refuse planning permission

Reason for refusal:

01. The erection of a dwelling, formation of an enlarged access and associated visibility improvements, including the lowering of the road side wall, would result in the loss of an important open space of visual value within the street scene, which contributes to the setting and appearance of the conservation area and the of the adjacent listed building, as well as enabling views of the conservation area and the listed building from public vantage points in adjoining open countryside. As such the proposal would fail to preserve or enhance the character and appearance of the conservation area and would significantly harm the setting of the listed building to the detriment of the local street scene. The proposal is therefore contrary to saved policies ST5, ST6, EH1 and EH5 of the South Somerset Local Plan 2006 and the provisions of chapters 7 and 12 and the core planning principles of the National Planning Policy Framework.

Area North Committee – 29 January 2014

Officer Report On Planning Application: 13/04557/OUT

Proposal :	Change of use and erection of two new 4 bedroom dwellinghouses and associated garaging, the formation of access drive and the demolition of part of existing vacant retail unit, retaining part for residential use.
Site Address:	Hambridge Fisheries, Underhill, Hambridge
Parish:	Hambridge/Westport
ISLEMOOR Ward (SSDC Member)	Cllr Sue Steele
Recommending Case Officer:	Alex Skidmore Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
Target date :	6th January 2014
Applicant :	Mr & Mrs C Butland
Agent: (no agent if blank)	Mr John Wratten, The Waggon Shed, Flaxdrayton Farm, Drayton, South Petherton TA13 5LR
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFFERAL TO COMMITTEE

This application for two dwellings outside and not adjacent to settlement limits is referred to committee as a departure from the saved policies of the local plan.

SITE DESCRIPTION AND PROPOSAL





This application is seeking outline planning permission to erect two dwellings and the formation of an associated access drive. Provision would be made for vehicular access to the rear of the properties fronting onto Underhill which currently do not have rear access. The application is seeking to agree detailed matters of access and landscaping, with matters of appearance, layout and scale reserved for later consideration.

The application site is 0.33 hectare in area and comprises in part agricultural land and part of the former fishery site known as Hambridge Fisheries. The settlement of Hambridge does not include any defined development areas and the application site is some distance from any neighbouring settlements that do have designated development areas. The site is accessed via an existing access located within the southwest corner of the applicant's land and leads on to the B3168. The site is a sloping site with a raised bank along the road boundary which slopes down into the site to the north.

There is high planting along the west boundary, with additional, fairly freshly planted young trees alongside the track and several mature fruit trees towards the south end of the applicant's land (which is outside the redline area).

RELEVANT HISTORY:

- 882605: Erection of extensions to shop premises and aquarium area. Permitted 1988.
- 862804: Construction of a car park and vehicular access. Permitted 1987.
- 860536: Erection of an extension to existing building for use as storage purposes. Permitted 1986.
- 840178: Construction of a pond and two breeding / stock pools and the use of building for retail of tropical and goldfish. Permitted.

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.

The development plan comprises the South Somerset Local Plan. The policies of most relevance to the proposal are:

ST3 - Development Areas
 ST5 - General Principles of Development
 ST6 - The Quality of Development
 EC3 - Landscape Character
 EC7 - Networks of Natural Habitats
 EC8 - Protected Species
 EP1 – Pollution and Noise
 EP5 – Contaminated Land
 EU4 - Water Services
 TP1 - New Development and Pedestrian Movement
 TP7 - Car Parking

National Planning Policy Framework:

Part 4 - Promoting sustainable transport
 Part 6 - Delivering a wide choice of high quality homes
 Part 7 - Requiring good design
 Part 8 - Promoting Healthy Communities
 Part 10 - Meeting the challenge of climate change, flooding and coastal change
 Part 11 - Conserving and enhancing the natural environment

OTHER POLICY CONSIDERATIONS:

Recent appeal decisions at Verrington Hospital (11/02835/OUT) and Slades Hill (12/03277/OUT) – have established that the District Council does not have a demonstrably deliverable 5 year housing land supply. In such circumstances, the National Planning Policy Framework (NPPF) advises that relevant policies for the supply of housing should not be considered up to date (NPPF para. 49) and housing applications should be considered in the context of the presumption in favour of development. In this Council's case, the principal effect is that saved policy ST3 (Development Areas) no longer applies in relation to housing or mixed use proposals which should not be refused simply on the basis that they are outside Settlement Limits.

CONSULTATIONS

Hambridge Parish Council: Supports application and noted that there would be additional benefits to adjacent properties.

County Highways: Referred to their standing advice.

Environment Agency: No objection subject to a condition relating to contamination.

Wessex Water: Noted that the application did not indicate the applicant's strategy for drainage and that connection through the applicant's land to the foul sewer in Underhill

will be possible for the foul drainage from the proposed properties. Recommend that consideration is given to flood risk in accordance with the NPPF and the Environment Agency. There must be no surface water connection to the public foul sewer with drainage via SUDS or land drainage.

Area Engineer: Raised no objections. Noted that the disposal of surface water is to be via a re-opened drain.

Environmental Protection: No observations

Landscape Officer: The site lies outside the main curtilage of the village but lies alongside a small development node that is primarily residential. The application site is already characterised by built form, albeit these are structures that are not in a domestic use. The site is relatively discreet; consequently the visual effect of domestic development in this location need not be obtrusive. I note however that the proposed domestic footprint extends south into pasture land that is clearly not part of the retail footprint, to thus supplant agricultural land with hardstanding and potential construction. I see this erosion of the landscape pattern as an adverse impact upon the character of the locality and therefore grounds for a landscape objection. If the southern extent of the red line were redrawn to coincide with the historic field boundary, then from a landscape perspective there is a way forward for this proposal.

Ecology: No comments or recommendations

RSPB: No comments received

Planning Policy: The proposal is in a countryside location, but the applicant states it is within 800m of a primary school, pub, village hall, post office and shop. However, it is some distance from any development area and is therefore contrary to 'saved' Policy ST3, as well as Policy ST5 (bullet point 1), in the adopted Local Plan. The Council currently only has a housing land supply of 4 years 6 months (as at November 2013), and the National Planning Policy Framework (NPPF, para 49) states that housing supply policies should not be considered up to date if there is not a five year housing land supply, thereby invoking the presumption in favour of sustainable development (NPPF, para 14). However, a relevant recent appeal decision for the erection of two dwellings at Pitney (APP/R3325/A/12/2185708) does give Policy ST3 substantial, if not full, weight in that decision, as its emphasis on sustainability is consistent with the NPPF.

The NPPF (para 55) states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances – I do not consider the proposal delivers 'special circumstances'. The emerging Local Plan Policy SS2 outlines the limited circumstances under which development would be permitted at Rural Settlements but the proposal is detached from the settlement of Hambridge so, even if adopted as proposed, this policy would not be likely to apply.

It is noted that the proposal is on previously developed land which is encouraged (NPPF, para 111). However, the erection of two new dwellings in such an isolated location is contrary to the adopted Local Plan 'saved' Policies ST3 and ST5, and the NPPF (paragraphs 17 and 55). Therefore, I raise a planning policy objection.

REPRESENTATIONS

None.

CONSIDERATIONS

This application is seeking outline planning permission to erect two dwellings and to agree matters of access and landscaping. All other matters including appearance, layout and scale are reserved for later consideration.

The main issues in the consideration of this application are considered to be:

- The principle of development;
- Impact on local landscape and visual amenity;
- Residential amenity;
- Highway safety; and
- Flooding and drainage.

Principle:

It is acknowledged that the site is located beyond any defined development area, where residential development is normally strictly controlled by local and national planning policies. However mindful of the council's lack of a demonstrable 5 year housing land supply the application needs to be considered on its merit in terms whether this is a sustainable location for development, what benefits the development would bring to the local community and whether there are any site specific objections.

The application site is 0.33 hectare in area and includes the former Hambridge Fisheries site, which is considered to be previously used, and part of the adjoining greenfield agricultural land. It is within reasonable walking distant of the facilities and services that are available in Hambridge and the scheme does provide for rear access to a number properties.

It is noted that the Planning Policy officer has objected to this proposal, citing the detached form of the site from the main body of the village, its remoteness from any development areas and suggesting that its location is isolated and therefore contrary to paragraph 111 of the NPPF. Whilst it is accepted that the settlement of Hambridge does not have a development boundary there are a good range of facilities to be found within the village, including a village store and post office, primary school, village hall, public house and bus service, all of which are within a relatively easy walking distance. A pavement passes along the frontage of the site providing a pedestrian connection to these facilities.

Hambridge has a slightly dispersed development form with three principle nodes or clusters of built form arranged along the B3168. Whilst the application site forms part of the more peripheral node to the north its association with this existing cluster of houses and relatively close geographical association with the remainder of the village to the south makes it difficult to describe as being truly isolated in nature.

Further to this, the proposal offers an opportunity for the reuse of the brownfield part of the site and whilst ideally the site would not extend beyond the parameters of the previously reused land, in this instance the northern section of the site is located within flood zones 2 and 3 and therefore at high risk of flooding. Any new residential accommodation cannot, for obvious reasons, be located in such a high risk zone and the generous redline area will offer scope to ensure that this is not the case. The proposed residential use of this land will, arguably, be more compatible with the existing residential properties adjoining the site, than most alternative commercial uses.

The appeal decision referred to by the policy officer relates to a residential scheme in

Pitney which was refused on sustainability grounds and dismissed by the Inspector. This decision however is not considered to be directly comparable with the current application given that the village of Pitney has a much more limited range of facilities and services and no part of that site was brownfield.

The provision of rear vehicular access to properties on Underhill is considered to weigh favourably.

For the above reasons, the proposed modest scaled development is considered to accord with the objectives of sustainable development, as set out within the emerging local plan and the NPPF and to be, in principle acceptable.

Landscape impact and visual amenity:

The application site is already, in part, characterised by built form. Its position alongside the existing housing will maintain the relatively compact grouping of buildings within this existing development node without leading to the erosion of the physical separation between this group of buildings and the rest of the village to the south.

Visually the application site is relatively discreet with the topography of the land raised up alongside the road and gently tapering down into the site to the north where the dwellings should be little seen from the highway. The landscaping scheme proposes retaining the existing fruit trees, which are positioned between the road and the site, as well as the mature planting along the western boundary with the addition of further orchard trees, all of which will help to contain and screen the site from the surrounding area.

The landscape officer has not objected to the principle of new residential development on the fisheries site but does object to any incursion into the wider field and is therefore seeking that the site be amended accordingly. Whilst this point of view is understandable, as already noted above, the northern section of the fisheries land is within a high risk flood zone where vulnerable development, such as housing, should not be sited. In this instance, a more flexible approach is considered to be appropriate to facilitate the development.

Residential amenity:

The application site is positioned towards the rear of a row of existing cottages to the east, however, bearing in mind the relatively generous nature of the site there is no reason why a satisfactory layout and design could not be achieved that did not impact harmfully upon the amenities of these properties.

Highway safety:

The development proposes to utilise the existing access located in the southwest corner of the site and which leads on to a stretch of the B3168 that is subject to a 30mph speed restriction. The highway authority has referred to their standing advice which sets out a requirement for minimum visibility splays of 43m in either direction as measured 2.4m back from the carriageway edge and 3.5 parking spaces, plus turning for each dwelling. It is accepted that the existing access achieves this level of visibility and by reason of the generous nature of the site that parking requirement can be achieved. As this application is considered to raise no substantive highway safety concerns.

Drainage and flooding:

The northern section of the site is located within flood zones 2 and 3 with the raised land to the south, where it is suggested that the houses would be sited, in flood zone 1. A flood risk assessment has accompanied the application and the Environment Agency are satisfied with its findings that the proposed houses should not be at risk of flooding or

lead to increased flood risk elsewhere. The Environment Agency has raised no objection to the application subject to a condition relating to contamination, which is not considered to be unreasonable given the previous commercial use.

Both Wessex Water and the council's drainage engineer have queried what strategy the applicant intends for the drainage of the site stating this should be either by SUDS or land drainage. The applicant has confirmed that they intend to re-open a filled in ditch which connects to the river, which satisfies this concern.

On this basis the proposed development is not considered to raise any substantive drainage or flood related concerns.

Ecology:

The application site is within an RSPB consultation zone. The RSPB were consulted as part of this application but have offered no comments. The council's ecologist has also been consulted and identified no ecology related concerns.

Conclusion:

The proposed development, given its location close to local facilities and services and the council's current lack of a five-year housing land supply, is considered to represent a sustainable form of development that will make appropriate re-use of this partly brownfield site. No substantive adverse impacts on the landscape, visual amenity, residential amenity, drainage and flooding, ecology and highway safety have been identified that would justify withholding planning permission. For these reasons the proposed development is considered to accord with the aims and objectives of the National Planning Policy Framework and policies ST3, ST5, ST6, EC3, EC7, EC8, EP1, EP5, EU4 and TP4 of the South Somerset Local Plan and is recommended for approval.

RECOMMENDATION

Permission be granted

Justification

The proposed development, in this sustainable location, would contribute to the council's housing supply whilst making appropriate re-use of brownfield land without demonstrable harm to the local landscape, visual or residential amenity, drainage and flooding, ecology and highway safety, as such the proposed development is considered to accord with the aims and objectives of the National Planning Policy Framework and saved policies ST3, ST5, ST6, EC3, EC7, EC8, EP1, EP5, EU4 and TP4 of the South Somerset Local Plan.

SUBJECT TO THE FOLLOWING CONDITIONS:

01. Details of the appearance, layout and scale (herein called the "reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

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

02. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission and the development shall begin no later than three years from the date of this permission or not later than two years from the approval of the last "reserved matters" to be approved.

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

03. The development hereby permitted shall be carried out in accordance with the following approved plans location plan and drawing numbered BH-OPP01 Rev A received 11/11/2014.

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

04. The development hereby permitted shall comprise no more than 2 dwellings.

Reason: To ensure that the level and density of development is appropriate to the location in accordance with policies ST5, ST6 and EC3 of the South Somerset Local Plan.

05. The development hereby permitted shall not be commenced unless 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. The landscaping scheme shall be in accordance with drawing number BH-OPP01 Rev A. 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 interest of visual amenity to accord with Policies ST5, ST6 and EC3 of the South Somerset Local Plan.

06. Before the development hereby permitted is commenced, foul and surface water drainage details to serve the development, shall be submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: In the interests of environmental health and flooding to accord with Policies EU4 and ST5 of the South Somerset Local Plan.

07. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To safeguard against contamination and in the interests of environmental health to accord with Policies EP5 and ST5 of the South Somerset Local Plan.

08. 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), the retained buildings shall not be used other than for domestic purposes ancillary to the residential use of the development hereby permitted.

Reason: In the interest of residential amenity to accord with Policy ST6 of the South Somerset Local Plan.

09. No works shall be carried out unless the existing buildings have been demolished in accordance with drawing number BH-OPP01 Rev A.

Reason: In the interest of visual amenity to accord with Policy ST6 of the South Somerset Local Plan.

10. There shall be no obstruction to visibility greater than 600mm above adjoining road level forward of a line drawn 2.4m back and parallel to the nearside carriageway edge on the centre line of the new accesses and extending to a point 43m either side of the accesses to the nearside carriageway edge. Such visibility shall be fully provided and shall thereafter be maintained at all times.

Reason: In the interest of highway safety to accord with Policy ST5 of the South Somerset Local Plan.

11. The Development hereby permitted shall not be commenced unless a scheme providing an appropriate level of parking in line with the SCC parking strategy March 2012 (including properly consolidated and surfaced turning spaces for vehicles) have been provided and constructed within the site in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such parking and turning spaces shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of the provision of adequate parking to serve the development in accordance with the Somerset Parking Strategy 2012 and Policy ST5 of the South Somerset Local Plan.

12. No development hereby approved shall be commenced until such time as details of the provision of access to the rear of properties in Underhill, generally in accordance with drawing BH-OPP01, has been submitted to and approved in writing by the local planning authority. Once approved such scheme shall be fully implemented and the access(es) made available for use by the occupiers of the properties in Underhill, prior to the occupation of the dwellings hereby approved.

Reason: In the interests of residential amenity and the amenities of the locality in accordance with policies ST5 and ST6 of the South Somerset local Plan.

Informatives:

01. Please be advised of the comments set out within the Environment Agency's letter dated 23/12/2013.

Area North Committee – 29 January 2014

Officer Report On Planning Application: 13/04548/S73A

Proposal :	Application to vary condition 2 of planning permission 12/01461/FUL for the substitution of approved plans 3098/PL/01, 3098/PL/02 and 3098/PL/03 with revised plan F1158_101d for alterations to opening on the south west elevation and the installation of roof lights on the rear elevation (GR: 347007/125284)
Site Address:	Land Off Cross Lane, Long Sutton, Langport.
Parish:	Long Sutton
TURN HILL Ward (SSDC Member)	Cllr Shane Pledger
Recommending Case Officer:	Alex Skidmore Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
Target date :	7th January 2014
Applicant :	Mr Shane Pledger
Agent: (no agent if blank)	Della Valle Architects Ltd (FAO: Mr Joe Edwards), Lake View, The Maltings, Charlton Estate, Shepton Mallet BA4 5QE
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO AREA NORTH COMMITTEE

The applicant is an elected councillor of this council.

SITE DESCRIPTION AND PROPOSAL





This application is seeking to vary condition 2 of planning permission 12/01461/FUL, which related to the erection of a detached two-storey dwelling. The proposed variation is seeking to amend the approved plans to incorporate rooflights within the rear roof slope and to widen a doorway at ground floor level within the southwest elevation.

The application site is a small parcel of agricultural land that is located beyond any development area and within a designated conservation area and is adjacent to a Grade I listed church and Grade II* and Grade II listed buildings at Manor Farm to the south. The site is also within an area of high archaeological importance.

Access to the site is via a private road leading off Cross Lane to the north which is shared with the residential development at Manor Farm to the south. A public footpath passes close to the rear boundary of the site.

The shell of the approved dwelling is now substantially complete.

HISTORY

12/01461/FUL: Erection of a detached dwelling and associated access. Permitted.

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.

The development plan comprises the South Somerset Local Plan and the policies of most relevance to the proposal are:

ST3 - Development Areas
 ST5 - General Principles of Development
 ST6 - The Quality of Development
 EH1 - Conservation Areas
 EH5 - Development Proposals Affecting the Setting of Listed Buildings
 EC3 - Landscape Character
 TP7 - Parking Provision in Residential Areas

National Planning Policy Framework:

Part 4 - Promoting sustainable transport
 Part 6 – Delivering a wide choice of high quality homes
 Part 7 - Requiring good design
 Part 10 - Meeting the challenge of climate change, flooding and coastal change
 Part 11 - Conserving and enhancing the natural environment
 Part 12 - Conserving and enhancing the historic environment

CONSULTATIONS

Long Sutton Parish Council: Support the application

County Highway: No observations

Conservation: No objection. I have viewed this site from the public footpath and note the adjacent barn conversions have roof lights. The roof lights are grouped into three groups and ideally the double roof lights should be butted together, otherwise I have no objections, provided the roof lights are top hung.

English Heritage: The application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

REPRESENTATIONS

Written representations have been received from one local resident objecting for the following reason:

- *Whilst the design and character of the build is good its size is not. The house already breaks the skyline, is disproportionately larger than neighbouring properties, obscures our view of the church and levels and is out of proportion with the plot. Roof lights will enhance the oversize nature of this property. A tithe barn would never have been so tall and would certainly not have skylights or have been located on an elevated site. Originally plans for a single storey building were rejected twice over, there is no need for this to be a three-storey building. We therefore object to this further expansion of an already oversized property.*

CONSIDERATIONS

This application is seeking to vary condition 2 of extant planning consent 12/01461/FUL

(approved by Area North Committee in June 2012) which relates to the erection of a two-storey, detached dwelling. The current application seeks to amend the design of the dwelling to include roof lights within the rear roof slope and widening of an external doorway within the south elevation.

Principle:

The principle of a two-storey dwelling on this site has already been established through the previous extant permission, as such this is not a matter for consideration under the revised application.

Impact on visual amenity and the historic environment:

The application site lies immediately to the east of Holy Trinity Church, a Grade I listed building, with the Grade II* and Grade II listed buildings of Manor Farm to the south and is located within a conservation area.

A local resident has objected to this application raising concerns in relation to the scale of the building which they feel is disproportionately large and that the roof lights will draw further attention to this. They have further noted that a tithe barn would not have had skylights and that there is no need for a three-storey building.

Firstly it should be noted that the size, form and position of the proposed dwelling will remain unaltered from that already approved. In terms of the amendments sought through this revised application, their overall scale is considered to be very modest and to have a very limited impact upon the character and quality of the approved scheme. As noted, the design of the house is intended to reflect the characteristics of a tithe barn and the rear elevation when viewed from the field to the east is seen in the context of both the listed church to the front and the listed barn conversion scheme to the south (Manor Farm). It is noted that there are a number of sky lights within the field facing roof slopes of the neighbouring barn conversions and it is the Conservation Officer's opinion that the addition of conservation style sky lights within the application building will not appear at odds with this context. With regard to the amended door opening within the southwest elevation, this will be little seen other than from the shared access track to the front.

The Conservation Officer has requested that the roof lights be top hung, whilst the applicant is seeking central pivot opening lights. It is not considered that the central pivot lights compared to the more traditional top hung style are so unacceptable as to be a reason to refuse this application.

For these reasons this revised scheme is not considered to lead to any additional harm to the setting of the surrounding conservation area or adjacent listed buildings and overall it is acceptable visually.

Impact upon residential amenity:

Neither the proposed sky lights or the widened doorway within the southwest elevation will cause any new demonstrable harm to neighbour amenity, bearing in mind the sky lights face on to the adjoining agricultural field to the rear and the doorway is at ground floor level.

Access, parking and highway safety:

The access and parking arrangements are unaltered to that agreed under the previous scheme, with on-site parking for up to four cars which accords with the highway authority's parking strategy. As such this revised proposal is not considered to raise any highway safety concerns.

Conclusion:

For the reasons set out above, this revised scheme when considered against that already approved will not detract any further from the historic setting of the surrounding conservation area and listed buildings, will not lead to any new significant residential amenity issues or highway safety concerns and is considered to accord with the aims and objectives of the NPPF and Policies ST5, ST6, EH1 and EH5 of the South Somerset Local Plan. The application is therefore recommended for approval.

RECOMMENDATION

Permission be granted.

The proposed dwelling would not result in the loss of an important open space and would not be prejudicial to the setting of, and views to and from, the grade 1 listed church. The layout and design of the development would not be at odds with the pattern of local development. The proposal would not constitute unsustainable development and as such complies with the saved policies of the South Somerset Local Plan and the policies set out in the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING CONDITION(S):

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans drawing number 3098_04 received 18/04/2012 and drawing number F1158_101d received 12/11/2013.

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

03. No works shall be carried out unless particulars of following have been submitted to and approved in writing by the Local Planning Authority;

- a) materials (including the provision of samples where appropriate) to be used for external walls and roofs and supported by a sample panel of the natural stone walls indicating the coursing, bonding, mortar profile, colour, and texture;
- b) recessing, material and external finish to be used for all external windows;
- c) material and external finish to be used for all external doors and lintels;
- d) details of all eaves/fascia board detailing, non-plastic guttering and downpipes and other rainwater goods;
- e) details of all external flues and vents;
- f) details of the surface material for the parking and turning area; and
- g) details of all boundary treatment.

Reason: To safeguard the character of the conservation area to accord with Policy EH1 of the South Somerset Local Plan.

04. The development hereby permitted shall not be commenced unless details of the internal ground floor levels of the building to be erected on the site have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the character of the conservation area to accord with Policy EH1 of the South Somerset Local Plan.

05. The development hereby permitted shall not be commenced unless 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: To safeguard the character of the conservation area to accord with Policy EH1 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), there shall be no extensions to and no additional windows, including dormer windows, or other openings (including doors) formed in the dwelling hereby permitted, or other external alteration made without the prior express grant of planning permission.

Reason: To safeguard the character of the conservation area and in the interests of residential amenity to accord with Policies EH1 and ST6 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), no sheds, garages or other outbuildings, shall be erected without the express grant of planning permission.

Reason: To safeguard the character of the conservation area and in the interests of residential amenity to accord with Policies EH1 and ST6 of the South Somerset Local Plan.
