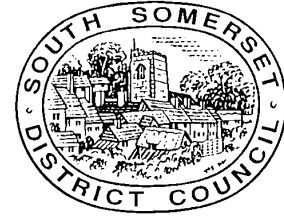


South Somerset District Council

Notice of Meeting



Area North Committee

Making a difference where it counts

Wednesday 28th October 2015

2.00 pm

**Edgar Hall
Cary Court
Somerton Business Park
Somerton TA11 6SB**

(Disabled access is available at this meeting venue)



Members listed on the following page are requested to attend the meeting.

The public and press are welcome to attend.

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

If you would like any further information on the items to be discussed, please ring the Agenda Co-ordinator, **Becky Sanders, Democratic Services Officer 01935 462596**, website: www.southsomerset.gov.uk

This Agenda was issued on Tuesday 20 October 2015.

Ian Clarke, Assistant Director (Legal & Corporate Services)

This information is also available on our website
www.southsomerset.gov.uk



INVESTORS IN PEOPLE

Area North Committee Membership

Clare Aparicio Paul
Neil Bloomfield
Adam Dance
Graham Middleton
Tiffany Osborne

Stephen Page
Shane Pledger
Crispin Raikes
Jo Roundell Greene
Dean Ruddle

Sylvia Seal
Sue Steele
Derek Yeomans

South Somerset District Council – Council Plan

Our focuses are: (all equal)

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

Scrutiny procedure rules

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

Consideration of planning applications

Consideration of planning applications for this month's meeting will commence no earlier than 2.00pm, following a short break, in the order shown on the planning applications schedule. The public and representatives of parish/town councils will be invited to speak on the individual planning applications at the time they are considered. Anyone wishing to raise matters in relation to other items on the agenda may do so at the time the item is considered.

Highways

A representative from the Area Highways Office will normally attend Area North Committee quarterly in February, May, August and November – they will be usually be available from 15 minutes before the meeting to answer questions and take comments from members of the Committee. Alternatively, they can be contacted through Somerset County Council on 0300 123 2224.

Members questions on reports prior to the meeting

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

Information for the Public

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

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

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

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

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

Agendas and minutes of area committees are published on the council’s website www.southsomerset.gov.uk/councillors-and-democracy/meetings-and-decisions

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

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

Public participation at committees

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

Public question time

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

Planning applications

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

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

At the committee chairman's discretion, members of the public are permitted to speak for up to three minutes each and where there are a number of persons wishing to speak they should be encouraged to choose one spokesperson to speak either for the applicant or on behalf of any supporters or objectors to the application. The total period allowed for such participation on each application shall not normally exceed 15 minutes.

The order of speaking on planning items will be:

- Town or Parish Council Spokesperson
- Objectors
- Supporters
- Applicant and/or Agent
- District Council Ward Member

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

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

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

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

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

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

Area North Committee

Wednesday 28 October 2015

Agenda

Preliminary Items

1. Minutes

To approve as a correct record the minutes of the previous meeting held on 23 September 2015.

2. Apologies for absence

3. Declarations of Interest

In accordance with the Council's current Code of Conduct (adopted July 2012), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the Agenda for this meeting. A DPI is defined in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2112 (SI 2012 No. 1464) and Appendix 3 of the Council's Code of Conduct. A personal interest is defined in paragraph 2.8 of the Code and a prejudicial interest is defined in paragraph 2.9.

Members are reminded that they need to declare the fact that they are also a member of a County, Town or Parish Council as a Personal Interest. As a result of the change made to the Code of Conduct by this Council at its meeting on 15th May 2014, where you are also a member of Somerset County Council and/or a Town or Parish Council within South Somerset you must declare a prejudicial interest in any business on the agenda where there is a financial benefit or gain or advantage to Somerset County Council and/or a Town or Parish Council which would be at the cost or to the financial disadvantage of South Somerset District Council. If you have a prejudicial interest you must comply with paragraphs 2.9(b) and 2.9(c) of the Code.

In the interests of complete transparency, Members of the County Council, who are not also members of this committee, are encouraged to declare any interests they may have in any matters being discussed even though they may not be under any obligation to do so under any relevant code of conduct.

Planning Applications Referred to the Regulation Committee

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

Councillors Clare Aparicio Paul, Shane Pledger, Dean Ruddle and Sylvia Seal.

Where planning applications are referred by this Committee to the Regulation Committee for determination, in accordance with the Council's Code of Practice on Planning, Members of the Regulation Committee can participate and vote on these items at the Area Committee and at Regulation Committee. In these cases the Council's decision-making process is not complete until the application is determined by the Regulation Committee. Members of the Regulation Committee retain an open mind and will not

finalise their position until the Regulation Committee. They will also consider the matter at Regulation Committee as Members of that Committee and not as representatives of the Area Committee.

4. Date of next meeting

Councillors are requested to note that the next Area North Committee meeting is scheduled to be held at 2.00pm on **Wednesday 25 November 2015** at the **Millennium Hall, Seavington (to be confirmed)**.

5. Public question time

6. Chairman's announcements

7. Reports from members

Items for Discussion

8. Performance of the Streetscene Service (Pages 9 - 12)

9. Area North Committee Forward Plan (Pages 13 - 15)

10. Planning Appeals (Pages 16 - 27)

11. Schedule of Planning Applications to be Determined By Committee (Pages 28 - 29)

12. Planning Application 15/03472/S73A - Land Adjacent Acre Cottage, Stoney Lane, Curry Rivel. (Pages 30 - 36)

13. Planning Application 15/02934/FUL - Fairview Farm. Law Lane, Drayton. (Pages 37 - 42)

14. Planning Application 15/03045/FUL - Sunnyside Park, Fivehead. (Pages 43 - 52)

15. Planning Application 15/03660/LBC - Kingsbury Manor Cottage, Folly Road, Kingsbury Episcopi. (Pages 53 - 57)

16. Planning Application 15/03399/FUL - 18 Barton Close, Bower Hinton, Martock. (Pages 58 - 67)

17. Planning Application 15/00986/FUL - Land South of Greystones, Off Crouds Lane, Long Sutton. (Pages 68 - 79)

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

This does not apply to decisions taken on planning applications.

Recording and photography at council meetings

Recording of council meetings is permitted, however anyone wishing to do so should let the Chairperson of the meeting know prior to the start of the meeting. The recording should be overt and clearly visible to anyone at the meeting, but non-disruptive. If someone is recording the meeting, the Chairman will make an announcement at the beginning of the meeting.

Any member of the public has the right not to be recorded. If anyone making public representation does not wish to be recorded they must let the Chairperson know.

The full 'Policy on Audio/Visual Recording and Photography at Council Meetings' can be viewed online at:

<http://modgov.southsomerset.gov.uk/documents/s3327/Policy%20on%20the%20recording%20of%20council%20meetings.pdf>

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Agenda Item 8

Performance of the Streetscene Service

Strategic Director: Vega Sturgess, Operations and Customer Focus
Assistant Director: Laurence Willis, Environment
Lead Officer: Chris Cooper, Streetscene Manager
Contact Details: chris.cooper@southsomerset.gov.uk or (01935) 462840

Purpose of the Report

To update and inform the Area North Committee on the performance of the Streetscene Service in the Area for the period April 2015 – September 2015.

Recommendation

Members are invited to comment on the report.

Report

The major focuses of the service so far for this period that affect Area North, are listed below.

- Routine cleansing and grounds maintenance
- Highway weed control

Operational Works

As usual the main focus of the service has been the delivery of routine street cleansing and grounds maintenance across the Area. One area of work that has received on-going focus has been the highway weed killing operation. The services' quad bikes are now operating and have completed one full application of herbicide across the district and are well underway with the second spray, in line with the annual work program. This change to the service has not only made the operation more efficient, but has made a visible difference to the look of the district. Some species of plants are showing resilience against the herbicide used and we are tasking out teams with manual removal of these. You may notice these growing in road drains and certain kerbsides, and without changing the chemicals that we use, we have no other practical way of removing these.

In association with these approaches, we are fitting weed removal brushes onto the road sweepers which will focus on removal of soil & weeds that have built up on kerbed areas of the roads around the Area. We aim to have made a notable impression into this work plan before the winter weather arrives.

Our partnership approach to working with Martock & Somerton using the services pavement sweepers continues and again I give my thanks to all of those involved in making this a success. Since the last report, we have replaced the older pavement sweepers with newer models and these are being deployed across the district. In order to maximise the use of this equipment we are looking to reorganise our staffing of the service in order to obtain the best standard of cleansing possible using our current resources.

As normal, we have continued to focus on managing the number of flytips found in the district and we are pleased to observe that the number of flytips this year for the period April to

August is 108 incidents; this compares to 118 for the same period in 2014 showing an 8.5% reduction in fly tipping incidents.

The chart below shows the numbers of fly tips collected from Area North over the year.

AREA NORTH:	Apr-15	May-15	Jun-15	Jul-15	Aug-15	TOTALS
Aller		1				1
Ash						0
Barrington						0
Beercrocombe						0
Bower Hinton						0
Chilthorne Domer	1					1
Compton Dundon	1	1				2
Curry Mallet	1	1	3	2		7
Curry Rivel	1	4				5
Drayton			1	1		2
Fivehead		3		3	1	7
Hambridge & Westport				2	1	3
High Ham			1			1
Huish Episcopi				1	2	3
Ilton					1	1
Isle Abbotts	1		1			2
Isle Brewers						0
Kingsbury Episcopi	2		2		2	6
Langport		1				1
Long Load				2		2
Long Sutton				1		1
Lopen						0
Martock	3	2		2	4	11
Montacute	1	2	6	2		11
Muchelney						0
Norton Sub Hamdon	1					1
Pitney						0
Puckington						0
Seavington		1		2	1	4
Shepton Beauchamp						0
Somerton	1	1	1	1	1	5
South Petherton	3	1	4	3	8	19
Stocklinch						0
Stoke Sub Hamdon				1		1
Tintinhull	1		2	2	6	11
TOTAL AREA NORTH	17	18	21	25	27	108

We believe that our approach toward clearing flytips as soon as they are found or reported, while working to maintain the area in the cleanest possible manner is deterring people from

dumping their waste which reflects in these figures. We will of course monitor this trend to see if this pattern continues to improve.

Our horticultural teams completed last years work schedule and are now well underway with this seasons work. In our annual work program we have so far delivered:

- 13 of the programmed 16 grass cuts on most grassland and 8 of the programmed 11 cuts of highway verges.
- 3 of the programmed 5 applications of herbicide on planted areas
- 1 of the 2 applications of herbicide on designated hard surfaced areas
- The first (and major) of the 1 or 2 hedge cuts per year
- We have started the second of the 3 pruning operations that we carry out throughout the year

Annual maintenance of small trees is undertaken during the winter period.

We are on target to deliver the routine weekly clearance of flood screens. The annual ditch maintenance operations on SSDC controlled flood alleviation schemes is programmed to commence in the w/c 2nd November 2015. Plus - Other non-routine works and arboricultural works are being programmed as part of our winter work program.

We are holding a number of spring flowering bulbs for naturalising that are available to parishes, these have previously been planted by local groups of volunteers. Should members wish to access these plants, please contact our Principle Horticultural Officer – Steve Fox who will be happy to work with you on this matter.

The team has continued to develop the pond at St Cleers in Somerton, following the dredging of the silt and the removal of some reed mace, we appointed a specialist aqua-care specialist to install native marginal and aquatic planting. Over the winter period we aim to replant the surrounding landscape area with a mixture of suitable plant species. This will at a later date, budget allowing, install interpretation boards detailing the wildlife around the pond, the plant species growing and install benches for visitors to use while they enjoy the area.

During the summer, the service completed the maintenance of Public Rights of Way on behalf of the County Councils work program. We will review this contract on an annual basis and tender for the work if we feel it is appropriate for the service and beneficial for the council.

In addition to these areas of service, the officer team has submitted a capital bid for the coming year to seek funding to improve paths and access through open spaces in order to improve accessibility. We will keep members informed of developments regarding this matter.

What's coming next?

- Winter work programs shrub bed maintenance, ditch clearance
- Ongoing developments to the cleaning systems along the main roads and A303 in particular
- Completion of the years highway weed control program

Financial Implications

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

Implications for Council Priorities

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

Background Papers

Progress report to Area Committees on the Performance of the Streetscene [Service](#).

Agenda Item 9

Area North Committee – Forward Plan

Strategic Director: Rina Singh, Place and Performance
Assistant Directors: Helen Rutter & Kim Close, Communities
Service Manager: Charlotte Jones, Area Development (North)
Lead Officer: Becky Sanders, Committee Administrator
Contact Details: becky.sanders@southsomerset.gov.uk or (01935) 462596

Purpose of the Report

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

Public Interest

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

Recommendation

Members are asked to:

Note and comment upon the Area North Committee Forward Plan as attached, and identify priorities for further reports to be added to the Area North Committee Forward Plan.

Area North Committee Forward Plan

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

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

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

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

Background Papers: None

Area North Committee Forward Plan

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

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

Meeting Date	Agenda Item	Background / Purpose	Lead Officer(s) SSDC unless stated otherwise
25 Nov '15	Presentation about Careline and the Welfare Benefit Service	Presentation about Careline to raise awareness of the service, and an update about the Welfare Benefit Service.	Alice Knight, Welfare and Careline Manager
25 Nov '15	Citizens Advice South Somerset	Presentation to provide an update about the work of the Citizens Advice Service in South Somerset.	David Crisfield, Third Sector and Partnerships Manager, and a representative from South Somerset CAB.
16 Dec '15	Community Offices	Update report about SSDC Community Offices	Lisa Davis, Community Office Support Manager
16 Dec '15	Neighbourhood Policing – Area North	An overview of local crime and community safety priorities	Sgt Dean Hamilton – Area North Neighbourhood Policing team
16 Dec '15	Licensing Service	Update report on the Licensing Service.	Nigel Marston, Licensing Manager
27 Jan '16	Affordable Housing Programme – Area North	Update report on affordable housing in Area North.	Colin McDonald, Corporate Strategic Housing Manager

<i>TBC</i>	<i>Area North – Historic Buildings at Risk</i>	<i>An update report on the Council's Historic Buildings at Risk Register</i>	<i>Adron Duckworth, Conservation Manager</i>
<i>TBC</i>	<i>Conservation – service update</i>	<i>A service report from the SSDC Conservation team.</i>	<i>Adron Duckworth, Conservation Manager</i>
<i>TBC</i>	<i>Endorsement of Community led Plans</i>	<i>Curry Rivel Parish Plan South Petherton Parish Plan and Neighbourhood Plan</i>	<i>Charlotte Jones, Area Development Manager (North)</i>
<i>TBC</i>	<i>Countryside Service</i>	<i>Update report on the work of the Countryside Service</i>	<i>Katy Menday, Countryside Manager</i>

Agenda Item 10

Planning Appeals

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

Purpose of the Report

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

Public Interest

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

Recommendation

That members comment upon and note the report.

Appeals Lodged

15/00203/PAMB – Poole Farm, Long Street, High Ham.
Prior approval for the change of use of agricultural building to dwellinghouse.

Appeals Dismissed

None

Appeals Allowed

14/03154/FUL – Land north of Stanchester Way, Curry Rivel.
Residential development of 30 dwellings.

The Inspector's decision letter is shown on the following pages.

Appeal Decision

Site visit made on 7 September 2015

by Thomas Shields MA DipURP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 01 October 2015

Appeal Ref: APP/R3325/W/15/3018532

Land north of Stanchester Way, Curry Rivel, Somerset

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Richard Mead (Summerfield Developments SW) against the decision of South Somerset District Council.
 - The application Ref 14/03154/FUL, dated 14 July 2014, was refused by notice dated 6 March 2015.
 - The development proposed is residential development of 30 dwellings.
-

Decision

1. The appeal is allowed and planning permission is granted for residential development of 30 dwellings at land north of Stanchester Way, Curry Rivel, Somerset in accordance with the terms of the application, Ref 14/03154/FUL, dated 14 July 2014, subject to the schedule of conditions attached to this decision.

Application for Costs

2. An application for costs was made by Mr Richard Mead (Summerfield Developments SW) against South Somerset District Council. This application is the subject of a separate Decision.

Procedural Matters

3. The planning application submitted to the Council referred to the site location as '*land at Maple Road*'. Subsequently it has been referred to by both parties as '*land north of Stanchester Way*'. It is clear from the submitted plans and from my visit to the appeal site that both references relate to the same site.
4. Following the Council's determination of the application the Council formally adopted the South Somerset Local Plan (2015) (LP). Consequently, the saved policies of the earlier South Somerset Local Plan (2006), referred to in the Council's refusal reasons, are no longer applicable to this appeal and I have not taken them into account. LP Policies SD1, SS2, EQ1 and EQ2, referred to in the refusal reasons as emerging policies, now form part of the statutory Development Plan. I have therefore given full weight to them in reaching my decision.
5. During the appeal process the Council confirmed in writing that it was no longer able to demonstrate a 5 year supply of deliverable housing sites. I return to this matter later.

Main Issues

6. The main issues in this appeal are the effect of the proposed development on the character and appearance of the area, and whether there would be adequate provision for surface water drainage.

Reasons

Character and appearance

7. The appeal site is part of a larger area of arable farmland towards the north of Curry Rivel, a village identified in the adopted LP as a Rural Settlement.
8. Existing residential development surrounds the appeal site; to the north along Dyers Road; to the east beyond the adjacent open land along Stanchester Way; and to the south along Stanchester Way and Maple Road. A pedestrian footpath and drainage ditch runs along the western boundary of the site. An orchard lies further distant to the west beyond the remaining open land.
9. The proposed development would provide a mixture of 30 one, two and three bedroom dwellings with an area of public open space. The main access is proposed to be taken from Maple Road. The existing footpath along the western boundary would remain and pedestrian and cycle access would also link to Dyers Road.
10. I acknowledge that the current open agricultural appearance of the wider area of land in which the appeal site sits provides a visual link to the open countryside beyond and is of local value in this regard. However, from the various views I was able to take from the surrounding area I saw that the proposed development would be seen mainly in the context of the existing residential development along Dyers Road and the more built up residential area along Stanchester Way.
11. The Council refer to pressure for further development if the appeal were allowed. I accept that allowing the appeal could be a material consideration in respect of any future proposals for the remaining land to the east and west. However, I am unaware of any such existing proposals, and in any event each proposal must be considered on its own merit, as is the case here. Accordingly, I attach only limited weight to this matter.
12. With regard to siting, I conclude that some limited harm would result from the loss of the open land. However, the proposed development would for the most part be seen against existing residential development on three sides. The implementation of appropriate landscaping and boundary treatment, to include retention of existing features where possible, could be secured by a planning condition. It would soften and further integrate the site into its contextual surroundings. As such, the siting of the proposal would not result in any significant harm to the character and appearance of the area.
13. In respect of design, the appellant's undisputed evidence is that the Council has no adopted standards for private amenity space or housing densities. From the evidence before me, and also from what I was able to see at the time of my visit to the appeal site and the surrounding area, I consider that there is no strongly defined overall pattern in terms of housing density or private amenity space. Having regard to the proposed layout, particularly in respect of the quantum of housing relative to the site area, and the amenity space for

each type of dwelling proposed, I find that the scale and design of the proposed development would sit comfortably with the existing residential development in the area. Appropriate and sufficient amenity space would provide adequate living conditions for future occupiers. Consequently, the design of the proposed development would not result in any significant harm to the character and appearance of the area.

14. Given my reasons above, I conclude on the first main issue that in accordance with LP Policy EQ2 the proposed development would preserve the character and appearance of the district.

Drainage

15. There is no dispute that the appeal site lies within Flood Zone 1 on the Environment Agency's (EA) flood risk maps, categorised as land having the lowest risk of flooding.
16. The application for the proposed development was supported by a Flood Risk Assessment¹ (FRA) including a strategy for a Sustainable Drainage System, later supplemented with further detailed information.
17. Written and photographic evidence of past flooding in Curry Rivel has been submitted from local residents, highlighting their concerns that the proposed development of the site would exacerbate flooding problems in the wider area. Reference is made to flows from the north of the site and also downstream from the proposal.
18. With regard to this matter, part of the appellant's evidence is that the fluvial channel north of Dyers Road (outside of the appeal site) is shallow and enters a culvert beneath Dyers Road which is either exceeded or prone to blockages. This results in excess water exiting the channel and flowing across the highway surface affecting properties on Dyers Road. Also, flows from this source that enter the appeal site drain to the drainage ditch along the western boundary of the appeal site. With regard to past events around Parsonage Place, the EA's Risk of Flooding from Surface Water Map identifies an overland flow route adjacent to Parsonage Place which affects the A378 and nearby properties. Also, it is clear from the photographic evidence that the culvert under the A378 exceeds capacity causing water to flow over the top of the channel banks adjacent to parsonage place. None of this evidence is disputed by the Council.
19. While I understand the concerns of local residents, the duty on the appellant is not to solve the existing problems, but rather it is to demonstrate that the proposed development would not increase the risk of flooding elsewhere.
20. The drainage strategy proposes to utilise the existing drainage channel along the western boundary of the appeal site. Prior to entering the ditch, water from the north of the site would be collected by pipework and directed to oversized pipes which would attenuate the flow into the attenuation pond in the south-west corner of the site. Water flowing into the ditch from the southern half of the site would be managed by draining to an underground geo-cellular storage system before flowing into the attenuation pond. The stored surface water in the pond would flow into the drainage ditch utilising a hydrobrake at a maximum rate of 3.7l/sec during a 1 in 100 year flood event.

¹ Flood Risk Assessment, RMA Environmental, 30 October 2014

21. Prior to the Council determining the application the FRA was supplemented with further detailed information, including the depth and storage volume of the proposed attenuation pond, the capacity of the proposed underground storage areas, and the effect of the proposal on flooding and drainage off site. The information was referred to in the officer report to the Area North Committee². It concluded that the proposed drainage strategy would be able to adequately address surface water flows and attenuate surface water drainage such that it would achieve a betterment over the existing green field run-off rate.
22. While I note the concerns of the Council set out in its statement of case, together with the concerns of local people set out in the representations I have received, I can find no inaccuracies or fault in the methodology or conclusions of the FRA and the proposed drainage strategy. Moreover, there is no objection to the proposal on these grounds from the Council's drainage engineer, or indeed from the EA who are the relevant experts and statutory consulting body in respect of such matters.
23. On the balance of the evidence before me I conclude that the proposed development, subject to the implementation of appropriate drainage, would not result in any significant increase in flood risk. Rather, it would lead to a decrease in the likelihood of off-site flooding in accordance with paragraph 103 of the National Planning Policy Framework (2012) (the Framework) which requires that local planning authorities to ensure that flood risk is not increased elsewhere. It would also accord with LP Policy EQ1 which, amongst other matters, requires development proposals to reduce and manage the impact of flood risk by incorporating Sustainable Drainage Systems.

Other Matters

24. Other concerns raised by local residents relate to the following matters: traffic generation, parking provision and highway safety, safety of children using the play area and in respect of the attenuation pond, ecological impacts, foul sewerage capacity, the adequacy of local infrastructure, services and facilities, and noise and disturbance during construction. Some of these matters can be controlled by planning conditions. Moreover, they were identified and considered in detail by the Council who did not consider they amounted to reasons to justify withholding planning permission. Subject to the imposition of appropriate planning conditions, I see no compelling reason to take a different view.

Unilateral undertaking

25. Regulation 122 of the Community Infrastructure Regulations (2010) (CIL) and paragraph 204 of the Framework require that planning obligations should only be sought where they meet the following tests: that they are necessary to make the development acceptable in planning terms; they are directly related to the development; and they are fairly and reasonably related in scale and kind to the development.
26. LP Policy SS6 sets out the Council's overarching objective of delivering infrastructure (or requiring contributions towards their provision) while LP Policies HW1, HW2 and HW3 support the requirements for the various types of infrastructure.

² Update Report to Committee, 25 February 2015

27. A planning obligation in the form of a unilateral undertaking (UU) has been submitted by the appellant. It would ensure that 10 of the proposed 30 dwellings would be provided as affordable housing, in accordance with national and local planning policy requirements to address local housing need. It would also ensure the provision and implementation of a management and maintenance scheme for the flood attenuation pond. In accordance with LP Policy HW1 it would also provide for an extension to the existing adjacent children's play area and its transfer to the Council, together with contributions of £24,193 and £13,974 towards the provision of play equipment and long term maintenance.
28. Given the identified need for affordable housing provision, the need for long term management and maintenance of the flood attenuation pond, and the likely increase in child occupiers and demand for locally equipped areas of play, I consider that the above elements of the UU are evidently justified and meet the relevant legal and policy tests I have previously set out. I have therefore taken these elements of the UU into account in reaching my decision.
29. Other provisions in the UU include the following financial contributions: £4,750 and £1,756 towards enhancing and maintenance of youth facilities at Westfield Recreation ground; £23,727 and £1,909 towards enhancing changing room facilities; £45,419 towards either enhancing the existing community hall or providing a new community hall; and £5,392 towards the development of an indoor swimming pool in the Langport/Huish Episcopi area.
30. With regard to these facilities I note the supporting text³ to Policy SS6 states that the Council will use its Infrastructure Delivery Plan (IDP) and regular monitoring of infrastructure capacity to understand the required infrastructure. However, the IDP and monitoring information does not form part of the Council's evidence. A consultation response from the Council's Leisure Policy Co-ordinator has been provided but provides only limited information in terms of apparent deficiencies in provision. In the absence of detailed evidence, including in the form of planned and costed proposals for the facilities, and how the level of contributions sought were calculated, I am unable to conclude that these contributions directly relate to the development or that they fairly and reasonably relate to the development in scale and kind. Hence I am unable to conclude that they are necessary to make the development acceptable in planning terms.
31. To conclude, the contributions detailed at paragraph 29 above do not meet the relevant legal and policy tests set out at CIL Regulation 122 and paragraph 204 of the Framework. I have not therefore given these elements of the UU any weight in reaching my decision.

Planning balance

32. The Council is unable to demonstrate a 5 year supply of deliverable housing sites. In such circumstances paragraph 49 of the Framework states that relevant policies for the supply of housing should not be considered as being up-to-date, and the presumption in favour of sustainable development at paragraph 14 of the Framework is engaged.

³ LP Paragraphs 5.69 – 5.78

33. For decision-taking, this means approving development proposals that accord with the development plan without delay and, where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. LP Policy SD1 closely reflects this approach to decision making.
34. The Framework (paragraphs 7 and 8) sets out 3 inter-linked dimensions and roles for sustainable development; social, economic and environmental, which should not be undertaken in isolation because they are mutually dependent.
35. In social terms I note the strength of local opposition to the proposal, together with the Council's indicated conflict in this regard with LP Policy SS2. However, I give greater weight to the Framework and LP Policy SD1 as set out above. The proposal would provide 30 new dwellings, 10 of which would be available as affordable housing, at a time when there is currently an under-supply of market and affordable housing in the District. I consider this to be a substantial social benefit to which I attach significant weight. It would also provide an enhanced play area for children which would be used by existing and future occupiers.
36. In economic terms, the proposal would provide some construction jobs, albeit temporarily, and would result in some growth in the economically active population with increased household expenditure, some of which is likely to be spent at local shops and services.
37. In environmental terms the proposed development would result in some loss of open agricultural land. Given this change in the appearance of the site there would be a limited degree of harm. However, the proposed development would be largely contained within the context of the existing built up area and would thereby be appropriate in terms of siting, design and provision of private amenity space, as I have previously identified. Thus it would not appear as a significantly harmful intrusion into the open rural edge of the village and would respect the character and appearance of the settlement and its setting. The appeal site would also be reasonably well located in terms of its accessibility to village facilities and access to public transport to reach other settlements.
38. Taking account of all the above factors I conclude that the benefits of the proposal would not be significantly and demonstrably outweighed by adverse impacts when assessed against the policies in the Framework taken as a whole, and the proposal would be sustainable development in social, economic and environmental terms overall.

Conditions

39. A number of conditions have been suggested by the Council which I have considered against the advice in the national Planning Practice Guidance and retained Annex A (model conditions) of former Circular 11/95: Use of Conditions in Planning Permission. Where necessary and in the interests of precision, I have amended them to bring them in line with the guidance.
40. In addition to the statutory 3 year limitation for implementation it is necessary, for the avoidance of doubt and in the interests of proper planning, to define the plans with which the scheme should accord. Conditions are required to protect

the character and appearance of the area. These include the development's external materials, hard and soft landscaping, and boundary treatments. A Construction Management Plan is necessary in the interest of amenity due to the proximity of existing dwellings. In the interest of highway safety and amenity conditions are necessary to restrict the area allocated for parking for that purpose, and to secure the implementation of approved details for the layout and construction of estate roads, junctions, driveway gradients, footpaths, and related areas. In the interest of securing a sustainable form of development conditions are necessary to secure archaeological investigation work, measures for enhancement of biodiversity and protection of slow worms, and the approval and implementation of a detailed surface water drainage scheme including its long term future maintenance.

Conclusion

41. For all the above reasons, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Thomas Shields

INSPECTOR

(Attached – Conditions Schedule)

CONDITIONS SCHEDULE

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following plans: 0492-101-A, 0492-102-B, 0492-103-A, 0492-104-B, 0492-105-A, 0492-106-A, 0492-107-A, 0492-108-A, 0492-109-A, 0492-110-A, 0492-111-A, 0492-200, 492-201, 0492-202, 0492-203, 0492-204, 0492-205, 0492-206, 0492-207, 0492-208, 0492-209, 0492-210, 0492-211, 0492-212, 0492-213, 584-04E.
- 3) Prior to the commencement of development (including any ground works or site clearance) a mitigation plan or method statement detailing measures to avoid harm to slow worms shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and timing of the mitigation plan/method statement.
- 4) Prior to the commencement of development details of measures for the enhancement of biodiversity shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved biodiversity enhancement measures.
- 5) The submitted landscape plan ref. 584-04E shall be implemented in accordance with a phasing plan which shall have been submitted to and approved in writing by the local planning authority prior to commencement of development on site. For a period of 5 years after the completion of the planting scheme any trees or shrubs that die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) The area allocated for parking on the submitted plan, Drawing No. 0492-102, shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.
- 7) The proposed estate roads, footways, footpaths, tactile paving, cycle ways, 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 details and drawings which shall have first been submitted to and approved in writing by the local planning authority.
- 8) 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.
- 9) The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.
- 10) Prior to the commencement of development a detailed surface water drainage scheme for the site, based on the hydrological and hydrogeological context of the development, shall be submitted to and approved in writing by the local

- planning authority. The development shall be carried out in accordance with the approved scheme.
- 11) No dwelling approved by this permission shall be occupied until a scheme for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved in writing by the local planning authority. The approved drainage works shall be completed and maintained in accordance with the approved scheme.
 - 12) Prior to commencement of development full details of all external facing and roofing materials, including hard-standings and boundary treatments, and details of the design, recessing, and finish for all windows and doors shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
 - 13) Prior to the commencement of development a Construction Management Plan (CMP) shall be submitted to and approved in writing by the local planning authority. The CMP shall include hours of operation and deliveries, vehicular routes to and from site, areas for parking of contractors and visitors vehicles, and specific measures to be adopted to minimise impacts on the amenity of local residents. The development shall be carried out in accordance with the approved CMP.
 - 14) 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 that involves evaluation (through geophysical survey, if appropriate and trial trenching) followed by appropriate mitigation (involving excavation in appropriate areas). This work shall be in accordance with a written scheme of investigation which shall have first been submitted to and approved in writing by the local planning authority.
 - 15) Prior to commencement of development a scheme for the provision and management of the communal areas shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.
 - 16) Prior to commencement of development a revised Travel Plan Statement (TPS) shall be submitted to and approved in writing by the local planning authority. No dwelling shall be occupied prior to implementation of those parts identified in the approved TPS as capable of being implemented prior to occupation. Those parts of the approved TPS that are identified for implementation after occupation shall be implemented in accordance with the timetable contained therein.

END OF SCHEDULE

Costs Decision

Site visit made on 7 September 2015

by Thomas Shields DipURP MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 01 October 2015

Appeal Ref: APP/R3325/W/15/3018532

Land north of Stanchester Way, Curry Rivel, Somerset

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Richard Mead (Summerfield Developments SW) for a full award of costs against South Somerset District Council.
 - The appeal was against the refusal to grant planning permission for residential development of 30 dwellings
-

Decision

1. The application for an award of costs is refused.
2. The National Planning Practice Guidance (2014) (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably, resulting in the party applying for costs to incur unnecessary or wasted expense in the appeal process. The applicant's case for an award of costs is both procedural and substantive in nature, as discussed below.
3. The applicant refers¹ to the planning application being deferred by the Members for additional drainage information to be supplied. The sequence of events, information supplied, and deferrals and resulting delay in respect of this matter are not in dispute.
4. Given their local knowledge of the area, together with the detailed representations from local residents concerning drainage, it seems to me that the information requested by the Members was not an unreasonable request. Also, while I acknowledge the appellant endeavoured to be as helpful as possible in supplying the extra information, an appeal could have been made against non-determination if it was considered that there were no reasonable grounds for supplying such further information. However, notwithstanding these circumstances, the fact that the final determination of the application was delayed does not by itself relate to behaviour during the appeal process. Hence the delay in determining the application does not amount to unreasonable behaviour as described in the PPG.
5. Having regard to the Members' local knowledge, Councillor Mounter's technical knowledge, and together with the weight of verbal, written and photographic information submitted in opposition to the proposal, I consider on balance that it was not unreasonable for the Council to come to a different decision than

¹ Paragraph 2 of appellant's costs application

was recommended by its officers and statutory consultees. The Council's objection in respect of drainage was adequately set out in its refusal reason with reference to the relevant Development Plan policies. This was substantiated evidentially in the statement of case, including the detailed information² from Councillor Mounter, to which the appellant refers. That it was not supplied at the point at which the Council determined the application was not unreasonable behaviour. There is no convincing evidence before me which would lead me to conclude that any written evidence was deliberately withheld. Consequently, the applicant's production of additional appeal evidence in relation to this matter was not unnecessary.

6. In respect of other matters, I note that the planning application was submitted on 14 July 2014, some eight months prior to its determination by the Council. Over that period of time, leading up to the refusal of the application, emerging Local Plan Policy SS2 had reached a point where it was reasonable for the Members to give greater weight to it than they may have previously done so, particularly in respect of the policy's requirement for proposals to be supported by the local community. In this regard the other matters of siting, design, and garden space referred to in the first refusal reason, were matters that had been raised in objection to the proposal by local residents. Given these circumstances, I consider that it was not unreasonable for the Council to refuse the application, contrary to officer advice, as set out in its first refusal reason.
7. For the above reasons I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Thomas Shields

INSPECTOR

² Paragraph 2.1.10 of appellant's costs application

Agenda Item 11

Schedule of Planning Applications to be Determined by Committee

Strategic Director: Rina Singh, Place and Performance
Assistant Director: Martin Woods, economy
Service Manager: David Norris, Development Manager
Contact Details: david.norris@southsomerset.gov.uk or 01935 462382

Purpose of the Report

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

Recommendation

Members are asked to note the schedule of planning applications.

Planning Applications will be considered no earlier than 2.30pm.

Members of the public who wish to speak about a particular planning item are recommended to arrive for 2.25pm.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
12	CURRY RIVEL	15/03472/ S73A	Application to vary condition 8 of 11/00059/OUT to allow an area to be removed from the condition; parking and turning.	Land adjacent Acre Cottage, Stoney Lane, Curry Rivel.	Mr & Mrs Fouracres
13	CURRY RIVEL	15/02934/ FUL	Conversion of redundant outbuildings to a dwelling.	Fairview Farm, Law Lane, Drayton.	Mr M Curtis
14	ISLEMOOR	15/03045/ FUL	Change of use, retention of pitches and second access, addition of 2 pitches and 3 twin utility blocks.	Sunnyside Park, Fivehead.	Mr B Tucker
15	BURROW HILL	15/03660/ LBC	Erection of tube system solar panel on rear roof slope of dwellinghouse (retrospective)	Kingsbury Manor Cottage, Folly Road, Kingsbury Episcopi.	Mr & Mrs G Hobbs

16	MARTOCK	15/03399/FUL	Change of use of dwelling from C3 (dwelling) to mix of C3 and C1 (short stay letting accommodation).	18 Barton Close, Bower Hinton, Martock.	Mr T Walsh
17	TURN HILL	15/00986/FUL	Erection of a detached dwelling and change of use and alterations of existing annexe building to form a separate dwelling (part retrospective).	Land south of Greystones, off Crouds Lane, Long Sutton.	Mr N Gould

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

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

Referral to the Regulation Committee

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

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

Human Rights Act Statement

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

Agenda Item 12

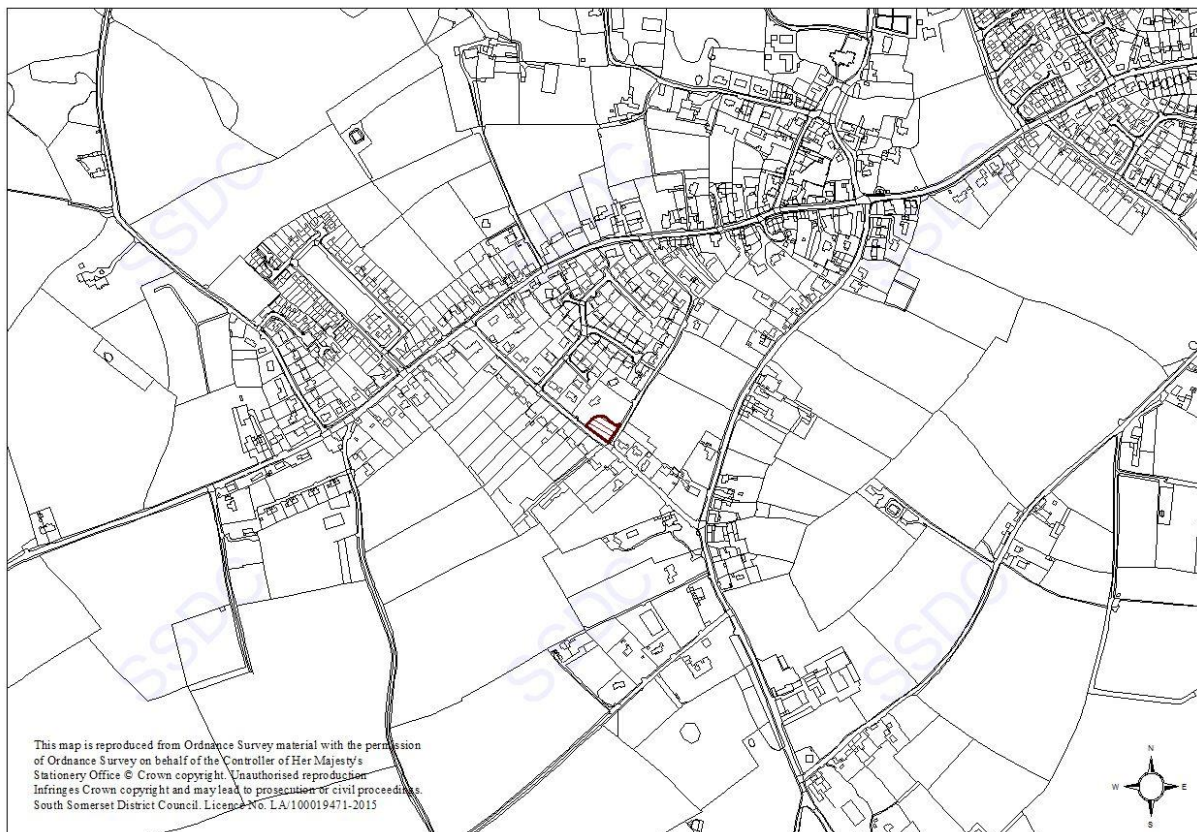
Officer Report On Planning Application: 15/03472/S73A

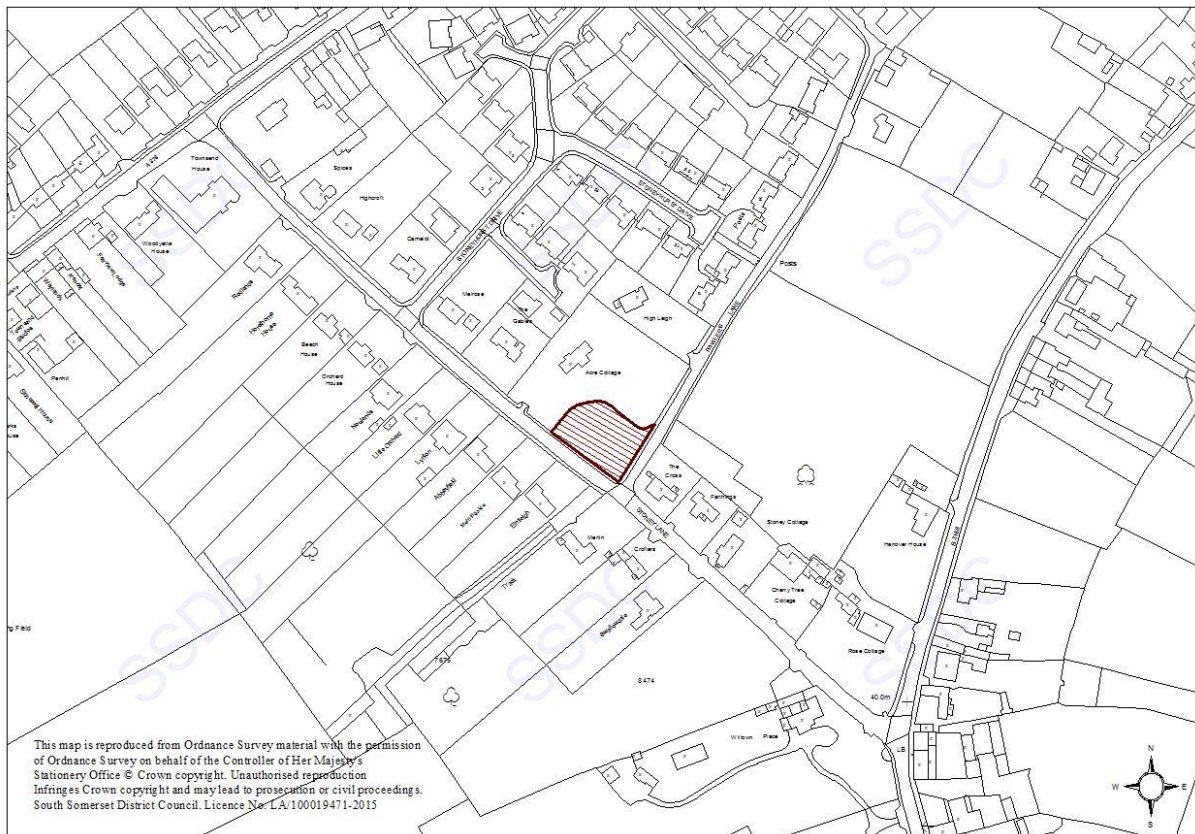
Proposal :	Section 73A application to vary condition 8 of 11/00059/OUT allowed at appeal 07.10.11, to allow the hatched red on attached plan to be removed from the condition; parking and turning (GR: 338851/124883).
Site Address:	Land Adjacent Acre Cottage, Stoney Lane, Curry Rivel.
Parish:	Curry Rivel
CURRY RIVEL Ward (SSDC Member)	Cllr T Osborne
Recommending Case Officer:	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
Target date :	15th September 2015
Applicant :	Mr And Mrs M Fouracres
Agent: (no agent if blank)	Battens Solicitors Ltd (Ceri Stephens). Mansion House, Princes Street. Yeovil BA20 1EP
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

This application is referred to Committee at the request of the Ward Member to enable the issues raised by the Parish Council and local residents to be debated.

SITE DESCRIPTION AND PROPOSAL





The site is located on the southern side of Curry Rivel, adjacent to the junction of Stoney Lane and Bawlers Lane. Planning permission was granted under 11/00059/OUT and 12/00608/REM for the erection of four dwellings and a new access into the site to serve the four dwellings. The access details were approved under the outline consent with appearance, landscaping, layout and scale dealt with under the reserved matters.

This application is made to vary condition 8 of planning permission 11/00059/OUT (as determined by appeal decision APP/R3325/A/11/2156282, following initial refusal), which requires *"any area allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted, but only as required in respect of those matters not reserved for later approval by other conditions of this permission"*. It is proposed to vary the condition to allow an area of the turning head, approved as part of the access arrangements submitted in relation to 11/00059/OUT, to be excluded from the requirements of the condition to be kept clear of obstruction and kept available for turning of vehicles in relation to the development as a whole.

HISTORY

13/00310/FUL: Erection of a bungalow - Refused by Area North Committee on the grounds that the proposal would constitute overdevelopment of the site and would have an adverse impact on the residential amenity of an adjoining property. The application was subsequently allowed at appeal (Ref: 2200991 - 17th December 2013).

12/04381/FUL: The erection of a bungalow - Application withdrawn 21/12/2012.

12/00608/REM: The erection of four dwellings and garage (reserved matters application

following grant of outline permission 11/00059/OUT) - Application permitted with conditions 17/04/2012.

11/00032/REF: Outline application for the erection of 4 no. dwellings and garages - Appeal allowed subject to conditions 07/10/2011.

11/00059/OUT: Outline application for the erection of 4 no. dwellings and garages - Application refused 25/03/2011.

POLICY

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

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

SD1 - Sustainable Development

EQ2 - General Development

TA5 - Transport Impact of New Development

National Planning Policy Framework

Core Planning Principles - Paragraph 17

Chapter 4 - Promoting Sustainable Transport

Chapter 7 - Requiring Good Design

Policy-related Material Considerations

Somerset County Council Parking Strategy (September 2013)

Somerset County Council Highways Development Control - Standing Advice (June 2015)

CONSULTATIONS

Parish Council: The Parish Council has no objections to raise in respect of the above planning application, which it fully supports and recommends approval.

SCC Highway Authority: Recommend refusal. The following comments were made:

"Whilst there will be no overall traffic impact on the highway, from a Highways Authority perspective, this is an Estate Road as it serves 4 dwellings. As such SCC Standing Advice, states that there has to be a turning area if access is onto a classified road, which Stoney Lane is.

Standing advice also details that a turning area has to be provided independently of any parking provision. A turning area must be independent to the proposed parking spaces and will enable resident's vehicles and larger vehicles like ambulances or delivery vehicles to turn. If the area is being used for parking, regardless of by whom, the turning condition is being broken because it is not being kept clear as in the policy. The enforcement of keeping the turning area clear is the responsibility of the Local Planning Authority.

We recommend refusal as it is contrary to SCC Standing Advice and would not accord with NPPF ch4, providing safe access to the highway.

As stated by SP25 in the Standard Highway Conditions and Refusal Reasons this seems to be a case of personal circumstances. It would appear that the reasoning behind making this application is tied to the personal circumstances of the applicant. As you are aware, the Highway Authority has to assess this application simply in terms of its highway and transportation impacts whatever the personal circumstances may be."

SSDC Highway Consultant: Refer to SCC comments. Need to consider all service/delivery vehicles, not just large refuse vehicles. From a highway safety perspective, the turning head should remain as it performs an important role in ensuring that smaller delivery/service vehicles do not reverse from or onto the public highway. Whether or not the wording of the planning condition is enforceable must be a planning matter.

REPRESENTATIONS

28 letters of have been received, objecting to the proposed application. 2 of the letters are from occupiers of nearby properties from occupiers of neighbouring properties, 1 of which is within the development that the turning head was approved to serve and the other is opposite the site. A further 26 letters are in an identical proforma style and have been received from residents who live in Curry Rivel and further afield. The following main points are made:

- The purpose of the parking and turning area is to provide for off road parking, ensuring that Stoney Lane is kept clear for passing traffic, and enabling vehicles to turn within the development to ensure that traffic joins Stoney Lane in a forward direction. The condition is not just for domestic vehicles but also for commercial vehicle i.e. delivery vehicles and other service vehicles.
- Since the development was completed, neighbouring residents have noted additional cars parked in Stoney lane and vehicles reversing out of the development onto Stoney lane, which has become a busier road with more heavy vehicles as well as a rat run for commuters.
- The neighbouring resident who shares the access and expects to be able to use the approved turning head, which is now obstructed by the applicant's parked vehicles, has concerns that regular visitors, including young grandchildren, are being put at risk due to the need to reverse out onto Stoney Lane, thus increasing the risk of a collision. A change to the original planning consent or non-enforcement of the condition does not appropriately manage the risk associated with a vehicle having to reverse either to or from Stoney Lane.
- It is felt that this situation has gone on for a protracted period and that an enforcement notice should have been served by the Local Planning Authority.
- It has been stated that the applicant is also in breach of covenants requiring the property owners within the development "not to permit or suffer to be done on the Property anything which may be or become a nuisance or annoyance or may cause danger or detriment to the Transferor or to the owners or occupiers of any adjoining or neighbouring land".

1 letter of support has been received from the occupier of another property opposite, in which they advise that they originally objected to the development scheme, however now constructed they feel that each dwelling has its own driveway which should meet any present needs to allow vehicles to turn without requiring a separate turning area. The proposed removal of the need to turn within the approved turning head is therefore supported.

A further letter has been received from another occupier of a property within the development of 4 dwellings neither objecting nor supporting. It simply makes a general observation that the changes that have been made to the application site, works which include the provision of fence to enclose the garden, have changed the area nicely and made the neighbour's outlook very attractive.

Applicant's Case

The application follows an enforcement case where it has been reported that vehicles have been parked within the approved turning head, which is required to be kept clear of obstruction and available for the turning of vehicles associated with the development of four houses. The applicant is therefore requesting a variation of this condition to allow the area, which is in their ownership, to be omitted from the requirement to be kept clear of obstruction, thus allowing it to be used for parking.

The application is made on two fronts, with the following main points put forward:

- The turning space is not necessary. It is argued that each of the four properties has adequate parking and turning space to meet their needs, without having to use the turning head. A highways report has been submitted by the applicant, concluding that the turning area is unnecessary and as the incidence of need is low, probability of conflict is rare, it is reasonably possible for normal cars and some vans to turn within the confines of each private access and that reversing onto Stoney lane can be safely accomplished within the guidance of the Highway Code.

Even if deemed necessary, the original condition is defective and/or unenforceable. It is argued that:

- Following purchase of the property, the turning head is within the applicant's ownership, not within main access drive that is within the shared responsibility of all the residents. Therefore no other resident has a legal right to access the land on which the turning head sits or has any responsibility towards its maintenance. Due to the land being privately owned, it is felt both unreasonable and impractical to require its use as a turning head. It is argued that the situation means that the applicant is unable to park, however no other users are permitted to use the turning head and the applicant cannot insist on a contribution towards the turning heads upkeep.
- It is considered that the condition is unenforceable as it is vague and imprecise, not referring to a specific plan. Furthermore, the condition is attached to the outline permission, with the applicant of the view that the turning head should have been approved along with the layout in the reserved matters. It is further advised that the only plan specified as being approved by outline consent 11/00059/OUT is '1613-Rev A', which has a different to the scheme finally approved by reserved matters 12/00608/REM.
- The condition is not enforceable as it is suggested that monitoring and policing compliance would not be practical.
- It is not clear which areas of the site are required to be kept clear for parking and turning as these are not referred to on the plans.
- The wording of the condition requires the parking and turning areas to be kept clear of obstruction and not used other than for parking and turning. It is felt that the condition allows parking and turning within this area, in which case the applicant is complying with

the condition.

CONSIDERATIONS

The only issue to be considered in this application to vary condition 8 of outline planning permission 11/00059/OUT is whether the area hatched in red on the submitted plan should be removed from the said condition, thereby removing its need to be retained for parking provision.

Starting with need, the applicant has argued that the turning head need serve no purpose, as the existing parking and turning provision for each dwelling. In considering this, it is accepted that each of the four properties has its own allocated on-site parking provision and in each case there is sufficient space for these parked vehicles to safely manoeuvre. The point however of the turning head is not just to provide turning facilities for these household vehicles but also to allow larger vehicles such as delivery vans, etc to be able to access the development as a whole and safely turn within the site before exiting onto Stoney Lane. Stoney Lane is a classified road, therefore there is a requirement for vehicles to be able to exit and access the public highway in a forward gear. The County highway Authority and the Council's Highway Consultant have considered the proposal and confirmed the need for the turning head to be retained and kept available its intended use. As such, it is considered that its loss would have a severe impact on highway safety at this point.

The other issue relates to the wording of the condition, specifically its preciseness and enforceability. In response to the applicant's case, the following points are considered:

The planning system largely deals with the use of land rather than land ownership. In determining applications such as this, it is not usual to require a particular part of a site to be kept within certain ownership, with conditions applying to the land, whoever owns it. It is clear that an error has occurred in not keeping this area of land within the shared access serving the development; however this is not an error in the determination and conditioning of the application but in the civil process of dividing the ownership of the land. It would seem rather perverse for a non-planning administrative error to extricate the applicant from their responsibilities in relation to compliance with planning conditions. This condition is clearly attached to the relevant planning permission associated with this development, so while the applicant may have be disadvantaged through an error not of their making, it is felt that this is civil matter that should be taken up with the original conveyancing solicitor, rather than relying on the removal of a turning head that is considered to be an importance part of the development in relation to ensuring safe access and egress between the site and Stoney Lane, a classified highway.

It is not agreed that the condition is vague or imprecise. While the general layout of the site was a reserved matter, 'access' was approved in the outline application. In the Development Management Procedure Order, 'access' is defined as *"the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of positioning and treatment of the access and circulation routes and how these fit into the surrounding access network."* On this basis, it is considered that the turning head plays an important role in allowing circulation within the site. Furthermore, this turning head is directly linked to the safe access/egress to and from the site onto the adjoining public highway. Despite the variation in the layout from the outline permission to the reserved matters, the turning head is shown in the same location on both the sets of approved plans. It is acknowledged that no conditions have been repeated in relation to the parking and turning spaces within the approved layout, however the turning head is deemed to be controlled as a result of the outline condition 8. Furthermore, while again it is acknowledged that parking and turning areas are not widely referenced on the approved plans,

the exception is the turning head in question, which is clearly annotated as '*type B turning head*', thereby making clear that this part of the site was intended specifically for turning only.

On the point of being available for turning only, the condition used, which refers to both turning and parking, is a standard condition that is regularly applied by the Local Planning Authority and Planning Inspectors, hence the presence of such a condition on this occasion. It is not considered that this does allow for parking and turning within the area, specifically due to the reference as a turning head and not a parking area.

Finally in terms of enforcement, it is quite possible to monitor the site for detection of the breach and compliance with the condition. Again, this is a regularly used condition that would not be used if not enforceable. The site is easily visible from public view, in a location regularly visited by Planning Officers. It would not be onerous in any way to monitor the site on a regular basis, without even having to visit Curry Rivel specifically for this purpose.

Overall, it is considered that the need for the turning head remains and the applicant's arguments against the precision and enforceability of the condition are not supported. The variation of condition 8 of outline planning permission is therefore considered to be unacceptable as it lead to the loss of turning facilities essential to enable vehicles accessing the development to enter and leave the highway in forward gear, which is essential to highway safety.

RECOMMENDATION

Refuse

01. The proposed variation of condition 8 of outline planning permission 11/00879/OUT is deemed to be unacceptable as removing the requirement for retention of turning the approved turning head would lead to a loss of turning facilities that are essential for highway safety, to enable vehicles to enter and leave the adjoining classified highway in forward gear. As such, the proposal is contrary to policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 4 of the National Planning Policy Framework.
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Agenda Item 13

Officer Report On Planning Application: 15/02934/FUL

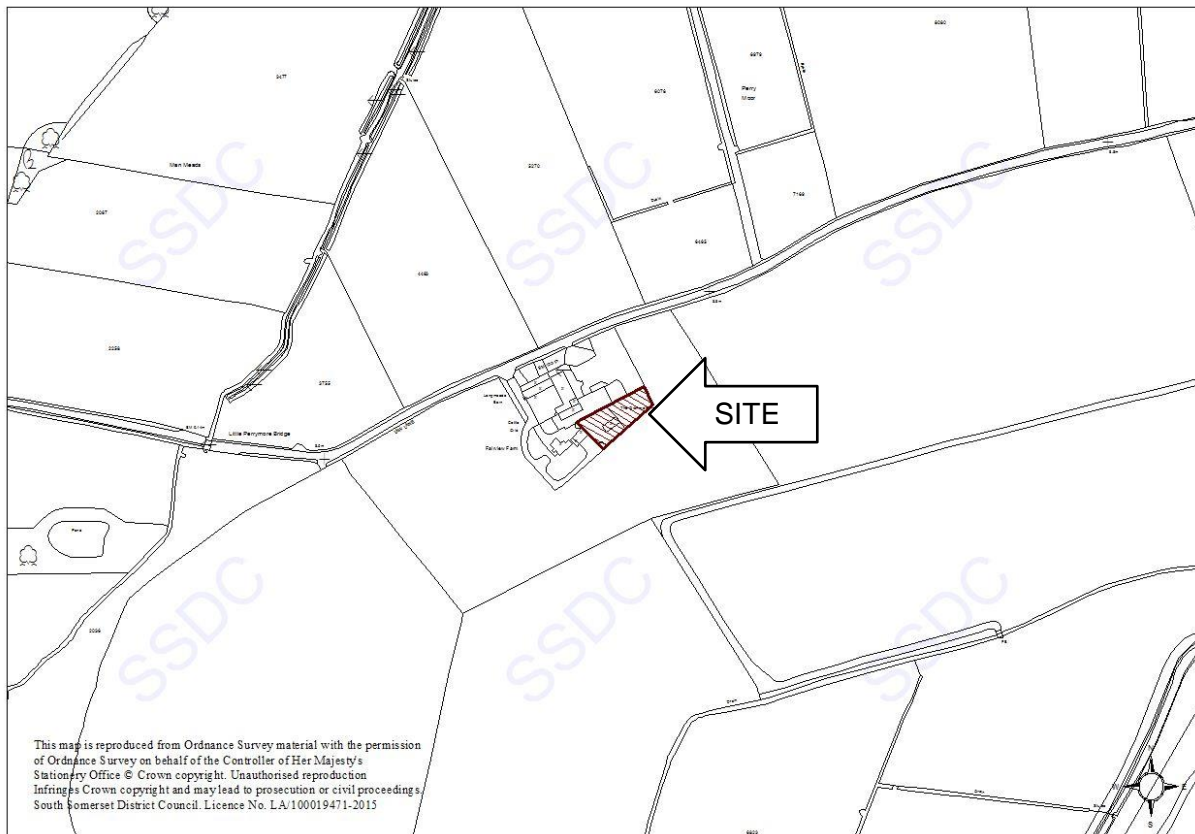
Proposal :	Conversion of redundant outbuildings to a dwelling (GR 341580/124531)
Site Address:	Fairview Farm, Law Lane, Drayton.
Parish:	Drayton
CURRY RIVEL Ward (SSDC Member)	Cllr T Osborne
Recommending Case Officer:	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
Target date :	31st August 2015
Applicant :	Mr Mike Curtis
Agent: (no agent if blank)	Mr Clive Miller, Sanderley Studio, Kennel Lane, Langport TA10 9SB
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON(S) FOR REFERRAL TO COMMITTEE

The application is to be considered by Area North Committee at the request of the Ward Member, with the agreement of the Area Chair. It is felt that the application should be given further consideration by Members, to allow the identified issues to be fully debated.

SITE DESCRIPTION AND PROPOSAL





The application relates to the conversion of two agricultural buildings adjacent to Fairview Farm, a residential dwelling on the south side of Law Lane, between Drayton and Muchelney. The site lies approximately 800m to the east of the developed edge of Drayton. There are also three other residential units adjacent to the site, which are converted agricultural buildings, originally granted consent in 1998. The buildings that are the subject of this application comprise a dual pitched building with concrete block walls and another building with asbestos curved roof over concrete block walls. The first building was in use for the accommodation of livestock in an adjoining field at the time of inspecting the site, while the other appeared to no longer be in use. In fact, the two buildings were required to be demolished as one of the conditions of planning permission 98/02172/FUL, which granted consent for the conversion of the adjoining dwellings. The presence of the buildings in excess of 10 years from when they were required to be removed does however make the breach immune from enforcement action. The site is accessed via a drive and access that appears to have been recently constructed to the side of the original site access. This access is included within the proposed site layout but not indicated on the existing site plan. As no record is held for the installation of this new access and the submitted application refers to the provision of a new vehicular access, it is assumed that this access and track have been installed without the benefit of planning permission and as such are unlawful at present.

This application is made for planning permission for the alteration and conversion of the existing buildings to provide a dwelling. The proposals include the replacing the existing curved roof with a new tin curved roof and the cladding of the buildings in timber. A link extension is proposed to join the buildings. Also included within the proposal is the provision of a post and rail fence to enclose part of the adjoining field as a garden area and also the provision of a new access to the west of the site, which will provide a track to the existing dwelling, Fairview Farm, and the proposed dwelling. This access also encroaches onto open countryside, enclosing a large area of adjoining land to provide the track and overspill parking for the adjoining dwellings.

HISTORY

- 01/01979/FUL: Carryout alterations to unit C - amendments to approval 98/0217/FUL - Permitted with conditions.
- 00/01377/FUL: Conversion of barn to form dwelling (revised scheme form application 98/02172/FUL) Permitted with conditions.
- 98/02172/FUL: Conversion of barns to form three residential units and alterations to existing vehicular access - Permitted with conditions.

POLICY

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

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

- SD1 - Sustainable Development
- TA5 - Transport Impact of New Development
- TA6 - Parking Standards
- HG4 - Affordable Housing Provision
- EQ2 - General Development
- EQ4 - Biodiversity

National Planning Policy Framework

- Core Planning Principles - Paragraph 17
- Chapter 4 - Promoting Sustainable Transport
- Chapter 6 - Delivering a Wide Choice of High Quality Homes
- Chapter 7 - Requiring Good Design
- Chapter 11 - Conserving and Enhancing the Natural Environment

National Planning Practice Guidance

- Design
- Natural Environment
- Rural Housing

Policy-related Material Considerations

- Somerset County Council Parking Strategy (September 2015)
- Somerset County Council Highways Development Control - Standing Advice (June 2015)

CONSULTATIONS

Parish Council: The Parish Council are fully in support of this application. The proposed property will be in an existing development of similar conversions. The creation of a smaller dwelling in the village would be ideal for downsizing/retirement therefore possibly freeing up a larger property for family occupation.

County Highway Authority: County Council Standing Advice should be applied, specifically provision of appropriate visibility splays, properly consolidated access, positive drainage arrangements to ensure no surface water runoff onto the public highway and appropriate parking and turning provision on-site.

SSDC Highway Consultant: Consider sustainability issues (transport). Traffic impact on Law Lane unlikely to be significant. Support the provision of the 2.4m x 90m visibility splays at the access, consolidation of the first 5m of access, surface water drainage measures, and on-site parking to accord with SPS standards.

SSDC Environmental Protection Officer: No observations.

REPRESENTATIONS

No comments received.

CONSIDERATIONS

Principle of Development

In terms of principle, the site is located well beyond the developed edge of the village of Drayton, with pedestrian access to the local services within the village only available by using Law Lane, which at this point is an unlit country road with no footpath. Despite the sites remoteness from essential local services, paragraph 55 of the National Planning Policy Framework (NPPF) states that "Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances". These circumstances include:

- Where the development would re-use redundant or disused buildings and lead to an enhancement of the immediate setting.

This application is made on the basis of making use of an existing building, which is redundant, despite the current use of one of the buildings for agricultural purposes. Notwithstanding this, the two buildings are constructed of concrete block walls, one with a dual pitched metal roof and the other with a curved asbestos roof, which it is proposed to replace with tin. The larger dual pitched roof seems to be more substantial in construction, with high walls and a sturdy looking roof structure. The other also has concrete block walls, although these are quite low, with the bulk of the building comprising the curved roof, which is to be replaced.

It is considered that the proposal does push the boundaries of what can be considered to be a conversion, particularly due to the size of the roof being replaced, however it is ultimately felt that the buildings are broadly capable of conversion in line with paragraph 55 of the NPPF, although consideration will still need to be given in particular to the element of the policy that requires there to be an enhancement to the immediate setting. Additionally other planning considerations such as highway safety and residential amenity need to be considered.

Scale and Appearance

In terms of design and appearance, the proposed finish is relatively sympathetic to the existing building, retaining a simple and functional finish. The buildings retain the same height as existing and remains on the same footprint, with a minor extension proposed to link the two buildings. Notwithstanding this, the key policy requirement to this exception under paragraph

55 of the NPPF is that the development leads to an enhancement to the immediate setting.

In this case, the two buildings are very low key functional agricultural buildings with very little impact on the surrounding area. Rather than enhancing the immediate setting, it is considered that the proposal will have a more negative impact on the immediate setting through the introduction of additional garden area to the east and the provision of the new access to the west, which encroaches significantly into the adjoining field and includes the provision of visibility splays 90m to each side of the access. For this reason, the development is considered to be unacceptable, as it fails to accord with the requirements of paragraph 55 of the NPPF.

The applicant does argue that the removal of agricultural buildings from such close proximity to residential properties will have an enhancing, however the current use appears to be low key and it has not been demonstrated that their use has been having a negative impact on local amenity. It is disappointing that an application is made to convert buildings that should have been removed as a condition of planning permission 98/0172/FUL, however it is acknowledged that the condition is no longer enforceable due to the length of time the buildings have remained intact.

Other Issues

The application includes the provision of a new means of access and a parking and turning area within the site. The County Highway Authority have made no specific comments, instead referring to their standing advice. In this case, the access arrangements, which have already been carried out without the benefit of planning permission, incorporate the a visibility splay of 2.4m by 90m, which is considered to be acceptable from a highway safety point of view.

The layout also shows adequate space for turning of vehicles and for the parking of 2 cars, which is sufficient to meet the requirements for a two bedroom dwelling in this location. Details of surface finish are proposed in accordance with the requirements of the standing advice and drainage arrangements can be dealt with by condition. Overall, the proposal is considered to accord with the standing advice and there are no objections in respect to highway safety.

The site is adjacent to existing residential units, however the relative distance from the adjoining properties, presence of a well-established boundary treatment to the north and lack of windows providing overlooking opportunities, lead to the conclusion that there will be no unacceptable harm to the residential amenity of nearby residents.

In accordance with the requirements of Local Plan policy HG4, there is a requirement for the provision of a financial contribution for the provision of affordable housing within the district. As such should this application be approved, there will be a requirement for the applicant to enter into a legal undertaking with the District Council to secure the planning obligation, which in this case equates to £40 per square meter.

Conclusion

Overall, while it is considered that the building is broadly capable of conversion to a residential unit, it is considered that rather than offering an enhancement of the immediate setting, as required by paragraph 55 of the NPPF, the development, which includes the encroachment into open countryside due to the provision of a new access and garden area, is considered to have a negative impact on character of the area.

RECOMMENDATION

Refuse for the following reason:

01. The proposed development, which includes the introduction of increased domestic presence as a result of the provision of a new vehicular access, drive, parking and turning area, as well as the formation of the necessary amenity space and inevitable presence of domestic equipment, associated with the conversion of the existing building from agricultural to residential use, fails to provide an enhancement to the immediate setting, as required by paragraph 55 of the NPPF. Furthermore, it is considered that the encroachment into open countryside as a result of the provision of the proposed garden area and recently completed unauthorised access arrangements, fails to preserve or enhance local character. As such, the proposal will have a negative impact on the character, appearance and the rural context of the locality. The proposal is therefore contrary to policy EQ2 of the South Somerset Local Plan (2006-28) and provisions of chapters 6, 7, 11 and the core planning principles of the National Planning Policy Framework.
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Agenda Item 14

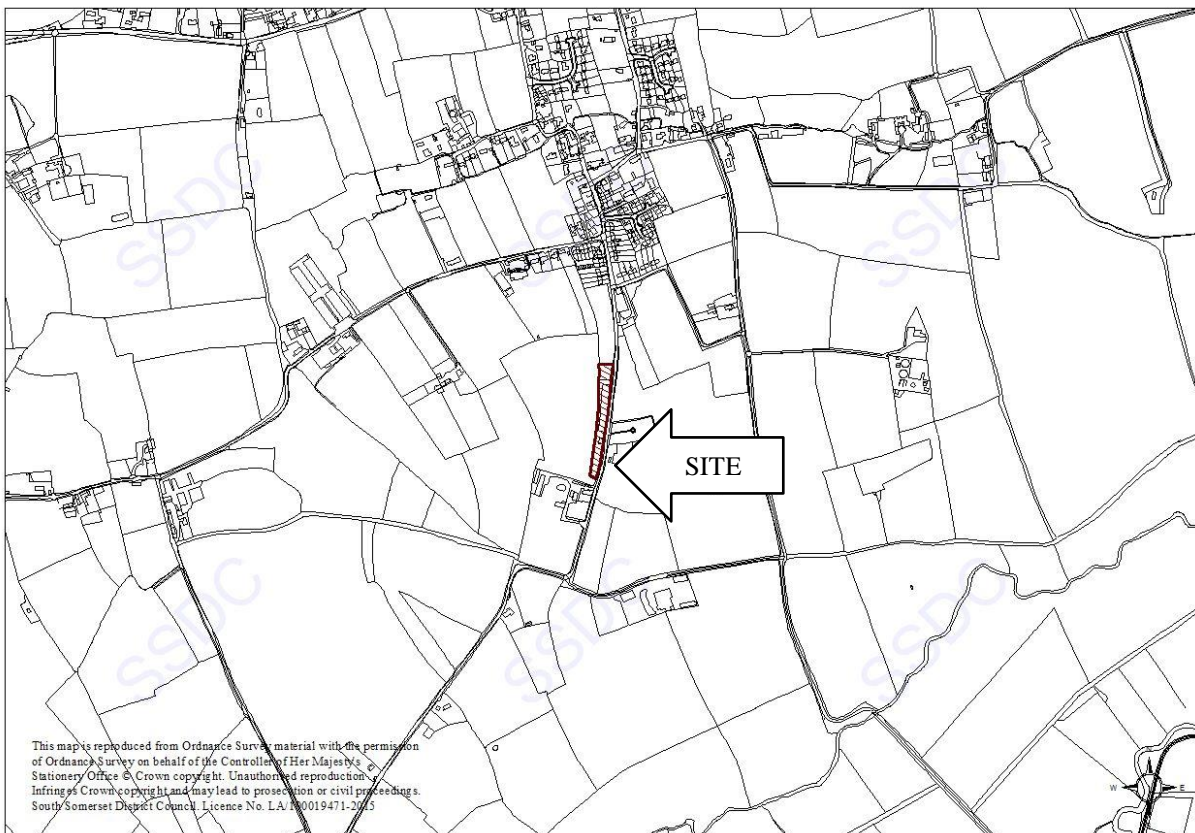
Officer Report On Planning Application: 15/03045/FUL

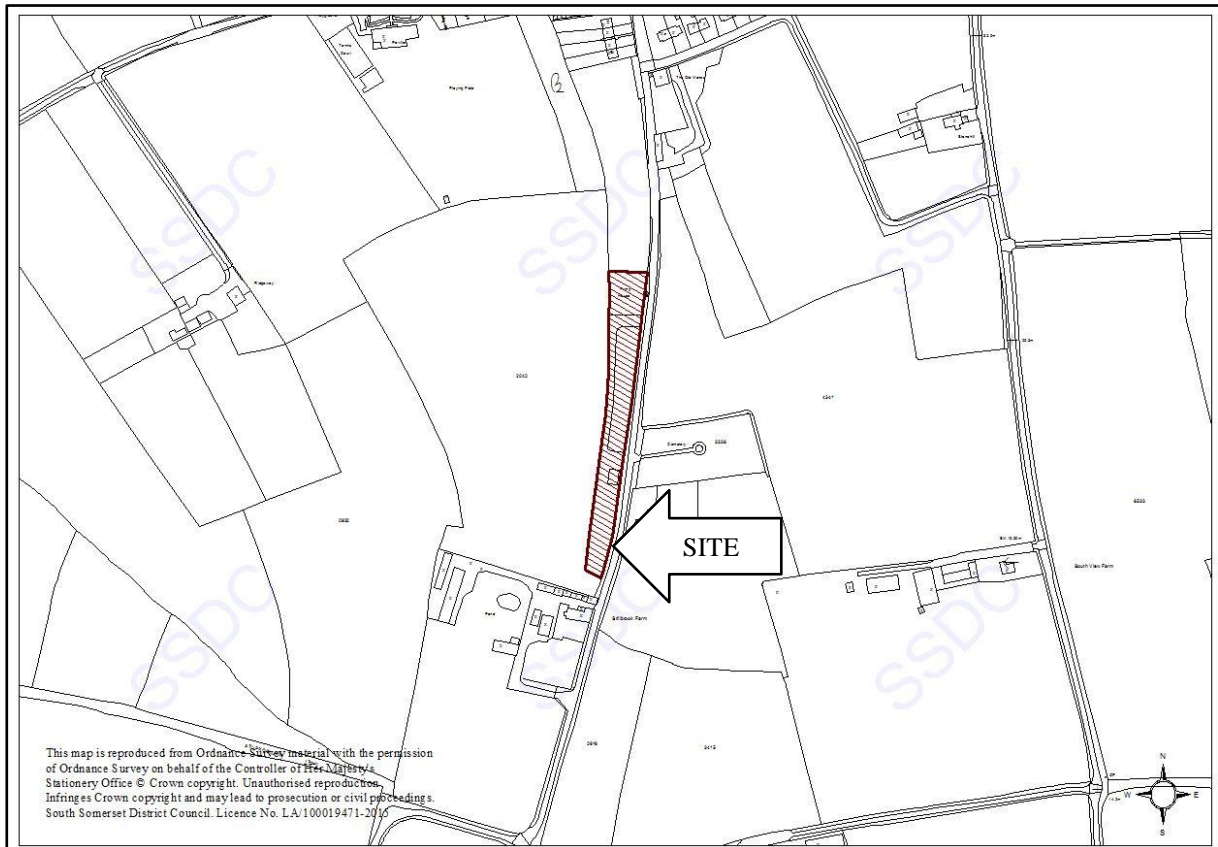
Proposal :	Change of use, retention of existing pitches and second access, addition of 2 pitches and 3 twin utility blocks (GR 335271/122354).
Site Address:	Sunnyside Park, Fivehead, Taunton.
Parish:	Fivehead
ISLEMOOR Ward (SSDC Member)	Cllr Sue Steele
Recommending Case Officer:	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
Target date :	14th September 2015
Applicant :	Mr Billy Tucker
Agent: (no agent if blank)	Mrs S Woodbury, Altona Park, Hillfarrance, Taunton TA4 1AN
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

This application is referred to Committee at the request of the Ward Member to enable the issues raised by the Parish Council to be debated.

SITE DESCRIPTION AND PROPOSAL





The site is located to the south of Fivehead, beyond the developed edge of the village. Part of the application site has consent for the 4 residential pitches for persons with gypsy and traveller status.

This application is made for the retention of the existing 4 pitches, with the additional of two twin utility blocks to serve the residents of these pitches. It is further proposed to add a further 2 pitches to the paddock area to the north, formalise the use of an existing field access for use in conjunction with the site and provide a third twin utility block for the use of the proposed pitches. The village cemetery is sited directly to the east of the application site and there is residential development to the north and south. The nearest residential dwelling to the south, Stillbrook Farm, lies approximately 25m from the site and the development to the north is separated by an undeveloped gap of approximately 140m.

HISTORY

- 10/04655/FUL: Siting of two portacabins to contain washing facilities, showers and W.Cs. Application refused on 04/03/11.
- 10/03526/FUL: Alteration to existing access and creation of access track to existing permitted residential caravan site. Application refused on 27/10/2010.
- 07/05377/COU: Change of use of land from paddock to gypsy site for 4 no. pitches. Application refused on 24/06/2008. Allowed on appeal on 06/01/2009.
- 05/02326/FUL: Erection of a stable building. Granted conditional approval on 19/10/2005.

- 05/01015/FUL: Variation of condition 03 of previous application 04/02085/FUL, to change access gradient. Granted conditional approval on 10/06/2005.
- 04/02085/FUL: Installation of new vehicular access point in order to maintain Wessex Water apparatus. Granted conditional approval on 14/09/2004.
- 94/00942/FUL: The erection of a hay/feed store. Granted conditional approval on 29/04/1994.
- 94/00943/FUL: The erection of stable block. Granted conditional approval on 29/04/1994.
- 96155: The development of land for residential purposes and alteration of an existing vehicular access thereto. Application refused on 09/03/1973.

POLICY

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

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

SD1 - Sustainable Development
 SS1 - Settlement Strategy
 SS2 - Development in Rural Settlements
 TA5 - Transport Impact of New Development
 TA6 - Parking Standards
 HG7 - Gypsies, Travellers and Travelling Showpeople
 EQ2 - General Development
 EQ7 - Pollution Control

National Planning Policy Framework

Core Planning Principles - Paragraph 17
 Chapter 4 - Promoting Sustainable Transport
 Chapter 6 - Delivering a Wide Choice of High Quality Homes
 Chapter 7 - Requiring Good Design
 Chapter 11 - Conserving and Enhancing the Natural Environment

National Planning Practice Guidance

Design
 Natural Environment

Policy-related Material Considerations

Planning Policy for Traveller Sites - August 2015
 Policy H - Determining planning applications for traveller sites

Human Rights Act 1998, particularly Article 14

'the right to freedom from discrimination on the grounds of sex, race, colour, language, religion, political or other opinion, national or social origin, association with national minority, property, birth or other status.'

Equality Act 2010

Requires the District Council to actively seek to eliminate unlawful discrimination, advance equality of opportunity and promote good race relations.

Somerset County Council Parking Strategy (September 2015)

Somerset County Council Highways Development Control - Standing Advice (June 2015)

CONSULTATIONS

Fivehead Parish Council: The Parish Council met on 11 August 2015 to discuss this application. At public session there were 5 parishioners present.

In constructing this response, the Council notes from the Design and Access Statement that the applicant and his family are covered by Gypsy Status, and understands the duty on local authorities under the provisions of the European Convention on Human Rights to actively seek to eliminate unlawful discrimination, and to promote good race relations. They also understand that the views of the settled community must be reflected.

The comments that follow include the comments and queries from the parishioners present at the meeting on 11 August 2015 together with those of the Parish Council members.

1. Appreciation of work to tidy-up the site

Those parishioners present and Council Members commented favourably on the work that has been completed so far by the applicant to tidy the southern part of the site.

2. Inconsistency and clarity of submitted plans

Whilst the location and extent of the site appears to be clear on the A4-size plan, the 2 larger-scale plans (on A3 sheets) are inconsistent on the proposed northern limit of the site and on the layout of the site and its features. Council needs to have clarity on the detail of the proposal.

3. Conditions in Appeal Decision (2009)

The commentary and Conditions of the 2009 Appeal Decision are noted; in particular, the comment at paragraph 37 relating to the restricted use of the northern end of the site because 'a long ribbon of development would unacceptably harm the area's character'. Council also understand that the northern access was to be retained as field access only.

There is concern that this site is yet to operate in total compliance with the Appeal Decision. In particular, it is questioned whether Condition 4 relating to the northern part of the site has ever been met. Council were made aware by a parishioner of an Injunction Order dated 2011 regarding the 'Northern Area'. The status of this Injunction Order is unknown.

4. Use of existing Stable Block as Utility Block(s)

Whilst appreciating the need for Utility Blocks to complement the mobile living accommodation, there is concern over the 3 proposed permanent structures. It is questioned if the existing Stable Block could be adapted to, at least partially, fulfil this purpose.

In respect to point 2 (inconsistency of plans), the Parish Council note that they have received amended plans to address this issue. No further comments have been received in this respect.

County Highway Authority: Standing Advice applies.

SSDC Highway Consultant: Consider sustainability issues (transport). Consider the suitability of the approach road to the site. Consider the point of access - a plan should be submitted showing the proposed extent of visibility splays commensurate with vehicle speeds. More details should be submitted for the access (geometry, surfacing, drainage, any gates, etc). On-site parking (in line with the SPS) and turning required.

SSDC Landscape Architect: I recollect the site from the initial application and subsequent inquiry. At that time I noted;

"The site lays outside and to the south of the village of Fivehead, and is located in open countryside, which is predominantly mixed farmland. It comprises a linear, narrow paddock, defined by hedgerows, which run parallel with the Isle Abbotts road. The land is currently being used for domestic caravan pitches, with associated hardstanding and feathered timber fencing. The site is in open countryside. The current use does not inherently add to or sustain the local environment, but has resulted in the loss of grassland cover, impacted upon the roadside hedgerow, and brought a level of domestication to this rural location.

Government planning guidance commends the approach to the identification of countryside character, originally developed by the Countryside Agency (now Natural England). The guidance suggests that landscape character assessment can assist in accommodating necessary change due to development without sacrifice of local character and distinctiveness. Similarly, an understanding of landscape character is also utilised to help shape a view on what may - or may not be - acceptable in development form. In this instance I am considering if the current site development corresponds to local landscape character.

Fivehead village lays to the north of the site, and is primarily nucleated around the church, with a northward extension toward the Taunton-Langport road, whilst to the south, there is relatively open farmland beyond a well-defined village edge. The footprint of this plot lays outside this village edge, and within the rural, agricultural surround. In 'infilling' this linear paddock, the site contributes a form of ribbon development along this rural lane that is external to, and at distance from, and thus contrary to the established settlement pattern. Additionally, the 'domestic' character of caravans, hardstanding and timber fencing is at variance with the character of the agricultural surround."

Whilst the initial scheme was allowed by the planning inspector, he also recognised a local landscape impact, and advised that the land to the north should be left as pasture, to limit the development footprint, and maintain a degree of separation from Fivehead village. In relation to the current proposal, whilst recognising the site to be visually contained in most part, the landscape view remains as before, and I am unable to support this application, viewing it to erode local character and distinctiveness, contrary to the aims of LP policy EQ2.

REPRESENTATIONS

One letter of objection has been received, with the following main points raised:

- Previous planning applications for the development of the northern part of the site have been refused.
- There is a 2011 injunction against previous unauthorised works that has never been enforced. There is still hardcore and drainage within the north end of the site.
- In determining the 2008 appeal (decision 6th January 2009), the Inspector concluded

- that the northern part of the site should remain a paddock in perpetuity.
- In considering the utility buildings, the contributor asks why additional accommodation is required beyond that provided by caravans.
- It appears that the original consent for the 4 pitches is being breached.
- It is felt that the infrastructure of the village will not be able to cope with additional residents.
- There is no justification in allowing this application.

CONSIDERATIONS

Principle of Development

Policy HG7 is one of a small number of exceptions to address the specific needs of defined sections of the population, which in this case are travellers. 'Planning Policy for Travellers' (August 2015) provides guidance to Local Planning Authorities in terms of identifying and allocating appropriate sites for travellers. Importantly for consideration of this application, whilst Local Planning Authorities are required to allocate sites, it is made explicitly clear that this document can also be used for determining planning applications. It aims to provide more authorised traveller sites to enable fair access to suitable accommodation, education, health and welfare provision. It should be read in conjunction with policy HG7 that, subject to compliance with other relevant policies, supports traveller sites in rural locations.

Compliance with Policy HG7

The aim of policy HG7 is to facilitate the provision of sites for genuine gypsies and travellers to meet an identified need. For the Local Plan period up to 2028, HG7 identifies the need for site allocations to accommodate at least 23 Residential Pitches , 10 Transit Pitches and 6 Travelling Showpeople plots. The written guidance for policy HG7 does however advise that the identified need for residential pitches in South Somerset to 2015 has been exceeded through implemented private planning consents. Therefore any applications coming forward for residential pitches before the end of 2015 will be considered against the criteria set out within HG7. Following this time, the stated policy target will apply. The relevant assessment criteria of Local Plan policy HG7 are:

- Significantly contaminated land should be avoided;
- Development should not result in an adverse impact on internationally and nationally recognised designations (for example: Natura 2000 sites, Sites of Special Scientific Interest and Areas of Outstanding Natural Beauty);
- The development should not have a significant adverse impact on the landscape character and visual amenity of the area;
- The site is reasonably well related to schools and other community facilities;
- The health and safety of occupants and visitors will not be at risk through unsafe access to sites, noise pollution or unacceptable flood risk;
- There should be adequate space for on-site parking, servicing and turning of vehicles;
- The option of mixed residential and business use on sites will be considered where appropriate.

HG7 also specifies that "the number of pitches provided should be appropriate to the size of the site and availability of infrastructure, services and facilities in accordance with the general principles set out in the settlement hierarchy."

Any site accepted under policy HG7 must be for the purposes of occupation by bona fide gypsies and travellers as defined in Annex 1 of Planning policy for traveller sites (August

2015). This applicant and his family are British Romany Gypsies. At present the applicant has lawfully occupied the site under the current permission, with the intention that 3 of his married children and families will occupy the other approved pitches. The additional two pitches proposed are intended for the applicant's youngest daughter and her husband, who are now expecting a child, and for elderly parents. In the event of planning permission being granted, a condition can be used to restrict the occupation of the site to persons with traveller status. Accordingly it is considered that this proposal would meet an identified need for a traveller site. The personal circumstances of the intended users of the proposed pitches, tied in with the occupiers of the approved pitches, is also considered acceptable.

Landscape Character/Visual Impact

The current approved site is located in open countryside, to the south of Fivehead, opposite the cemetery. It is a relatively long and narrow site, with paddock to the north, separated from the developed edge of the village, by a further undeveloped gap. The proposal includes the provision of two more pitches and a children's play area within the existing paddock, retention of an existing field gate and the provision of utility blocks to serve the 4 existing and 2 proposed pitches.

It is noted that there has been a previously refused application for the use of access, which was refused on landscape grounds. Furthermore, when the original change of use to a gypsy/traveller site was considered at appeal, following initial refusal, the Planning Inspector at the time concluded that the north part of the site, which is roughly in line with this proposal, should not be developed in order to preserve local character. The previously proposed linear development and extended domestication of the site, which included a solid fence forming the boundary, was not considered acceptable. As a result of this previous view, the Council's Landscape Architect is not supportive of this latest proposal for the increase in pitches. No formal comment has been made in respect to the utility rooms, however it is noted that in a previous refusal for the provision of more permanent accommodation on site, the Landscape Architect did not raise an objection to the principle of utility buildings subject to their size, scale and design.

It is now noted that since the current occupiers have acquired the site, they have gone to great lengths to tidy up what was a previously untidy site, with lots of waste and materials deposited around it. The applicant has provided solid fencing within the existing roadside hedgerows, which have been allowed to establish further and have been reinforced. As such, the fencing is not clearly visible, with the characteristic roadside hedging retained, which assists in screening the site. The proposed utility buildings to serve the existing pitches, are considered to be acceptable as they will be well screened and are of a size, scale and appearance that is not considered to dominate the site or adversely impact upon local rural character such as to recommend refusal.

In considering the element of the scheme that proposes an extra pitch and retention of the existing access, the assessment of previous applications and decision has been considered, as have the comments of the Council's Landscape Officer, however taking into account the current circumstances of the site, the various improvements that have taken place including the current screening cover around the site and clearing of waste materials, it is not considered that the extension of development further to the north will be so harmful as to warrant refusal. The site will be well enclosed with only limited views of the proposed pitches. In terms of development pattern, while the scheme extends the existing site to the north, there will still be an undeveloped gap of around 140m, which it is felt will retain the local development pattern and allow for adequate separation of built form from the village edge. Therefore, while acknowledging previous objections to the spread of development, it is felt on balance appropriate to make a recommendation of approval.

Highways Safety

The application includes the retention of the northern access. In considering this, the County Highway Authority have referred to their Standing Advice, which requires certain levels of visibility, surfacing of access, width and provision of drainage to avoid discharge of surface water onto the highway. The Council's Highway Consultant has recommended that the suitability of the approach road be considered and that details be agreed in relation to visibility, surfacing, drainage, etc. Previous applications for the provision of a new access and comments made by the Planning Inspector in the original change of use application, do not recommend refusal on safety grounds only visual impact, which in this case is discussed above. In this case, it is simply proposed to retain the access in its current form for emergency purposes only, rather than

It should be noted that the existing field access is currently in place , although the current permission for the 4 pitches, does require all access to be gained from the existing access to the south. It is noted that the northern access is already hard surfaced and of an appropriate width to serve the development, even though it is a little overgrown at present. Due to the presence of Wessex Water paraphernalia to the north, it does not appear possible to make improvements to the northern visibility splay, however noting that this is proposed for emergency use only, it is not considered unacceptable to retain the access subject to appropriate conditions governing its use. In this case, a condition will include a requirement to provide details of a scheme to be agreed for the closure of the access, except for emergency access. On this basis, the proposal is considered to be acceptable and not lead to any significant harm to highway safety.

Other Issues

In commenting on the application, a neighbour and the Parish Council refer to an injunction on the site from 2011, requiring the clearing of the site. It is unclear what this refers to, however it is confirmed that the Local Planning Authority currently have no outstanding enforcement issues in relation to this site. Furthermore, the clearance works carried out by the applicants are noted.

Conclusion

The provision of two additional pitches for use by travellers, subject to the proposed development meeting the criteria of SSDC Local Plan policy HG7 is considered to be acceptable as there is a presumption in favour of the proposal, subject to acceptance by any relevant policy and other material considerations.

RECOMMENDATION

Approve planning permission with conditions

01. The proposed development of an additional two pitches adjoining an existing gypsy/traveller site, would meet a recognised need without detriment to visual or residential amenity or highways safety. The site is reasonably well located relative to schools and other community facilities and can provide a refuse point, suitable drinking water supply, sewerage disposal and other necessary facilities. As such the proposal complies with policies SD1, TA5, TA6 and HG7 of the South Somerset local Plan and the policies contained in the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans: 'Drawing number 1181/02A', received 23rd June 2015, 'Location Plan', received 8th July 2015 and '1:1000 Site Layout Plan', received 12th August 2015.

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

03. The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of Planning Policy for Travellers (August 2015).

Reason: To avoid any ambiguity as to who can occupy the site hereby permitted as an exception to policy.

04. There shall be no more than 6 pitches on the whole of the application site contained within the area outlined in red on the submitted location plan, received 8th July 2015. On each of the 6 pitches hereby approved, no more than 2 caravans shall be stationed at any time, of which no more than one caravan shall be a residential mobile home.

Reason: To ensure that the Local Planning Authority have control with regard to the number and type of caravans on the site in the interests of visual amenity and highway safety in accordance with policies TA5, TA6 and EQ2 of the South Somerset Local Plan and the provisions of chapters 4, 7 and 11 of the National Planning Policy Framework.

05. No commercial activities, including the storage of materials, shall take place on the land.

In the interests of visual amenity and highway safety in accordance with policies TA5, TA6 and EQ2 of the South Somerset Local Plan and the provisions of chapters 4, 7 and 11 of the National Planning Policy Framework.

06. No development hereby approved shall be carried out until particulars of details of materials (including the provision of samples where appropriate) to be used for external walls and roofs of the utility rooms hereby permitted have been submitted to and approved in writing by the Local Planning Authority.

In the interests of visual amenity in accordance with policy EQ2 of the South Somerset Local Plan and the provisions of chapter 7 and 11 of the National Planning Policy Framework.

07. The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels; all planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever

is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

In the interests of visual amenity in accordance with policy EQ2 of the South Somerset Local Plan and the provisions of chapter 7 and 11 of the National Planning Policy Framework.

08. No development hereby approved shall be carried out until details of foul and surface water drainage of the site, including provision for the continuing maintenance of the roadside ditch, have been submitted to and approved in writing by the Local Planning Authority. Such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 4 of the National Planning Policy Framework.

09. 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), all means proposed external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved. Such details, as may be approved, shall be retained and not varied or added to without the prior written consent of the Local Planning Authority.

Reason: In the interests of highway safety, to safeguard the amenities of the area and prevent unnecessary pollution of the night sky in accordance with policies TA5, TA6 and EQ2 of the South Somerset Local Plan and the provisions of chapters 4, 7 and 11 of the National Planning Policy Framework.

10. There shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of lines drawn 2m back from the carriageway edge on the centre line of the existing southern access and extending to a point on the nearside carriageway edge 33m in each side of that access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 4 of the National Planning Policy Framework.

11. The northern access to the site hereby permitted, shall only be used in the event of an emergency. Prior to the development hereby permitted first being brought into use, a scheme for the stopping up of said access in a manner that it is only available for emergency access, shall be submitted to and approved in writing by the Local Planning Authority. Such approved scheme shall thereafter be maintained at all times, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 4 of the National Planning Policy Framework.

Agenda Item 15

Officer Report On Planning Application: 15/03660/LBC

Proposal :	Erection of a tube system solar panel on rear roof slope of dwellinghouse (Retrospective) (GR:343330/120884)
Site Address:	Kingsbury Manor Cottage, Folly Road, Kingsbury Episcopi.
Parish:	Kingsbury Episcopi
BURROW HILL Ward (SSDC Member)	Cllr Derek Yeomans
Recommending Case Officer:	Stephen Baimbridge Tel: 01935 462321 Email: stephen.baimbridge@southsomerset.gov.uk
Target date :	6th October 2015
Applicant :	Mr And Mrs Geoffrey And Vivian Hobbs
Agent: (no agent if blank)	
Application Type :	Other LBC Alteration

REASON FOR REFERRAL TO COMMITTEE

This application is referred to Committee at the request of the Ward Member to enable the issues raised by the Parish Council to be debated.

SITE DESCRIPTION AND PROPOSAL



any features of special architectural or historic interest which it possesses'

Paragraph 132 of the NPPF: Chapter 12 - Conserving and Enhancing Historic Environment is applicable. This advises that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'

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

The policies of most relevance to the proposal are:

Policies of the South Somerset Local Plan (2006-2028):
Policy EQ3- Historic Environments

National Planning Policy Framework (NPPF)
Chapter 12 - Conserving and Enhancing Historic Environment

National Planning Policy Guidance (NPPG)
Decision-taking: historic environment

CONSULTATIONS

Kingsbury Episcopi Parish Council - no objections

Conservation Officer - The proposal is for one solar thermal panel on the rear elevation of this listed building in a conservation area.

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

Section 72 of the Act requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area.

Applicants for consent that affects a heritage asset must be able to justify their proposals. The NPPF says that the LPA should require an applicant to describe the significance of any heritage asset affected including any contribution made to their setting. This should be sufficient to understand the potential impact of the proposal on its significance. As a minimum the Heritage Environment Record should have been consulted and the building assessed using appropriate expertise where necessary. When considering the impact of development, great weight should be given to the asset's conservation. Any harm or loss should require clear and convincing justification from the applicant. Any harm should be judged against the public benefit.

This is supported by the statutory requirement for applications for LBC include a design and access statement. This statement requires information on the principles and concepts applied to the works in relation to the design and the listed building and its setting.

The solar thermal panel is the evacuated tube style where water is circulated through eight individual glass tubes. These are held at the top, and the whole stands above the roof plane. This assembly is clearly visible from the ground, and relates to a main elevation of the house. The design with the individual glass types quite obtrusive and clearly alien to the listed building.

The proposal is harmful to the character and appearance of the listed building by reason of its design and position.

REPRESENTATIONS

None received

CONSIDERATIONS

The primary consideration for an application for listed building consent is assessing what impact the proposals will have on the character of the listed building.

Significant weight is put on the expert advice of the Conservation Officer, who objects to this solar thermal panel on the basis that it is a modern and alien design, and position on the roof plane. The design and position are therefore harmful to the character of the listed building.

The NPPF states that, when considering the impact of development, great weight should be given to the asset's conservation. Any harm or loss should require clear and convincing justification from the applicant. Any harm should be judged against the public benefit - the NPPG explains that the benefit should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. There is no clear and convincing justification that the harm caused by the solar system to the historic character of the building benefits the general public at an appropriate scale, in any way.

It is therefore considered that the application adversely affects the character of this listed building contrary to the National Planning Policy Framework and policy EQ3 of the South Somerset Local Plan (2006-2028).

RECOMMENDATION

Refuse.

01. The proposed solar thermal panel, by reason its inappropriate design and position would result in detriment to the historic and architectural interests of the building. As such this proposal is contrary to the NPPF and Policy EQ3 of the South Somerset Local Plan (2006-2028).

Informatives:

01. In accordance with paragraphs 186 and 187 of the NPPF the council, as local planning authority, takes a positive and proactive approach to development proposals focused on solutions. The council works with applicants/agents in a positive and proactive manner by;
- offering a pre-application advice service, and
 - as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

In this case, there were no minor or obvious solutions to overcome the significant concerns caused by the application.

Agenda Item 16

Officer Report On Planning Application: 15/03399/FUL

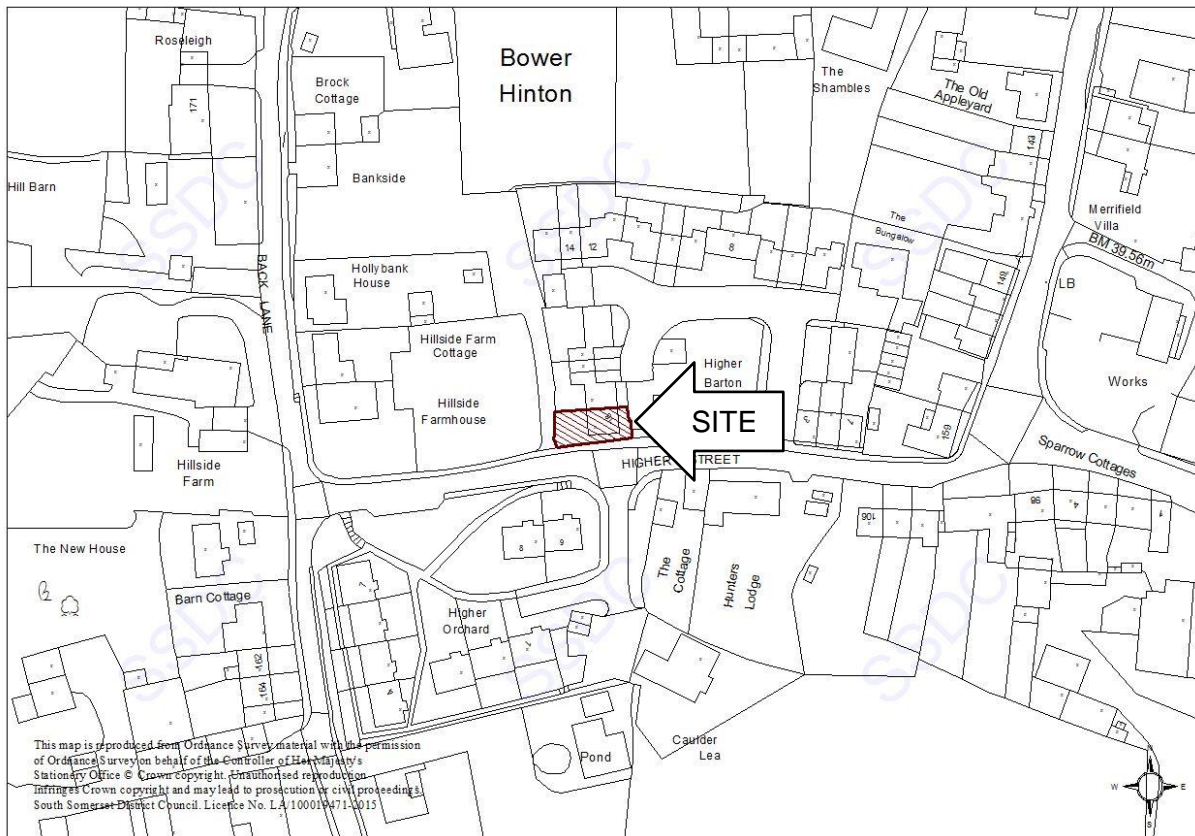
Proposal :	Change of use of dwelling from C3 (dwelling) to mix of C3 and C1 (short stay letting accommodation)
Site Address:	18 Barton Close Bower Hinton Martock
Parish:	Martock
MARTOCK Ward (SSDC Members)	Cllr N Bloomfield Cllr G Middleton
Recommending Case Officer:	Stephen Baimbridge Tel: 01935 462321 Email: stephen.baimbridge@southsomerset.gov.uk
Target date :	17th September 2015
Applicant :	Mr Thomas Walsh
Agent: (no agent if blank)	
Application Type :	Other Change Of Use

REASON FOR REFERRAL TO COMMITTEE

This application is referred to Committee at the request of the Ward Member to enable the issues raised by the Parish Council and neighbours to be debated.

SITE DESCRIPTION AND PROPOSAL





The site is located on Barton Close, with a gable-end facing south onto Higher Street. It is within the Martock and Bower Hinton Conservation Area, and opposite to the Grade II listed building Higher Barton.

The property is a semi-detached, two-storey dwelling constructed of natural stone and a slate roof, within a close of similar properties.

This application seeks permission for a change of use of the dwelling from C3 to a mix of C3 and C1.

RELEVANT HISTORY

At Site

06/01881/FUL: Remove existing French doors and windows and replace with solarlux sliding doors

05/00469/FUL: Minor Amendments to elevational treatment of dwellings in approved development of 17 dwellings Amendment to 03/03611FUL

03/03611/FUL: Residential development of 17 dwellings and associated site-works - amended scheme of 02/03387/FUL

02/03387/FUL: Residential development of 16 dwellings including provision of garage and turning area to Higher Barton and associated site works

02/03389/LBC: Alteration to boundary walls and provision of garage and turning area to Higher Barton

At Neighbouring Properties

13/01765/COU: Change of use of dwelling from C3 (dwelling) to a mixed use of C3 (dwelling) and C1 (accommodation ancillary to hotel) - Application permitted with conditions

13/00213/COU: Change of use of dwelling from C3 (dwelling) to a mixed use of C3 (dwelling) and C1 (accommodation ancillary to hotel) (retrospective) - Application permitted with conditions

12/02779/COU: Change of use of dwelling from C3 (dwelling) to a mixed use of C3 (dwelling) and C1 (accommodation ancillary to hotel) (retrospective) - Application refused

12/02780/COU: Change of use of dwelling from C3 (dwelling) to a mixed use of C3 (dwelling) and C1 (accommodation ancillary to hotel) (retrospective) - Application permitted with conditions

12/02769/COU: As above

12/02766/COU: As above

12/02765/COU: As above

12/02759/COU: As above

12/02762/COU: As above

12/02763/COU: As above

12/02761/COU: As above

POLICY

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

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

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

Policy SD1: Sustainable Development

Policy SS1: Settlement Strategy

Policy EP8: New and Enhanced Tourist Facilities

Policy EQ2: General Development

Policy EQ3: Historic Environments

Policy TA5: Transport Impact of New Development

Policy TA6: Parking Standards

National Planning Policy Framework (NPPF)

Chapter 1: Building a strong, competitive economy

Chapter 3: Supporting a prosperous rural economy
Chapter 7: Requiring Good Design
Chapter 12: Conserving and Enhancing the Historic Environment

CONSULTATIONS

Martock Parish Council - The Parish Council recommends refusal of planning application and objects on grounds of incompatible or unacceptable use and noise or disturbance resulting from use, specifically:

- a. The proposed change of use would go even further to convert Barton Close into a virtual hotel, which is incompatible with its originally intended use as a residential development.
- b. The consequential noise and disturbance caused by yet more transitory occupants would be detrimental to the amenity of the few remaining home-owning residents.

County Highway Authority - Standing Advice applies.

Highways Consultant - Consider on-site parking provision and SPS optimum standards.

Environmental Protection - I can confirm that we have no record of any nuisance (noise, odour etc) complaints regarding The Hollies Hotel and Restaurant Ltd.

REPRESENTATIONS

Eleven letters of objection were received. The eleven letters were from a total of seven addresses within the locality. The letters raised the following points:

Background / General Brief

- This application brings the total of Hollies-owned properties in the purportedly 'residential' Close to 65%, overwhelming the cul-de-sac, leaving small, disbursed islands of residential properties.
- The majority of guests are large groups of men travelling from abroad to training courses at Westlands.
- Short-term usage is usually wedding parties or suchlike.
- Very occasionally The Hollies put families in the properties who have insurance claims, and although few and far between, there have been two recently.
- People arrive for courses for varying amounts of time.
- The last two applications for a change of use to Bartons Close were not objected to because the Hollies already owned them and they took down the large, hotel balcony that they had erected at number 8 which was resulting in harm to privacy.
- No.18 was acquired by the Hollies earlier this year but this application was not submitted until it was pushed for by a local resident, which was the case for all of the other properties.
- There was general contention with the information presented by the Hollies in their presentation.
- It was expressed that complaints would be lodged in future to the Environmental Protection Unit as residents were unaware of who to contact prior to the publish of the consultation comments.

The Guests

The foreign guests are predominantly men; they own their own transport, often speak little English, and stand in circles, chatting and smoking. They are intimidating - they stare at residents when they enter their properties. The guests come to have fun - and they do. They

are in an unfamiliar environment away from their home and families. They are unable to integrate with the residents. Individuals and groups wander around the streets, often not quite sure where they are supposed to be heading. Groups of people behave like a 'group' and not as private residents would. People behave differently when staying at a 'hotel' resulting in all kind of behaviour, preferred not to be mentioned. They arrive and depart, with taxis any time day and night, sometimes even coaches, and it is never known when they will leave or arrive.

Impacts on the Residents and Properties

- It would be advantageous to the neighbourhood if the original applications associated with the Hollies-owned houses were rescinded.
- Being surrounded by strangers can feel uncomfortable at least and threatening at worst.
- The property was bought thinking that it would be a small close with families and neighbours and now there are no neighbours or families - when they moved out they were replaced by guests.
- When the Hollies owned four properties, the hotel use was negligible, but that is no longer the case after the Hollies bought over half of the properties.
- There is no way of knowing who will be staying for the short or long-term.
- The expansion of the Hollies is having a detrimental impact on the quality of neighbourliness.
- Local people are frequently adversely affected by the people who work and stay in the Hollies-owned houses in Bartons Close. At what point is a halt called to this creeping change and its detrimental impact on immediate neighbours?
- Residents will be unable to sell their properties at a good price.
- Barton Close was built as a collection of individual houses that could evolve in different ways and so contribute to the character of the village. Instead the Close has turned into an institution with all houses increasingly looking the same with identical neatly manicured front gardens. The only variation is provided by the increasingly few houses that are still privately owned.
- The properties are over-maintained.
- Outside lighting is left on which disturbs neighbours
- The cottages are not ancillary to the Hotel; they are an active and everyday part of the business, with chambermaids there every day. The garages of no.s 9 and 16 are used as laundries, in constant use by chambermaids and guests. Information was also received that only no.9 uses the garage for laundry, and that most of the garages are used for storage.
- When one or two (or more) properties are occupied, there are parking issues.
- The properties are serviced regularly regardless of whether they are short or long-term guests.
- The nature and amenity of the close has changed dramatically in comparison to 9 years ago.
- There is an increase in litter which can result in safety issues. The area may appear to be litter-free because it is thrown over the fence into an adjacent property.

The Economy

- The expansion of the Hollies is supported; it is the kind of economic development that is entirely appropriate in the village which is largely a conservation area
- Developments like this should not be concentrated in just one part of the village, but spread evenly.
- The economic benefit is negligible because the vast majority of family uses such as insurance claims, relocation and temporary family accommodation for business reasons are already allowed; there are already 25 hotel rooms in Barton Close for full hotel use.
- The Close was built as a residential development and now it is an extension of the Hollies Hotel; this may have a positive effect on local employment and tourism but is a great

variance to the original planning application.

- The application form indicates that four fulltime equivalent employees service the 10/11 houses. Greater prosperity would be brought to the area (NPPF 3) if there were 11 families living permanently in these homes.
- There will be negligible economic benefit.

The Impact on Housing Stocks

- Private owners go straight to the Hollies to sell their properties as it cuts out estate agents fees so the properties never go on the open market.
- The application makes a mockery of there being a housing need in the area
- Four houses taken by the Hollies were intended as low cost housing for young first-time buyers; much needed for the aging community. This intention has been thwarted.
- To allow the 11th property to change its use is to assume that the entire road will become another Hollies Hotel. How can this happen when there are applications in the system in Martock and Bower Hinton for more properties to be built? Let us save 6 properties on the Close for local, private residents.

The Council

- The Council are not interested in the permanent residents that live there.
- It should be ensured that Planning Councillors are better informed than they have been in the past so that they have good judgement and the good sense to reject this application.
- The application will be approved the Council sent letters to local properties including all of the Hollies-owned properties in the Close.

Planning Legislation

Currently 18 Barton Close cannot be used for groups but approving this application will allow it. The Town and Country Planning (Use Classes) Order 1987 states that a C3 dwellinghouse must be occupied by a single household. The 2004 Housing Act makes clear that this means a family except for when unrelated people share a house when it is a C4 Use Class (Houses of Multiple Occupation) but it must be their main residence. The groups of large men do not form a single household and therefore cannot be accommodated in a C3 dwelling. This is confirmed by the Planning Inspector's report (APP/J3530/C/10/2143442) which was subsequently upheld by the High Court. SSDC have previously indicated that C3 dwellings preclude short-term use (for example the officer's report in 12/02769/COU).

CONSIDERATIONS

Brief Overview

The applicant's hotel has gradually purchased a number of the properties in the Close and has been using them as accommodation for hotel guests. In 2012 and 2013, a series of retrospective applications were submitted to change the use from pure residential dwellings (C3) to a mixed use of C3 and accommodation ancillary to the main hotel (C1): sui generis. Ten applications in total were submitted, nine of which were approved subject to conditions. One application was refused because of the impact on neighbouring properties from an existing fire escape staircase, but then a subsequent application addressing the reason for refusal was approved. The current application represents the change of use of an eleventh dwelling.

Although the application seeks permission to change the use of one dwelling, the accumulative impact of this change of use along with the previous approvals must be considered.

Notwithstanding the one appeal decision provided in a letter of objection, the matter of whether the current use of the building requires a change of use is fact and degree. There are

numerous decisions - both appeal and High Court level - that pertain to the level of guest accommodation that can be achieved under the C3 class. There are decisions that are considered to be more relevant and applicable to the current accommodation that is provided, which relate to 'Aparthotels/ Serviced accommodation': self-contained, self-catering hotel accommodation where visitors may take many meals and use the leisure facilities of a nearby hotel, and book accommodation where and pay for it through the hotel. As the accommodation is un-staffed, with no bar, restaurant, or reception area, and has a lounge, bathroom and kitchen, it is widely considered to be C3, not C1. This fall-back position must play a part in the decision-making process to ensure that the application is considered pragmatically and reasonably.

Regardless, permission is being sought by the applicant to a sui generis use to accommodate hotel use (C1) should the need arise, along with use as a dwelling house (C3). The application before us should be considered on its merits.

Principle of Development

Although the economic benefits of the use are contested within the letters of objection, the tourism use is widely considered to provide economic benefits and is accordingly supported by national and local policy.

Paragraph 19 of the NPPF states that "significant weight should be placed on the need to support economic growth through the planning system"; it is therefore considered that any harm must be considered against the significant weight that should be placed on the economic benefits of supporting the economic growth of this business. Paragraph 28 also states that planning should promote a strong rural economy through the promotion of the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings.

It has been asked when the creep of sui-generis guest accommodation into residential housing stock will end; and it would be oversimplified to consider this application by itself, without being aware of the previous ten approvals. The application will be considered against its impact on the housing stock, tourism, local amenities, the historic environment, and highways safety. If any harm is identified, it must be demonstrated that it is so significant that it out-weighs the significant weight that should be given to the economic benefits of the application under the NPPF.

Housing Stock

Letters of objection frequently outlined that the Hollies buying properties was detrimental to the housing stock. The first matter to address is that the ownership of the properties is not a planning matter, solely their use and any associated development.

It is acknowledged that the use of the properties as an annex to the Hotel may be considered to deplete the Council's housing stock which is a particularly sensitive matter due to the current lack of a housing land supply. Nevertheless, the change of use for this property and the ten properties preceding it is not considered to result in a loss to the District's housing supply so significant that it would outweigh the intrinsically great weight that must be applied to the associated economic benefits under the instruction of the NPPF.

Furthermore, the properties will still be used for residential purposes, as opposed to, for example, industrial or retail. The residential properties physically remain, allowing for them to be returned to full C3 use subject to planning approval.

Tourism

Policy EP8 - The Tourism Policy - states that, in order to sustain the vitality and viability of

tourism in the District, new and enhanced tourist facilities will be supported where:

- They are of a scale appropriate to the size and function of the settlement within which they are to be located;
- The proposal ensures that the District's tourist assets and facilities are accessible through sustainable modes of travel including cycling and walking;
- They do not harm the District's environmental, cultural or heritage assets;
- They ensure the continued protection and resilience of the District's designated nature conservation features;
- They benefit the local community through access to facilities and services; and
- There is no adverse impact on Natura 2000 and other internationally and nationally designated sites.

It is important to note that the Policy states that the scale must be appropriate to the size and function of the settlement rather than the size or function of a specific close or neighbourhood; accordingly it is considered to adhere to the first point. The property is well-located within Bower Hinton, with local facilities and services being easily accessible by foot; it has been highlighted by letters of objection that the guests are seen walking around the area. There is no associated harm to the District's environmental, cultural, historic assets, nature, or to any internationally or nationally designated sites. The application therefore complies with Policy EP8.

Visual Amenity and the Historic Environment

The application does not seek to make any alterations to the property, and as such, it is not considered that it would harm the character of the property, visual amenity, or the historic environment - setting of the listed building or Conservation Area. Notwithstanding the objection that the Hollies-owned properties appear unchanged and have well-kept gardens, this is not considered to constitute demonstrable harm; the application is therefore considered to adhere to policies EQ2 and EQ3.

Residential Amenity and Highways Safety

Notwithstanding the comments of the local people and Parish Council it is not considered that it has been adequately substantiated that guests staying at this property under the proposed use would cause in any more harm to residential amenity than the under a full C3 capacity. In fact, according to the Council's Environmental Protection Unit, there are no recorded incidents of complaints being lodged against The Hollies, and there are already 10 properties on the Close operating under a mixed, C3 and C1 use. The perceived intimidating and threatening behaviour of the guests would also appear to be unsubstantiated and unfounded.

The Highways Authority states that Standing Advice applies to the application. The Highways Authority's Standing Advice provides no guidance regarding the impacts of a change of use, however, the general guidance can still be observed.

As previously stated, the property lends itself to walking and cycling to local services and facilities. The vehicle movements generated by the change of use would be comparable to those associated to a full C3 use; the trips to work, school run, shopping, and so on, tied to a usual C3 use would be of a similar empirical value to those tied to servicing the property, i.e. housekeeping and keeping the gardens in a positive visual state.

Although the change of use is not considered to necessarily result in increased vehicle movements, it could be argued that the potential for unrelated persons staying in the property is higher under a hotel use. Accordingly, there is risk that each individual will come to the property in a separate vehicle. In this paradigm, not all of the vehicles would be able to be parked on-site, requiring vehicles to be parked on the Close, which would arguably result in

harm to residential amenity and highways safety, especially when considered accumulatively with the other properties on the Close. Therefore, it is considered appropriate to control the maximum number of guests that may stay at the property at any one time. As there are two double bedrooms and one single, it is reasonable to limit the number of persons to stay at the property at any one time to be no greater than 5. It is therefore likely that there will be no more than 3 vehicles associated to the three rooms.

This condition is considered to be reasonable when it is considered that the Hotel could convert the property to a House of Multiple Occupancy, following internal alterations may accommodated up to 6 unrelated persons, without the requirement for planning permission. The condition is also not so burdensome that it would unduly constrain the functioning of the property as hotel accommodation.

Notwithstanding the comments of the Parish Council and local residents, it is not considered that the change of use to allow hotel use, further to the earlier approvals granted, would result in demonstrable harm to residential amenity or highways safety; as such, it is considered to be in accordance with policies EQ2, and TA5 and TA6.

Others

The impact of development on local property is not a material planning consideration and is therefore not considered.

Regarding the letters sent to the Hollies-owned properties, all properties within Bartons Close were written to as a matter of course; Planning does not concern itself with land or property ownership.

Conclusion

The proposal, that supports the economy and tourism in a rural area, is considered to provide economic benefits that are not outweighed by harm to visual or residential amenity, the historic environment, or highways safety. Accordingly, the application is considered to comply with policies SD1, SS1, EP8, EQ2, EQ3, TA5, and TA6 of the South Somerset Local Plan, and the provisions of the NPPF.

RECOMMENDATION

Permission be granted subject to conditions.

01. The proposed change of use will contribute positively towards available tourism accommodation in the area and the rural economy. The proposal would not be prejudicial to visual or residential amenity, the historic environment, or highways safety; and as such, it accords with policies SD1, SS1, EP8, EQ2, EQ3, TA5, and TA6, of the South Somerset Local Plan, and chapters 1, 3, 7, and 12 of the NPPF

SUBJECT TO THE FOLLOWING:

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans (except where directed otherwise by the conditions below): Location Plan and Site Plan, received 23 July 2015.

Reason: In the interests of proper planning and for the avoidance of doubt

03. The application property known as 18 Bartons Close shall be occupied by no more than 5 persons at any one time without the prior express of planning permission. A log book showing the number of guests shall be maintained and made available for the inspection of the Local Planning Authority at their request for the lifetime of the sui generis use hereby granted.

Reason: In the interests of residential amenity and highways safety, in accordance with policies EQ2, TA5, and TA6 of the South Somerset Local Plan (2006-2028).

Agenda Item 17

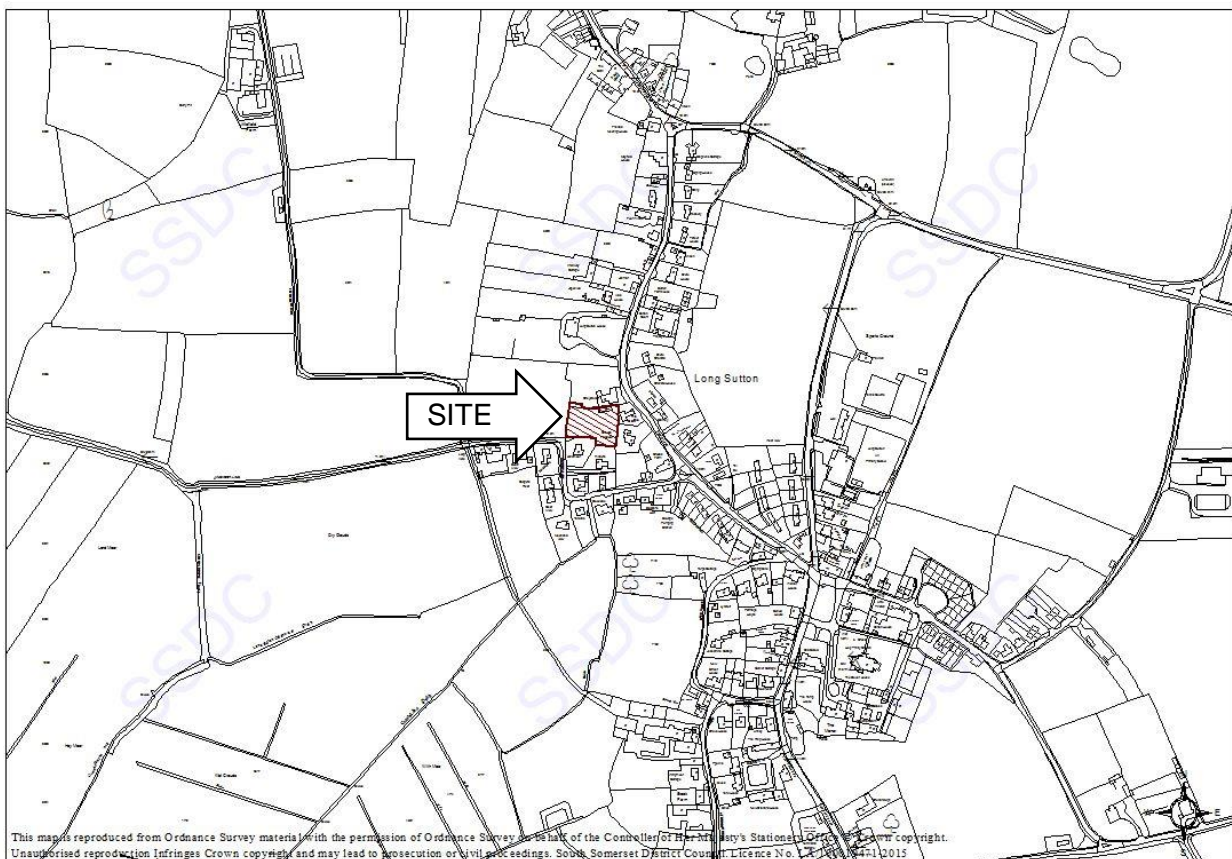
Officer Report On Planning Application: 15/00986/FUL

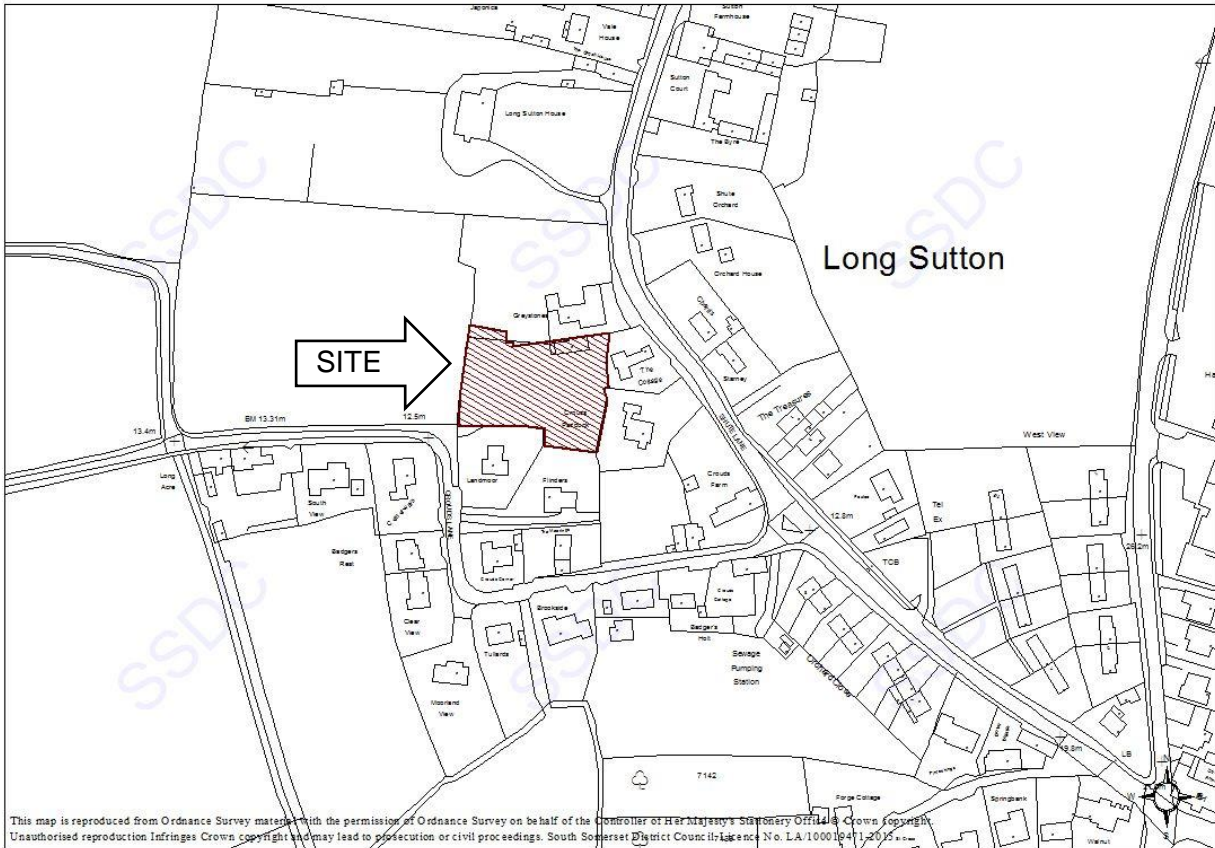
Proposal :	Erection of a detached dwelling and change of use and alterations of existing annexe building to form a separate dwelling (Part Retrospective) (Revised Application) (GR 346639/125581)
Site Address:	Land South Of Greystones ,Off Crouds Lane, Long Sutton.
Parish:	Long Sutton
TURN HILL Ward (SSDC Member)	Cllr S Pledger
Recommending Case Officer:	Alex Skidmore Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
Target date :	24th April 2015
Applicant :	SCHSE Mr N Gould
Agent: (no agent if blank)	
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL

The application has been referred to Area North Committee by agreement with the Vice Chair to allow the issues raised locally to be discussed further.

SITE DESCRIPTION AND PROPOSAL





This application is seeking full planning permission to erect a detached two-storey dwelling and to carry out alterations to and convert a domestic annexe to a separate dwelling.

The annexe in question was originally permitted as ancillary accommodation in association with the grade II listed property known as Greystones situated immediately to the north of the site and condition 5 of this permission restricts the use of this accommodation to this purpose only.

The remainder of the site is apparently former garden land associated with Greystones which has been largely cleared of any planting. The site is surrounded by residential properties to the north, east and south and by an agricultural field to the south. The neighbouring property known as Greystones which is immediately to the north is grade II listed as is Long Sutton House located to the north again. Access is via an existing access which leads on to the unclassified highway known as Crouds Lane to the southwest.

RELEVANT HISTORY:

- 14/05666/FUL: Erection of four one-bedroom dwellings and change of use of annexe to Greystones to one two-bedroom dwelling and erection of guest accommodation/ store / office. Withdrawn.
- 13/00582/FUL: Extension to and conversion of outbuilding to create annexe accommodation (in association with Greystones - condition 5 of this permission restricts the use of this accommodation to permanent ancillary accommodation in association with this property). Permitted.

POLICY

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

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

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

SD1 - Sustainable Development

SS2 - Rural Settlements

TA5 - Transport Impact of New Development

TA6 - Parking Standards

EQ2 - General Development

EQ3 - Historic Environment

EQ4 - Biodiversity

EQ7 - Pollution Control

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

Part 12 - Conserving and enhancing the historic environment

CONSULTATIONS

Long Sutton Parish Council: No objection subject to the following conditions:

- No connection to the public sewer;
- A robust ground water management plan together with a sewage treatment facility to the satisfaction of Wessex Water, the Environment Agency, Environmental Health and SSDC's building control department, and to be governed by a 106 agreement;
- Construction traffic to access the site via Littlefield Lane rather than Crouds Lane;
- Restriction on working hours to between 8.00 am to 5.00 pm week days, no working at weekends or bank holidays; and
- The development to be completed within 18 months of commencement.

The Parish Council would like the application to be decided by Area North Committee.

County Highways: Referred to their standing advice which seeks visibility splays of 43m in either direction and a minimum of 2.5 parking spaces per dwelling, the gradient of the access no greater than 1:10, no discharge of surface water into the highway.

County Archaeology: No objections.

Wessex Water: Latest comments - The application has chosen to provide a private treatment plant to service foul water disposal for the new dwelling. There are recorded

surface water systems in this location and the use of sustainable drainage systems are preferred under Part H Building Regulations. These proposals will not require any approvals from Wessex Water.

Initial comments - We have previously expressed concerns over public sewer capacity affected by rising groundwater levels following prolonged rainfall. Our concerns remain over these groundwater issues.

Long Sutton is a location where there are local flood risk issues of sewer flooding influenced by high groundwater table. Wessex Water will continue to seek agreement with the Local Lead Flood Authority upon an appropriate ground water management strategy to assist in managing the impact on sewer flooding. Please note that the grant of planning permission will confer a right of connection to the public sewer system under the Water Industry Act 1991. Therefore we advise that the planning authority should be satisfied that the proposed drainage arrangements can be implemented.

SSDC Drainage Engineer: No objections or concerns to the proposed soakaways to discharge and deal with the surface water requirements.

SSDC Building Control: Expressed an opinion that both storm water and foul drainage can be disposed of in the way specified.

Environmental Protection: The proposed foul and surface water drainage scheme will fall under the regulations of the Environment Agency and require their consent for discharge issues.

Environment Agency: The proposal does not fall within any category we wish to comment on. The applicant has sent in directly details regarding the foul drainage scheme which has been forwarded to our national permitting centre.

Natural England: No objection.

Ecology: No objection. I note the comments about the loss of trees etc. made by objectors, and confirm that I do not have any comments or recommendations to make. I note Natural England consider the development unlikely to have any significant impact upon the nearby SSSI, with which I agree.

Conservation Officer: No objections, subject to conditions.

Landscape Officer: No landscape objection. An Ash is to be retained by the entrance to the site along with a short stretch of hedgebank which will need protection during construction. If minded to approve please condition such protection.

REPRESENTATIONS

Written representations have been received from nine near neighbours raising the following concerns and objections:

- The existing sewage system is inadequate, effluence overflows and sometimes I cannot use my toilet, this is caused by water infiltrating into the foul water system. Wessex Water has stopped all new developments linking to the main sewer, the applicant has failed to proposed a detailed alternative. I need assurance (that can be enforced) that this development will not affect my home in any way.

- Where will the sewage system and rainwater pump be situated? Will there be problems with contamination of the ground, noise and smell? What if this private system fails?
- Where will the excess water end up?
- Object to a private septic tank being near my property.
- The porosity tests are flawed.
- The ground around Crouds Lane is clay so any drainage off the porous paving stones would be ineffective in heavy rainfall.
- The development being carried out in Crouds Lane has resulted in damaged grass verges, road surfaces and walls due to heavy lorries that are too large for this narrow lane.
- There are no passing places along Crouds Lane other than residents drives which causes irritation and nuisance. Any increase in vehicles will exacerbate this problem causing congestion and a highway hazard.
- The lane is not built for the huge lorries that are currently using it to gain access to Long Sutton House. The road surface is breaking up and there are concerns over the strength of the small bridge.
- Crouds Lane must be cleaned daily if this scheme is approved.
- Crouds Lane is the most used road in the village for recreational purposes.
- We have already had four years of disruption as a result of the applicant's building activities.
- Wish to see the garden returned to its former state and the trees brought back.
- Concerned that the applicant is proposing a unilateral agreement instead of the 106 agreement sought by the Parish Council.
- The LPA must have regard for local democracy (the opinions and wishes of residents affected by the proposal) explicit in The Community Right to Challenge and Localism Act (2012).
- There should be restrictions on hours of work during construction if approved.
- If approved every one of the conditions proposed by the Parish Council is essential.
- This is an intrusive backdoor development which does not comply with national or local planning guidelines. It brings no employment to the village and does not enhance or create local business or amenities (policy SS2). It will however increase greenhouse gases, traffic movements (there are virtually no buses) and will destroy wildlife habitat in an area that is within 270m of an SSSI.
- Loss of amenity as a result of overlooking from the new house.
- Loss of amenity resulting from CCTV, house lights, street lighting, security lights, car headlights.
- Increased noise and activity from the future householders.
- The house is very large compared with local properties.
- Intrusive backland development.
- The site is former garden to grade II listed Greystones and had been planted with native trees 30 years ago providing a natural haven for all sorts of flora and fauna. This planting has been destroyed by the applicant to the likely detriment of bats. The proposed replacement planting in the form of laurel hedging does not make up for this loss.
- This will set a precedent for building on greenfield garden land.
- The applicant claimed that he consulted the local community on the design of this property but I was never consulted.

Seven sets of written representations in support of the application have also been received (two appear to be employees of the applicant and three appear to be tenants) making the following observations:

- Cloude Lane is a quiet public highway which gives access to numerous other properties and caters for a variety of traffic including tractors, delivery vehicles etc and is suitable to serve this development.
- Impacts resulting from the construction activities can be managed to reduce their impact locally.
- The design is excellent and proposed to use traditional materials.
- Loss of tree planting - the site is not in a conservation area and the trees had no protection orders on them. There were some residents complaining about loss of light, root structure damage and safety features.
- There are new planting schemes proposed.
- Much wildlife still visits this site.
- Surface water drainage issues can be addressed by sustainable solutions. It is unfair to single out one development for objection on this basis.
- My employer spends a considerable amount of money each year in the local economy and employs several local staff, all of which provides an economic benefit to the area.
- The scheme now meets all of the objectors comments and will provide two additional units, one for a family and one a starter home or for someone wanting to down size.
- The proposal respects our residential amenity (Greystones).

CONSIDERATIONS

This application is seeking full planning permission to erect a detached two-storey dwelling and to carry out alterations to and convert a domestic annexe to a separate dwelling.

Principle

The application site is located close to the built up heart of Long Sutton, a rural settlement, where it is a short walk from a variety of local services including the village shop, school, pub, church and village hall, as such it is accepted that it is a relatively sustainable location. Local Plan Policy SS2 states that development in rural settlements should be strictly controlled and limited to that which helps to make the settlement more self-contained / sustainable or meets a specific local housing need, this proposal for open market housing however fails to comply with this requirement.

Further to the above, the National Planning Policy Framework (NPPF) requires council's to identify a supply of deliverable sites sufficient to provide five years' worth of housing against their housing requirements. In September however it was confirmed that this council could no longer demonstrate a 5 year housing supply and as such policy SS2, whilst not technically superseded or silent, must be afforded considerably reduced weight in the assessment of new development schemes in rural settlements. In these circumstances some small scale growth of these settlements may be acceptable subject to the usual planning considerations such as highway safety, visual amenity, residential amenity etc.

The proposal before us seeks the conversion of an existing residential annexe, that was originally sought to serve the adjacent property known as Greystones, to a modest two-bedroom dwelling and to erect a larger four-bedroom family house. In this regard, whilst not meeting a specific local housing need, it will undoubtedly make a small but positive contribution towards improving both Long Sutton's as well as the wider district's range and availability of housing stock and the council's responsibility of meeting their housing requirements as set out within the NPPF.

The proposed scheme, for the reasons set out further on in this report, is not considered to result in any other significant material harm. The scale of the scheme is not considered to be at odds with the scale and character of Long Sutton and overall it is accepted that in this instance the wider benefits resulting from this proposal outweigh concerns relating to its lack of compliance with policy SS2. The principle of the development is therefore considered to be acceptable.

Visual amenity

The application site is positioned to the rear of properties facing on to Shute Lane to the east and is also nestled between existing built form to the north and south and it is accepted that the proposal will not be at odds with the established pattern of development in the vicinity.

Some modest alterations are sought to the annexe building as part of its conversion to a separate dwelling, none of these alterations are considered to be harmful to the setting of the adjacent listed building (Greystones), or to cause any other significant visual amenity concerns.

With regard to the new build dwelling, this is of a relatively traditional design, proposing to use traditional building materials including local natural stone and a mixture of slate and reclaimed tiles. The house is quite substantial in scale but can be easily accommodated on this generous sized plot and is not out of keeping with the scale and form of surrounding development and therefore also poses no substantial visual amenity concerns.

It is noted that within neighbour representations reference is made to the clearance of vegetation from the site, including mature tree and shrub planting, prior to the application being made. Whilst this might be disappointing there were no controls in place to restrict such works being carried out, i.e. the site is not within a conservation area and not subject to any tree preservation orders, as such the applicant was at liberty to carry out these clearance works.

Residential amenity

The scheme is not considered to cause any new demonstrable harm to neighbour amenity. The modest single storey scale nature of the annexe conversion ensures it will not result in any new loss of privacy or other concerns to neighbouring properties. It will be served by a small but adequate private garden area and have an acceptable level of amenity.

The position of the new build dwelling is set in from the boundaries and will be more than 11m from the neighbouring dwelling to the south and 30m from the neighbouring properties to the east and will not therefore cause any significant loss of light or overbearing concerns. A first floor window is proposed within the two side gables however these only serve bathrooms and a condition to ensure they are fitted with obscure glazing and fixed closed will ensure that they do not result in any privacy issues.

Local comments have been made in relation to a series of developments being undertaken in the area and the resulting loss of amenity due to noise and other disturbance from these activities. In view of these comments it is not considered unreasonable to restrict when deliveries and construction works can be carried to between 08.00-18.00 Monday to Fridays only with no works / deliveries being carried out at weekends or bank holidays.

Drainage and flooding

Wessex Water, who are responsible for the mains drainage system, has commented that the public sewer capacity in the area is a problem and advise that the development will need to be served by its own foul and surface water drainage system. This issue is also highlighted by numerous comments made by local residents who appear to be suffering considerable

problems at times of high rainfall.

In response to these concerns the applicant has submitted details relating to how both clean and foul drainage will be dealt with on site utilising a private sewage treatment plant and soakaways, the applicant has also indicated an intention to implement rainwater harvesting which will reduce overall discharge levels. SSDC's drainage engineer, building control and environmental health have all been consulted on this matter, as has the Environment Agency and Wessex Water none of whom has raised any objection to these proposals. On this basis it is accepted that it has been demonstrated that the proposal can be served by an appropriate drainage scheme without resulting in harm to the environment or nearby properties and that subject to the imposition of a condition to secure a detailed drainage scheme the application should not be objected to for this reason.

The site is not located within flood zone 1 and is not therefore considered to be at risk of flooding and there is no evidence to such that the proposal will lead to an increase in flood risk to others.

Highway safety

Numerous concerns have been made in relation to increased traffic along Crouds Lane, which gives access to the site, including increased traffic generally as well as the impact of construction traffic. Crouds Lane is a fairly narrow, single track lane with limited passing opportunities, however, it already serves as access to at least 17 other properties in the village and as a through road out of the village. It is not considered that the traffic generated by the future occupants of these two additional dwellings will lead to an unacceptable increase in traffic using the lane or to problematic conflicting traffic movements. With regard to construction traffic, this will be only for a limited period of time, the highway authority has not raised any objections in this regard. On this basis there is no evidence to support the arguments that the proposed access arrangements via Crouds Lane will lead to any substantive highway safety concerns.

The level of parking and turning on site meets the requirements set out within the Somerset Parking Strategy and in all other respects the proposal is considered to broadly accord with the highway authority's standing advice and to therefore be acceptable from a highway safety perspective.

Other matters

The Parish Council has asked that in the event the application is approved that a condition be imposed to insist the development is completed within 18 months of commencement. It is very unusual for such a condition to be imposed, in this instance there is not considered to be any particular exceptional reasons to justify this requirement.

A neighbour has made reference to the need for LPA's to have regard to local democracy as set out within The Community Right to Challenge and Localism Act (2012). The comments made in relation to this application by local residents and the Parish Council have been fully considered in the assessment of this application. However, without any clear identifiable harm resulting from the proposal and the reduced weight that must now be given to the LP housing policies including policy SS2 as a result of the loss of SSDC's 5-year land supply it is not considered that the schemes lack of strict compliance with policy SS2 is sufficient on its own to sustain a refusal of this application.

Other local comments relate to the loss of ecology following the clearance of the vegetation on the site. There is no evidence to demonstrate that this site clearance resulted in harm or loss of habitat to any protected species and the proposal itself is not considered to cause any significant ecology concerns.

Policy HG4 of the local plan requires developments of between 1-5 dwellings to make a financial contribution towards affordable housing provision within the district. In rural settlements such as this such provision is 10% equivalent of affordable housing provision on the site which equates to £40 per square metre of the floor area of the new build dwelling. The applicant has accepted this requirement and the need for it to be secured through an appropriate legal agreement.

Conclusion

Notwithstanding the concerns raised by local residents, the proposed development is not considered to result in any substantive harm to visual amenity, residential amenity, highway safety, drainage and flooding or any other environmental concern. Whilst not strictly according with the requirements of policy SS2, given the LPA's inability to demonstrate a 5-year housing land supply, this must be accorded limited weight. It is considered that this proposal will make a positive contribution to the choice and availability of housing in the area and that this wider benefit outweighs this policy concern. For these reasons the application is recommended for approval.

RECOMMENDATION

Grant permission subject to 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 financial contribution towards affordable housing at a rate of £40 per square metre of the internal floor area of the new build dwelling.

Justification:

The proposed residential development, by reason of its location, scale, design and materials, represents the efficient and appropriate use of this site that will make a positive contribution to the district's housing supply whilst respecting the setting of the adjacent listed building and without causing any demonstrable harm to visual amenity, residential amenity, highway safety, drainage and flooding and the environment and therefore accords with the aims and objectives of policies SD1, TA5, TA6, EQ2, EQ3, EQ4 and EQ7 of the South Somerset Local Plan and the provisions of the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

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

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

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

- location plan;
- drawings numbered 4220(P)03D, 4220(P)16, 4220(P)05C, 4220(P)11C, 4220(P)14 Proposed Floor Plans, 4220(P)14 Proposed Elevations and 4220(P)13; and
- drawings numbered P5436/100 and P5436/101 received 13/10/2015.

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

03. No work shall be carried out on site unless particulars of the following have been submitted to and approved in writing by the Local Planning Authority:
- a. details of materials (including the provision of samples where appropriate) to be used for the external walls and roofs;
 - b. a sample panel, to be prepared for inspection on site, to show the mortar mix and coursing of the new natural stone walls;
 - c. details of the recessing, materials and finish for all new external windows and doors;
 - d. details of the rainwater goods and eaves and fascia details and treatment;
 - e. details of all boundary treatment;
 - f. details of all hardstanding.

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

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

04. The development hereby permitted shall be served by a private foul and surface water drainage system (i.e. shall not connect to the mains drainage system), details of which shall be submitted to and agreed in writing by the local planning authority before the development is commenced. Such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation the approved scheme shall be permanently retained and maintained thereafter.

Reason: To safeguard the local ground water quality, environmental health and neighbour amenity to accord with policies EQ2 and EQ7 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 (to include section drawings as appropriate). All planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity to accord with Policy EQ2 of the South Somerset Local Plan.

06. No works shall commence unless details of the internal ground floor levels of the two-storey dwelling have been submitted and agreed in writing by the local planning authority. The development thereafter shall be carried out in accordance with the agreed details.

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

07. Before the dwellings hereby permitted are first occupied, the access over the first 5m of its length shall be properly consolidated and surfaced with tarmac unless otherwise agreed in writing by the Local Planning Authority.

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

08. Before the dwelling is occupied and the access is first brought into use, provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto any part of the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority and thereafter maintained in this fashion at all times.

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

09. The area allocated for parking and turning on the approved plan shall be kept clear of obstruction and shall not be used other than for the parking and turning of vehicles used in connection with the development hereby permitted.

Reason: In the interests of highway safety in accordance with policy TA6 of the South Somerset Local Plan.

10. Any entrance gates shall be hung to open inwards and set back a minimum distance of 5m from the highway at all times.

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

11. There shall be no construction works (including the operation of any machinery) or any associated deliveries or despatching of any construction materials carried out outside the hours 08.00 to 18.00 Mondays to Fridays and none shall be carried out at any time on Saturdays, Sundays, Bank or Public Holidays.

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

12. Prior to the two-storey dwelling hereby permitted being first brought into use the first floor windows within the north and south elevations shall be fitted with obscure glass (and fixed closed) and shall be permanently retained and maintained in this fashion thereafter.

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

13. 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 windows or other openings shall be formed above ground floor level within the north or south elevations of the two-storey dwelling hereby permitted hereby permitted without the express grant of planning permission.

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

Informatives:

01. The applicant is reminded that the foul drainage system will require the separate agreement of the Environment Agency.
-