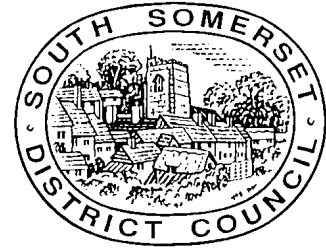


South Somerset District Council

Notice of Meeting



Area East Committee

Making a difference where it counts

Wednesday 12th October 2016

9.00 am

**Council Offices
Churchfield
Wincanton
BA9 9AG**

(disabled access and a hearing loop are 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 **10.00am**.

If you would like any further information on the items to be discussed, please ring the Agenda Co-ordinator, **Kelly Wheeler 01935 462038**, website: www.southsomerset.gov.uk

This Agenda was issued on Monday 3 October 2016.

Ian Clarke, Assistant Director (Legal & Corporate Services)

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



Area East Committee Membership

Mike Beech
Tony Capozzoli
Nick Colbert
Sarah Dyke

Anna Groskop
Henry Hobhouse
Tim Inglefield
Mike Lewis

David Norris
William Wallace
Nick Weeks
Colin Winder

South Somerset District Council – Council Aims

South Somerset will be a confident, resilient and flexible organisation, protecting and improving core services, delivering public priorities and acting in the best long-term interests of the district. We will:

- Protect core services to the public by reducing costs and seeking income generation.
- Increase the focus on Jobs and Economic Development.
- Protect and enhance the quality of our environment.
- Enable housing to meet all needs.
- Improve health and reduce health inequalities.

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

Members of the public are requested to note that the Committee will break for refreshments at approximately **9.45am**. Planning applications will not be considered before **10.00am** 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 formal written report from the Area Highways Officer should be on the main agenda in May and November. A representative from the Area Highways Office should attend Area East Committee in February and August from 8.30 am 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 SSDC council office, to see what executive/key decisions are scheduled to be taken in the coming months. Non-executive decisions taken by area committees include planning, and other quasi-judicial decisions.

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

- attend and make verbal or written representations, except where, for example, personal or confidential matters are being discussed;
- at the area committee chairman's discretion, members of the public are permitted to speak for up to up to 3 minutes on agenda items; and
- see agenda reports.

Meetings of the Area East Committee are **normally** held monthly at 9.00am on the second Wednesday of the month in the Council Offices, Churchfield, Wincanton (unless specified otherwise).

Agendas and minutes of Area Committees are published on the Council's website <http://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 and questions about planning applications will be dealt with at the time those applications are considered, when planning officers will be in attendance, 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 3 minutes each and where there are a number of persons wishing to speak they should be encouraged to choose one spokesperson to speak either for the applicant or on behalf of any supporters or objectors to the application. The total period allowed for such participation on each application shall not normally exceed 15 minutes.

The order of speaking on planning items will be:

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

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

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

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

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

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

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

Area East Committee

Wednesday 12 October 2016

Agenda

Preliminary Items

1. Minutes of Previous Meeting

To approve as a correct record the minutes of the previous meeting held on Wednesday 14th September.

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 David Norris, Sarah Dyke, Tony Capozzoli and Nick Weeks.

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. Public Participation at Committees

a) Questions/comments from members of the public

b) Questions/comments from representatives of parish/town councils

This is a chance for members of the public and representatives of Parish/Town Councils to participate in the meeting by asking questions, making comments and raising matters of concern. Parish/Town Council representatives may also wish to use this opportunity to ask for the District Council's support on any matter of particular concern to their Parish/Town. The public and representatives of Parish/Town Councils will be invited to speak on any planning related questions later in the agenda, before the planning applications are considered.

5. Reports from Members Representing the District Council on Outside Organisations

6. Date of Next Meeting

Members are asked to note that the next scheduled meeting of the committee will be at the Council Offices, Churchfield, Wincanton on Wednesday 9th November at 9.00am.

7. Chairman Announcements

Items for Discussion

8. Endorsement of Charlton Horethorne Community Plan 2016 (Pages 9 - 11)

9. Area East Committee Forward Plan (Pages 12 - 14)

10. Community Right to Bid - Former Countess Gytha Primary School site, Queen Camel (For information only) (Pages 15 - 18)

11. Schedule of Planning Applications to be Determined by Committee (Pages 19 - 22)

12. 16/02353/OUT - Land opposite the Fox and Hounds, Broadway Road, Charlton Adam (Pages 23 - 35)

13. **16/02370/OUT - Land off Higher Kingsbury, Milborne Port** (Pages 36 - 42)
14. **16/03426/OUT - Sundown, Sunny Hill, Bruton** (Pages 43 - 49)
15. **16/01659/OUT - Land South of Cemetery Lane, Wincanton** (Pages 50 - 58)
16. **16/02909/FUL - McDonalds Restaurant, Sparkford Hill, Queen Camel** (Pages 59 - 64)
17. **16/02910/ADV - McDonalds Restaurant, Sparkford Hill, Queen Camel** (Pages 65 - 69)
18. **16/02913/ADV - McDonalds Restaurant, Sparkford Hill, Queen Camel** (Pages 70 - 74)
19. **16/02971/S73 - Boots Pharmacy, Dykes Way, Wincanton** (Pages 75 - 82)
20. **16/02374/FUL - 9 Quaperlake Street, Bruton** (Pages 83 - 89)
21. **16/02567/LBC - 9 Quaperlake Street, Bruton** (Pages 90 - 94)
22. **16/03458/OUT - Land adj Westbrook, The Batch, Wincanton** (Pages 95 - 101)
23. **16/03265/LBC - Greyshaw, Mill Lane, Pitcombe** (Pages 102 - 105)

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>

Ordnance Survey mapping/map data included within this publication is provided by South Somerset District Council under licence from the Ordnance Survey in order to fulfil its public function to undertake its statutory functions on behalf of the district. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey mapping/map data for their own use. South Somerset District Council - LA100019471 – 2016.

Agenda Item 8

Endorsement of Charlton Horethorne Community Plan 2016 (Executive Decision)

Portfolio Holder & Ward Cllr Tim Inglefield & Cllr William Wallace

Member:

Assistant Director: Helen Rutter, Communities

Service Manager: Tim Cook, Area Team Lead (East)

Lead Officer: Tim Cook, Area Team Lead (East)

Contact Details: tim.cook@southsomerset.gov.uk or (01963) 435088

Purpose of the Report

The purpose of this report is to present a summary of the findings and actions from the Charlton Horethorne Community Plan and to ask members to formally endorse the plan.

Representatives of the steering group will be at the meeting to present the plan for endorsement.

Public Interest

Communities establish their own priorities and achieve their goals by mobilising residents and businesses. The priorities and issues for Charlton Horethorne, identified through consultation, are set out along with specific solutions, actions and policies in a published document.

Recommendation

That Area East Committee formally endorses the Charlton Horethorne Community Plan.

Background

Community Plans are effectively commissioned by the town/parish council and produced by local steering group with parish/town council representation. They are local documents, drawn up and adopted by Town/Parish councils. The endorsement of community plans by Area Committees has no legal status, but ensures that the community planning process is used to influence policy and action plans via the Area Development Plan (ADP).

Endorsement by AEC confers recognition that a sound process has been followed to deliver the plan. It does not imply support for any land use allocation that would pre-empt a planning application. The full document has been circulated to members and can be viewed on the Parish Council website: www.charltonhorethornepc.org.uk/community.html

The Process

The working group, established with representation from the Parish Council, wrote a Community Plan Questionnaire and a Housing Needs Survey (HNS) Form, which were delivered to all 290 households in the parish in October 2015. The questionnaire included questions supplied by the Primary School and the Church.

By the closing date at the end of November, 173 completed questionnaires had been returned (60 % response rate) together with 165 HNS forms.

During December 2015 and January 2016 the Questionnaire results were entered into a database, analysed and summarised. At the same time, SSDC produced a Housing Needs Survey Report based on the HNS form responses.

With this evidence base available, the working group formed three sub-groups to develop draft policies on:

- Housing and Development
- Traffic and Road Safety
- Environmental and Social Issues (including key parish assets, the Churches and the School).

The emerging policies were discussed, amended and agreed by the full working group, resulting in a set of 26 draft policies.

The draft policies were presented as part of the Annual Parish Meeting on the afternoon of Sunday 20 March 2016 and subsequently updated by the working group based on the feedback received. The 26 final policies were then adopted by the Parish Council meeting on the evening of Monday 11 April 2016

The result is a high quality policy document with associated actions, underpinned by an evidence base, which should be useful for guiding local decision making on a range of issues including a strong basis on which to reach a view on the value to the community of future planning applications.

Actions based on key findings/major Issues

The Final report survey findings and actions have been arranged under the themes, Housing & Development, Traffic & Road Safety and Environmental and Social Issues including Key Parish Assets.

Housing and development

Unlike many other Community and Parish Plans, the plan for Charlton Horethorne has identified a maximum number of new houses the parish would find acceptable and could be accommodated without compromising existing infrastructure and services. This number is based on local evidence and consultation. The plan has no formal planning status but it is expected that the policies set out in the plan will influence developers and help the Parish Council respond to planning applications.

The plan also describes the type of housing needed with starter homes and smaller houses to allow for downsizing mentioned specifically.

The consultation process has identified the need for a small number of small workshop units to help sustain the balance between housing and employment.

Consultation results show that the majority of local people would expect future growth to be delivered through infill and would oppose the loss of agricultural land.

The Parish Council will also work with others to produce a design guide for the parish by the end of 2018.

A number of people have expressed the desire/need for allotments and the Parish Council will investigate the actual demand.

Traffic and Road Safety

Issues with road safety, particularly the speed of vehicles through the village was a major issue raised through consultation. The Parish Council has already worked with SCC Highways to take a number of steps to improve the situation and on the whole, the policies aim to maintain the work that is going on.

The existing Community Speed Watch scheme and the SIDs that are already in place were identified as important local responses to the issues identified.

Environmental and Social Issues including Key Assets

The consultation process identified aspiration and potential need for additional facilities including allotments, facilities of children & young people, additional sports facilities and the return of an annual event the local 'Feast Day'. The Parish Council intends to facilitate further investigations to ascertain the actual level of need for the above and to encourage volunteers to lead on the various elements. The Parish Council is also assessing the potential scope for developing the use of existing facilities such as the Village Hall and Millennium Green.

Implementation of the community plan

The plan has been adopted by Charlton Horethorne Parish Council and the responsibility of reviewing and monitoring the success of the policies rests with the council. The plan is very clear that the delivery on many of the actions and projects will only be possible with support of volunteers.

The Area Team Lead has worked with the local group and has provided advice and guidance at various stages of the process. The group has demonstrated that they have followed a sound process and that the conclusions, policies and actions are underpinned by local evidence.

Financial Implications

There are no direct financial implications as a result of this report however, if members agree the recommendation to endorse the plan, actions and projects identified will become eligible for support from the Community Planning Implementation budget, subject to application.

Corporate Priority Implications

This work contributes towards increasing economic vitality and prosperity and ensuring safe, sustainable and cohesive communities.

Carbon Emissions & Adapting to Climate Change Implications

Improved local provision of facilities and activities within each village or town and increasing local participation reduce the need to travel.

Equality and Diversity Implications

The community planning process supported by SSSDC aims to give every local resident the opportunity to have an input into the way in which their town or Parish develops.

Background Papers: *Charlton Horethorne Community Plan 2016*

Agenda Item 9

Area East Forward Plan

Assistant Directors: Kim Close / Helen Rutter, Communities
Service Manager: Helen Rutter, Area Development Manager (East)
Lead Officer: Kelly Wheeler, Democratic Services Officer
Contact Details: Kelly.wheeler@southsomerset.gov.uk or 01935 462038

Purpose of the Report

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

Recommendation

Members are asked to:-

- (1) Comment upon and note the proposed Area East Forward Plan as attached;
- (2) Identify priorities for further reports to be added to the Area East Forward Plan, developed by the SSDC lead officers.

Area East Committee Forward Plan

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 Committee agenda, where members of the Area Committee may endorse or request amendments.

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 Area 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 corporate aims and objectives.

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

Background Papers: None

Appendix A

Area East Committee Forward Plan

Meeting Date	Agenda Item	Background and Purpose	Lead Officer
9 November 16	Wincanton Sports Centre Update	To update members on the latest position of the Centre	Steve Joel / Tim Cook
9 November 16	Area Development Report	Half year progress & budget report	Helen Rutter / Tim Cook
9 November 16	Historic Buildings at risk	Confidential update	Andrew Tucker
9 November 16	Conservation Service	Update report on the works of the Conservation team	Rob Archer
9 November 16	Henstridge Airfield s106 update	Update report	David Norris
7 December 16	Community Grants Applications	To consider any SSDC community grant applications	Tim Cook
7 December 16	Highways Update	To update members on the total works programme and local road maintenance programme	John Nicholson SCC
7 December 16	Countryside Service	Annual update report on the works of the service	Katy Menday
11 January 17	Provision of Medical Care in Area East	Update report regarding Provision of Medical Care in Area East	Clinical Commissioning Group
11 January 17	Citizens Advice South Somerset	To update members on the service	Dave Crisfield
11 January 17	Affordable Housing Development Programme	Yearly update for members	Colin McDonald
8 February 17	Area East Annual Parish/Town Council summary of issues raised	To inform members of the topics discussed at the issues raised at the Annual Parish/Town Council meeting	Helen Rutter/Tim Cook
8 February 17	Community Offices	6 monthly update for members	Lisa Davis
8 March 17	Streetscene Service	6 monthly review for members	Chris Cooper
8 March 17	Work with Young People	Yearly update report	Steve Barnes
8 March 17	Environmental Health Service	Yearly update report	Alasdair Bell

Meeting Date	Agenda Item	Background and Purpose	Lead Officer
8 March 17	Village Halls in Area East	Update report	Tim Cook
8 March 17	Welfare Safety	Annual update report	Catherine Hansford

Agenda Item 10

Nominations under Community Right to Bid – Former Countess Gytha Primary School site, Queen Camel (Item for information)

Assistant Director: Helen Rutter, Communities
Service Manager: Tim Cook, Area Development Team Lead (East)
Lead Officers: As above
Contact Details: tim.cook@southsomerset.gov.uk 01963-435012

Purpose of the Report

This report is to inform councillors of the decision to place the site of the former Countess Gytha Primary School site, Queen Camel onto the SSDC Register of Assets of Community Value, following a nomination made by Queen Camel Town Council.

Public Interest

On 11th July 2016, SSDC received a nomination from Queen Camel Parish Council to include the former Countess Gytha Primary School site on the SSDC Register of Assets of Community Value. It is SSDC's responsibility to consider whether this should be included on the Register.

Background

In August 2013 District Executive agreed a process for considering nominations received from communities to place assets of community value onto the SSDC Register of Assets of Community Value, based on criteria which are set out in the Localism Act.

The decision is delegated to the relevant Area Development Team Lead in consultation with the Ward Member and Area Chair. The result of a nomination is reported to the Area Committee for information only, with a quarterly report being presented to District Executive for information. (NB: decisions about any SSDC-owned properties are still presented to District Executive for decision)

The Assessment

The nomination was approved on 18th August by the Area Development Team Lead (East). The assessment is set out in Appendix 1. A map showing the nominated site is provided at Appendix 2.

The Parish Council, the property owner and the Land Registry have been notified and the asset has been placed on the SSDC Register of Assets of Community Value.

The owner can appeal against the decision; any appeals are considered by the Council's Monitoring Officer.

Next Steps

The owner has notified us that they intend to dispose of the property and the nominating body has submitted an Expression of Interest which has triggered the 6 month moratorium period. The local community has until February 19th 2017 to raise the funds to bid for the site.

If no written intention(s) to bid are received, the owner is free to sell the asset.

All accepted nominations will normally remain on the Register for 5 years.

Financial Implications

None at this stage.

Property owners who believe they have incurred costs as a result of complying with these procedures can apply for compensation from the Council. SSDC has an adopted compensation scheme. Government recognises this as a potential risk to local authorities and will provide a safety net whereby any verified claims of over £20,000 will be met by Government.

Council Plan Implications

Evaluate the overall requirements of the Government's Localism legislation and work with communities to develop plans for their community

Carbon Emissions & Climate Change Implications

None in relation to this decision.

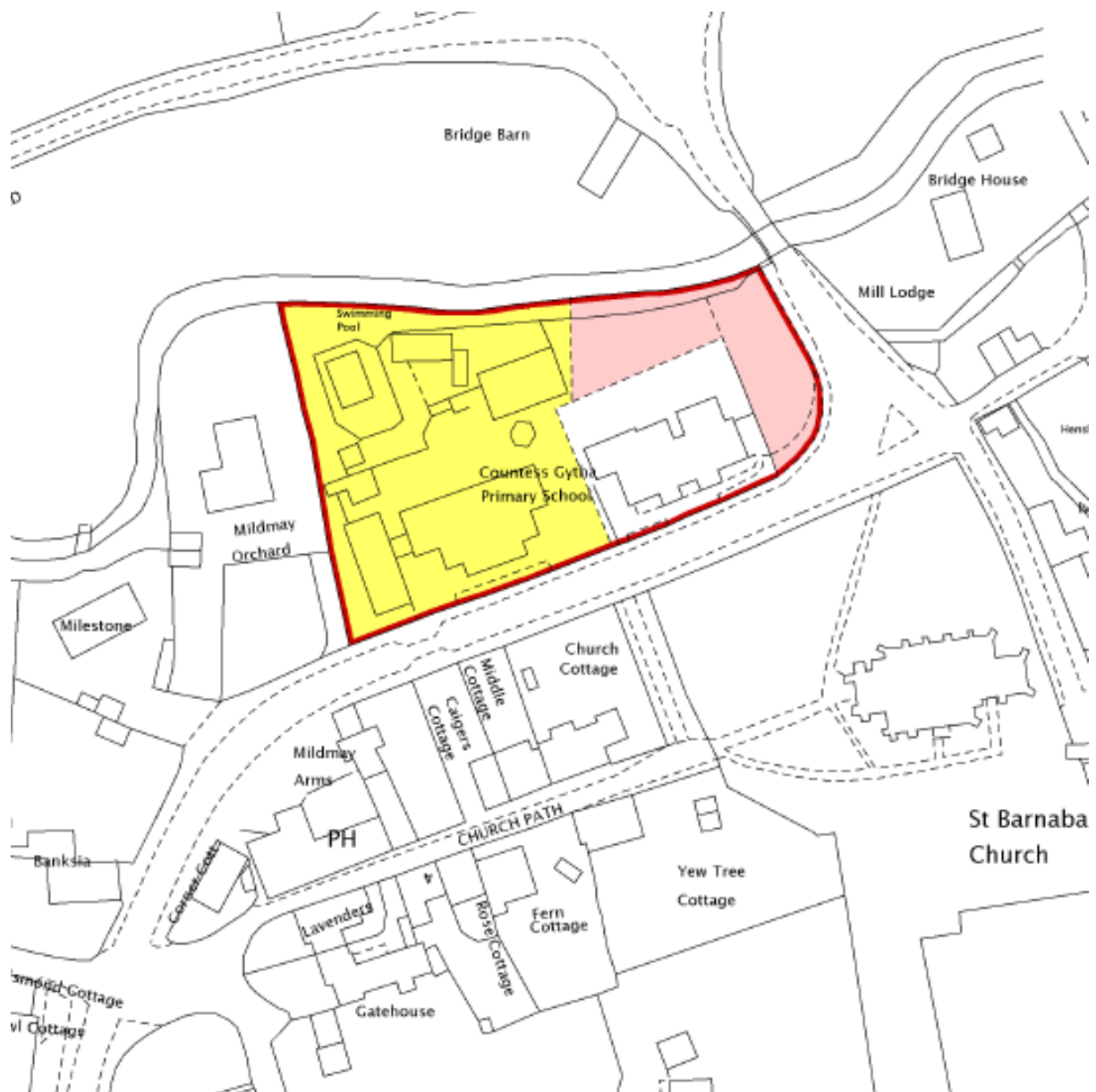
Equality and Diversity Implications

The Council's Equality Objectives and the General Equality Duty have been considered in the assessment of this nomination. There are no implications requiring action arising from this decision.

Community Right to Bid Assessment – Former Countess Gytha Primary School Site

	Community Right to Bid criteria	Detail	Fits Criteria Y/N
Nominating body	Does the nominating body fit the definition of a 'Community Interest Group?'	Parish Council is an eligible nominating group	Y
Area of interest	Does the nominating body have a 'local connection'? ie. are its activities wholly or partly concerned with the South Somerset area or with a neighbouring authority (which shares a boundary) and is any surplus it makes wholly or partly applied for the benefit of the South Somerset area or a neighbouring authority's area	There is a clear local connection. The activities of Queen Camel Parish Council are wholly concerned with the SSDC area.	Y
Use in recent past	Does the current use of the property or its use in the 'recent past' (i.e. the past 5 years) further the social wellbeing and interests of the local community?	The site has been used as a Primary School until July of this year. This is judged to further the social wellbeing and interests of the local community.	Y
Proposed future use	Does the proposed continued use (or in the next 5 years) further the social wellbeing and interests of the local community	Indicative plan set out in the draft Neighbourhood plan includes uses that would but this is currently subject to further consultation.	Y
Conclusion	<i>That the former Countess Gytha Primary School site does meet the criteria and should therefore be placed on the Register of Community Assets.</i>		
Decision	The former Countess Gytha Primary School site, Queen Camel, Somerset to be added to SSDC's register of Assets of Community Value		
Officer/Area Chair and date	<i>James Divall (Neighbourhood Development Officer)</i>		<i>18/08/2016</i>

Appendix 2 - Nomination boundary



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 East Committee at this meeting.

Recommendation

Members are asked to note the schedule of planning applications.

Planning Applications will be considered no earlier than 10.00am.

Members of the public who wish to speak about a particular planning item are recommended to arrive for 9.45am.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
12	NORTHSTONE	16/02353/OUT	Outline application for the erection of 8 dwellings with all matters reserved except access	Land opposite Fox and Hounds, Broadway Road, Charlton Adam	Mr B Rousell
13	MILBORNE PORT	16/02370/OUT	Outline planning application for residential development of 3 dwellings, with all matters reserved, except for access	Land off Higher Kingsbury, Milborne Port	Mr I Skinner
14	TOWER	16/03426/OUT	Outline application for the erection of a single storey dwelling and formation of an access	Sundown, Sunny Hill, Bruton	Mr I Barrett
15	WINCANTON	16/01659/OUT	Outline application, with some matters reserved, for residential development, associated landscaping, cycleway and footpath links and new vehicular access	Land South of Cemetery Lane, Wincanton	Miss Judith Gannon

16	CAMELOT	16/02909/FUL	Refurbishment of restaurant, extensions, and alterations. Reconfiguration of drive thru lane. Installation of 2 no. customer order displays with overhead canopies, a goal post height restrictor and new fascia signage. OPTION A.	McDonalds Restaurant, Sparkford Hill, Queen Camel	McDonalds Restaurants Ltd
17	CAMELOT	16/02910/ADV	Installation of 4 no. new fascia signs with the relocation of 3 no. existing fascia signs	McDonalds Restaurant, Sparkford Hill, Queen Camel	McDonalds Restaurants Ltd
18	CAMELOT	16/02913/ADV	Installation of 8 no. freestanding signs, 1 no. side by side directional sign and 2 no. banner units	McDonalds Restaurant, Sparkford Hill, Queen Camel	McDonalds Restaurants Ltd
19	WINCANTON	16/02971/S73	S73 application to vary conditions 1 and 4 of approval 12/00971/S73, to allow for an increase in permitted retail sales area.	Boots Pharmacy, Dykes Way, Wincanton	Boots UK Ltd
20	BRUTON	16/02374/FUL	Refurbishment of free-standing outbuilding to create an annex to house (guest bedroom and living space)	9 Quaperlake Street, Bruton	Ms Natalie Jones
21	BRUTON	16/02567/LBC	Refurbishment of free-standing outbuilding to create an annex to house (guest bedroom and living space)	9 Quaperlake Street, Bruton	Ms Natalie Jones
22	WINCANTON	16/03458/OUT	Outline application for the erection of a bungalow	Land adjoining Westbrook, The Batch, Wincanton	Mr & Mrs Colbert
23	TOWER	16/03265/LBC	Removal of old mixed tiles on kitchen roof and replacement with natural grey slate tiles to match existing ones, insertion of two roof lights to north east elevation (over kitchen) and internal alterations to kitchen ceiling	Greys Shaw, Mill Lane, Pitcombe	Mrs Annie Fry

Further information about planning applications is shown on the following page 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

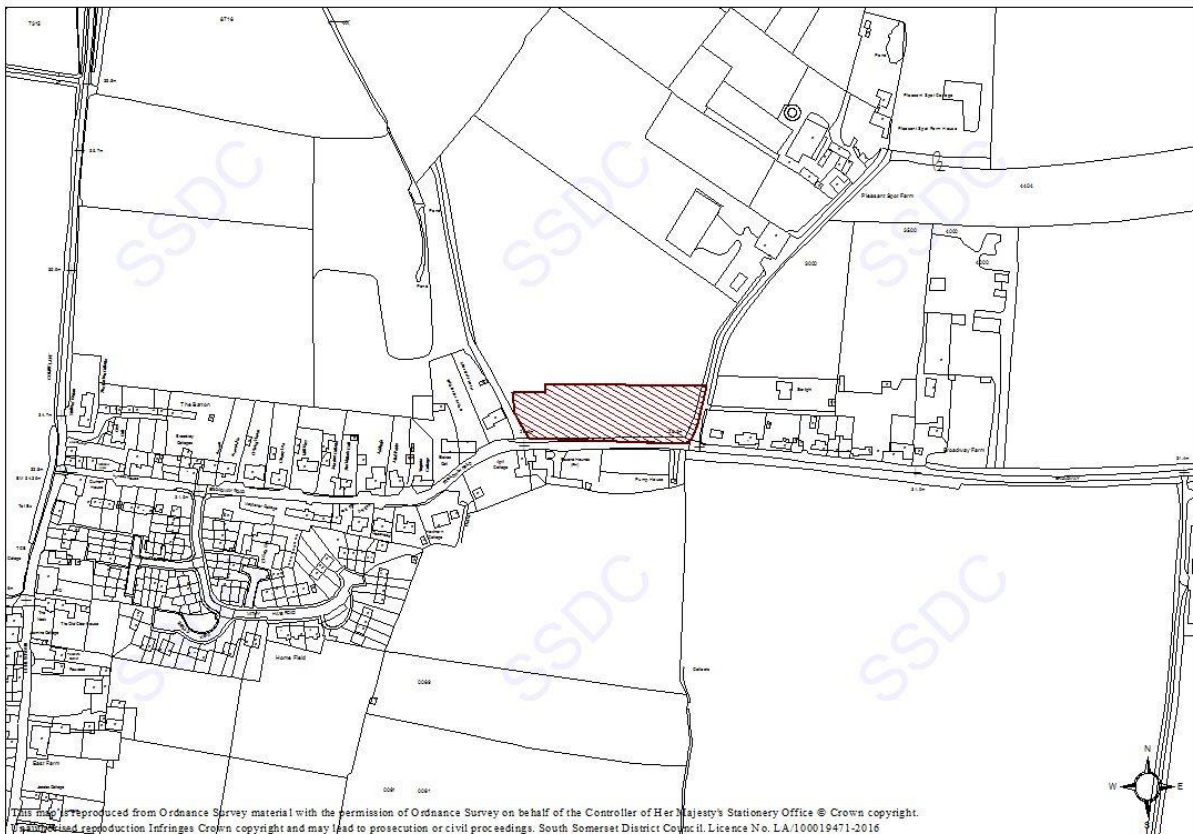
Officer Report On Planning Application: 16/02353/OUT

Proposal :	Outline application for the development of 8 dwellings with all matters reserved except access
Site Address:	Land Opposite Fox And Hounds Broadway Road Charlton Adam
Parish:	The Charltons Parish Council
NORTHSTONE (SSDC Member) Ward	Cllr David Norris
Recommending Officer:	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
Case	Lee Walton
Target date :	30th August 2016
Applicant :	Mr B Rousell
Agent: (no agent if blank)	Mr Andrew Tregay Boon Brown Architects Motivo Alvington Yeovil BA20 2FG
Application Type :	Major Dwlgs 10 or more or site 0.5ha+

REASON FOR REFERRAL

This application is referred to the committee at the request of the Ward Members with the agreement of the Area Chairman to enable local concerns to be fully debated.

SITE DESCRIPTION AND PROPOSAL





The application site is located in the countryside beyond the settlement's built form and located on the north side of Broadway Road. Across the road is the Fox and Hounds Public House with its beer garden and car parking area extending alongside the road. At the site's eastern end is a lane that separates the site from the short stretch of roadside housing that forms the hamlet of Broadway. At its western end, a roadside field-gate accesses a track that hugs the adjacent residential garden that forms the settlement's eastern edge that separates this from the application site. The site is currently used for agriculture with public footpaths, L6/19 runs along the western boundary of the site and L6/22 runs through the site: both converge on the roadside at the field gate referred to above. To the north extends agricultural land. A hedgerow forms the site's roadside boundary with a gully alongside the road.

The proposal seeks outline planning permission for the development of 8 (no.) dwellings. Appearance, landscaping, layout and scale are reserved matters, with access to be considered by the outline application. The Public Right of Way: Foot path L6/22 that runs through the site is proposed to be re-directed to start a little further north along footpath L6/19, and then along the back of the site to re-join the existing route of L6/22.

The application is supported by the following documents:

- Planning Statement
- Access Statement
- Tree Survey and Arboriculture Report
- Ecology Report Phase 1
- Flood Risk Assessment
- Statement of Community Involvement

The applicant submitted a revised drawing that shows a single access point to the roadside.

RELEVANT HISTORY

86060/A - Development of land for residential purposes and the formation of accesses, refused 4.10.1969

780448 Outline: Erection of four houses on land opposite the Fox and Hounds Inn, refused 27.04.1978

861361 Outline: Residential Development of Land, refused 25.07.1986

872185 Outline: Residential Development of Land, refused 08.01.1988

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF state 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

SS1 - Settlement Strategy

SS2 - Development in Rural Settlements

SS5 - Delivering New Housing Growth

TA5 - Transport Impact of New Development

TA6 - Parking Standards

EQ2 - General development

EQ4 - Biodiversity

Regard shall also be had to:

National Planning Policy Framework (March 2012):

Chapter 4 - Promoting sustainable transport

Chapter 6 - Delivering a choice of high quality homes

Chapter 7 - Requiring Good Design

Chapter 10 - Climate Change and Flooding

Chapter 11 - Conserving and Enhancing the Natural Environmental

National Planning Policy Guidance

Other Relevant Documents

Somerset County Council Parking Strategy adopted March 2012 and re-adopted September 2012 following corrections made.

Somerset Highways Standing Advice - June 2015.

The Charltons Design Statement (1998)

CONSULTATIONS

Charltons Parish Council - agreed unanimously to recommend refusal for the following reasons:

1. One of the major concerns relates to flooding and pressures on the sewers. These are essential planning issues and there are current problems with both that need to be

taken into account. Charlton Adam has experienced severe flooding from surface water overflow over the last few years, due to torrential rainfall and saturated ground conditions, which is exacerbated by surface water run-off from the old quarry. Wessex Water, although not statutory consultees on planning applications, stated at the PC meeting in July 2014 that, if asked to comment, would object to any development if it exacerbated surface water overflow.

2. The site is treasured open space. It is picturesque, agricultural land with footpaths, which gives the distinctive feel and character of rural areas such as Charlton Adam in South Somerset. The proposed development does not represent windfall or infill development and could be regarded as urban ribbon development.
3. The visual amenity, including the important vista from the Fox and Hounds Inn, would be severely impacted by removing the agricultural open space and established hedgerows. This agricultural open space also separates the houses in Charlton Adam from the group of quarry-workers' cottages. This is special local character and distinctiveness. To develop on this land would result in major eroding of the character and distinctiveness of this village with its rural scene and would set a precedent.
4. The proposal is not sensitive to its environment with regard to scale or character. The proposed housing is of a high density; there would be more houses on this field than there are in the same areas to the east and west. There are no attempts to retain important hedgerows and, therefore, the PC would consider an access road behind the existing hedgerows to be more acceptable.
5. The access is unsuitable in this location. Broadway Road is fast and narrow and the site is close to a bend on the west, at which the road narrows. The ditch bordering the road is vital for drainage and would be severely affected, especially as it would become the responsibility of the riparian owners to maintain if the site was developed as proposed.
6. Local need for this housing has not been identified. There is strong local opposition to this proposal. If a future Housing Needs Assessment Survey does demonstrate a need for housing, this location isn't suitable for the above-mentioned reasons.
7. The Planning Statement 3.1 states there is no planning history, however, on SSDC's website there are four previous refusals of planning permission for residential development.
8. The Statement of Community Involvement 3.7 is incorrect and misleading. A member of the PC did email the planning consultant, however, in the capacity as a resident; there was no mention in the email of being a councillor on the PC. Nor did they state that they intended to submit comments preventing planning in full. At the PC meeting, the planning consultant apologised if his statement was misleading.
9. Charlton Adam is classed as a Rural Settlement in Policy SS1 of the South Somerset Local Plan. 'Rural Settlements will be considered as part of the countryside to which national countryside protection policies apply (subject to the exceptions identified in Policy SS2)'. This application does not meet the criteria of Policy SS2: 'Development in Rural Settlements (not Market Towns or Rural Centres) will be strictly controlled and limited to that which:
 - Provides employment opportunities appropriate to the scale of the settlement; and/or
 - Creates or enhances community facilities and services to serve the settlement;

and/or

- Meets identified housing need, particularly for affordable housing.

The proposed development does not meet any of the above criteria.

10. There are no opportunities for sustainable travel, public transport is very limited and owning a car is considered almost essential in the parish. Each property would most likely add an additional 2/3 cars to the already limited and narrow Broadway Road.

The Charlton's Plan comments on its number of natural green spaces, which should be retained. Residents and the PC are not adverse to sympathetic infill, however, the application would take away some of the countryside, which is unacceptable and could set a considerable precedent for development. The PC has a duty to represent the views of the community and no resident had expressed support for the development.

SSDC Landscape Architect - Charlton Adam is not concentrated in its settlement form, with much of the housing aligning the network of lanes that form the village core, interspersed by small paddocks and gardens, to create an open-grained settlement pattern. 20th century development has primarily been limited to backland development to the northeast side of the village, south of Broadway road. The application site is the southern portion of a single field that lays to the northeast of the Broadway road, and to the northeast periphery of Charlton Adam's core, and is not untypical of the mid-scale fields that abut the village edge. It currently separates Charlton Adam from the secondary settlement of Broadway, thus having a value at this local level in expressing local settlement character. The housing in both the main village and Broadway bounds the site to west and east respectively, whilst it faces the car park of the Fox and Hounds pub to the south, beyond which is open farmland. To the north lays farmland, and a scattering of farmsteads.

I consider the site to have some landscape value in (i) being typical of the local fields that intersperse and contain the village edge, to thus contribute to local character, and (ii) its position in enabling Broadway to be read as distinct from the main area of Charlton Adam's housing. As such, the proposal to develop across the field's southern portion will bring about some erosion of local character and distinctiveness, contrary to the objectives of the local plan, policy EQ2. However, the site is visually contained such that the visual impact of development is expressed at a local level only, and the linear form of development along the lane network is not at variance with the village' settlement pattern. Consequently should other planning issues favour development, then I would advise that I consider the landscape impact to be of insufficient weight as to preclude a potential for development, though there is some limited degree of harm due to the erosion of local character, such that EQ2 is not wholly satisfied. Thus if you consider there to be other planning issues that tell against this proposal, then the erosion of local character and distinctiveness can reasonably supplement your reasons for refusal.

County Highway Authority -Based on the applicant's Transport Statement it is likely that the occupiers would be reliant on the private car as the alternative public transport modes are infrequent. The proposal will have access onto Broadway Road from visiting the site it is apparent that this is below the standard minimum carriageway width of 5.0m as there is no centreline in place. The plan is annotated to indicate that visibility of 2.4m x 43m can be achieved. This is considered to be acceptable and in keeping with the design guidance set out in Manual for Streets.

Turning to the internal layout the Highway Authority is satisfied that turning can be achieved for properties 1-5. However there is a concern over the lack of turning for properties 6-8. This will need to be amended as at the present time there is a concern over conflicting vehicle

movements in this location. Turning to the provision of parking the applicant has identified that the site is located within Zone C of the Somerset County Council Parking Strategy therefore they would need to adhere to the required standards. However they have indicated that these would not be agreed until the reserved matters stage. This approach is considered to be acceptable but the applicant is urged to re-think the parking layout for units 6-8.

In terms of drainage, the Highway Authority has reviewed the Flood Risk Assessment (FRA) and the applicant has proposed a SuDS strategy to use soakaways to allow surface water to discharge to the underlying geology with the flow into their own dedicated soakaway. The shared surfaces would be of a permeable construction where it is appropriate or drain to a soakaway. The discharge rates would be limited to an equivalent greenfield runoff rates. This approach is considered to be acceptable to the Highway Authority but we would want to remind the applicant that soakaways should be located more than 5.0m away from the adopted highway.

In conclusion the proposal would result in an increase in vehicle movements but it is not considered to be significant enough to warrant an objection in traffic impact terms. The Highway Authority raises no objection to the above application, subject to conditions to secure a construction environmental management plan, consolidated surfaces, disposal of water, no obstruction, and no obstruction to visibility greater than 300mm above adjoining road level.

County Archaeologist - No objection

County Rights Of Way - do not object to the proposal subject to the applicant being informed that the grant of planning permission does not entitle them to obstruct a public right of way, for which there is the need to apply to the LPA for a diversion order.

SSDC Ecologist - The southern boundary hedge was assessed as 'important' using the Hedgerows Regulations. The majority of field hedges in South Somerset qualify as 'important' under the Hedgerow Regulations. I consider the hedge on site to be a typical hedge. I don't consider this hedge to be of any special value to weigh against the proposal.

NPPF and Local Plan policy EQ4 make provision for minimising fragmentation of habitats and promoting coherent ecological networks. Hedges are an important component of the local ecological network. I therefore support the planting of a new native species hedge to the rear of the development and recommend this is made the requirement of a condition.

There are records of great crested newt associated with quarries to the north-west with newts likely to favour over the sub-optimal newt habitat on the application site. I don't consider the low likelihood of newt presence to be a reason against permitting the proposed development. However, given their high legal and conservation status, further assessment or survey should be undertaken prior to the determination of any reserved matters application.

SSDC Housing - Regarding the affordable housing element of the scheme, current policy requires 35% affordable housing which is ordinarily at least 2/3 social rent on qualifying sites. I note from the application submitted that you have already proposed 3, 2 bedroom houses to be provided as social rent, which I can confirm that we would accept. I would expect that our prevailing minimum space standards are adhered to: - 2 bed house 76 sq. m (86sq m if 3 storey).

We would also expect the affordable units to be developed will blend in with the proposed market housing styles, and adhere to our minimum space standards as detailed above.

Wessex Water - A number of properties in the area suffer from sewer flooding which is caused

by groundwater flows overwhelming the sewer network during periods of significant rainfall. Wessex Water has CCTV surveyed the sewers in 2015/2016, identifying several points of groundwater ingress to its system. A programme of sewer sealing in the village is planned for 2017 to reduce flows during periods of high groundwater. We recommend that new development connections to the sewer network do not precede sewer sealing works. If the application receives approval a condition is sought to ensure that sewer connections do not precede necessary works.

Campaign to Protect Rural England refer to more recent judicial decisions that in the absence of a 5 year housing land supply still offers considerable weight to Policy SS2 that the LPA cannot ignore as a matter of planning judgement. Policy SS2 clearly calls for (generally) 'support of the local community'. It is a matter of planning judgement for the LPA whether it considers that such support has been demonstrated.

Assuming that the LPA still does not have a five year housing land supply, NPPF paras.14 and 49 will be engaged. But that does not mean that Policy SS2 can be disregarded. Neither is it a question of 'should the council wish to give weight' to it, as stated at para.6.13 of the Applicant's planning statement. As said, Policy SS2 is a Development Plan policy and the LPA has to start with consideration of this application from the Development Plan. In the context of Policy S2 we do not think that the application accords with the policy for the following reasons:

1. It is not commensurate with the scale and character of the settlement. It will lead to a marked expansion of the existing, predominantly nonlinear built form into an area of agricultural land that contributes to the village's rural setting and acting as a visual green gateway when approaching from the east.
2. There has been no robust engagement and consultation with the local community, and no evidence of community support. The Applicant attending a meeting of the Parish Council and writing to 30 neighbours is insufficient and not robust.

Given that there is no policy requirement for affordable housing, we query why it is being provided?

SSDC Community, Health And Leisure - We still seek contributions from applications of 10 and under if we can identify specific, one off projects that we can relate directly to the sums generated by the development. In this case

- Equipped Play Space towards provision of a zip wire at the Charltons Playing field £6,790 plus a commuted sum of £3,922
- Youth facilities contribution towards provision of a basket swing at the Charltons Playing field £1,333 plus a commuted sum of £493
- Community Hall contribution towards the provision of new windows, doors and showers at Charltons Community Hall £12,174
- 1% community Health and Leisure services administration fee £247
- Overall contribution per dwelling £3,120

REPRESENTATIONS

There have been 38 Neighbour notification responses of which there are 20 letters of objection and 18 letters of support. The households objecting are concerned:

- The development does not satisfy the requirements of the Local Plan Policy SS2 in that it neither provides employment opportunities, creates community facilities nor meets a housing need.
- The Parish already has around 80 affordable homes representing some 20% of the

parish housing stock

- There is at present no one on the Housing Register with the Charltons as their first choice parish
- To add further affordable homes would add to the disproportionate number in a small village where, according to the South Somerset Housing department Housing list, there is no demand for social housing in either gold, silver or bronze categories
- The pattern of cottages on alternating sides of the old road is locally distinctive at this location whereas this proposal would mean simple ribbon development.
- It is a ribbon development, not infill as it would connect the hamlet to the village.
- This development does not reflect local character of the village and represents significant over-development along this stretch of road.
- The impact on the character/ street scene of the village would be extremely detrimental. An intensive development here would really detract from the existing rural fell of the village.
- 'Out of keeping'.
- The first principle from the 'Design Statement for the Parish of Charlton Mackrell states: 'The open spaces that contribute to the setting of the villages and the old buildings within them are equally important to the character of the villages as the buildings themselves'.
- Charltons' Village Plan comments on the number of green spaces which should be retained and this is such a space.
- Loss of important hedgerow and damage to the ditch.
- The proposal should not be considered in-fill. Instead it will be joining a separate hamlet by ribbon development.
- The spaces in the village are considered as important to the village as the houses themselves.
- The Pub Beer garden will be directly overlooked by the many of the proposed houses. This will affect the appeal of the pub/ garden.
- An acute lack of public transport and facilities in this village. A car is essential transport.
- The roads in the Charltons are narrow, without pavements, and traffic has to share these with tractors, pedestrians and horses.
- At the west end of Broadway Road there is a sharp left hand bend and the approach to it is not wide enough for two cars to pass safely.
- Increased congestion.
- There is a long history of flooding.
- Drainage and sewerage outflow issues.
- Overloaded sewerage pumping station, a system which is regularly overloaded, often requiring support from stand-by tankers.
- The Parish Council is in the process creating the Community Plan. It is this that should determine whether more homes, and of what type, are needed in the Charltons.
- The latest reports reveal that rural villages are already picking up more than their proportion of the allocation while towns with the infrastructure to cope, such as Yeovil, Chard and Crewkerne, are falling significantly behind their quota.
- Near neighbours of the site (on Broadway) were not notified by the developers of the proposal

The 17 letters of support include 7 that are not from the Charltons. Several simply seek to confirm that they have never seen the field flood. The reasons for support include:

- There is a significant need for housing across the district
- Affordable housing is needed
- A very popular village

- I was born and brought up in Charlton Adam, but do not live there at present
- Additional housing benefits the village pub, post office and school
- Because of its size and location this site could almost be considered in-fill
- This application reflects a sensible infill between two sets of buildings
- The proposed dwellings reflect the existing pattern of development and are set between existing houses
- If a small new development can be created thoughtfully and sensitively it can be blended into our community without undue upheaval.
- Straight road giving good visibility in both directions
- Good road access to A37 and A303
- More local traffic will be created as there is no public transport
- I have never seen the field flood
- There is scope within the development to ensure the flooding will not be worsened as a result of the development

CONSIDERATIONS

Principle of Development:

The site is located at Charlton Adam's western edge, noted to be a rural settlement (Policy SS2). Policy SS2 sets out a number of criteria, within the context of development in such areas being strictly controlled, and considers development should meet identified housing needs, particularly affordable housing, be commensurate with the scale and character of the settlement and should generally have the support of the local community following robust engagement and consultation. Policies SS1 and SS2 have an important (although not exclusive) function of determining the housing supply. The council acknowledge its current lack of a 5 year housing land supply at which point policies relating to housing constraint are considered not to be 'up-to-date'. The policies clearly fall within the remit of para.49 of the NPPF, while para.14 of the NPPF states that applications for housing should be approved without delay unless "..... any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole".

The recent Appeal Court Ruling in Hopkins Homes is noted that the lack of a five year supply of housing land should not automatically override other planning harms or render out-of-date policies irrelevant or of no real consequence. This requires that it is a matter to which appropriate weight must be accorded by the decision maker, influential as appropriate in the circumstances of the case, in the context of the plan-led system that is the statutory basis for decision taking; and central to the overall intentions of the NPPF in respect of sustainable development.

Material considerations include: character and appearance, highway safety (Access), neighbour amenity, and affordable local housing need.

Character and Appearance:

The application site is taken from a much larger agricultural field that comes up to the roadside; the public footpaths are seen to open direct into the countryside from the roadside, rather than hugging an adjacent housing development boundary, as is proposed. The parish response considers the site 'a treasured open space. It is picturesque, agricultural land with footpaths, which gives the distinctive feel and character of the rural area.' The extent of the roadside gap including the adjacent lane (east side) act to separate the village edge that is established by the mature garden in front of the adjacent dwelling alongside which the footpaths are signed, with roadside field access and track, and in combination with the sizeable roadside gap these are features separating the village proper from the outlier's built form at Broadway.

In approaching the village from the east, there is an awareness of the start of a short stretch of roadside houses (Broadway) before these give way to open ground (the application site), with the presence of the public house softened by planting and the extent of its low impact developed grounds before coming to the public house, itself. Across the road is the modern house previously described, set back and seen at an angle, and what with the adjacent field gates and the rights of way directions sign-post these further distinguish the location. The bend in the road follows following which the settlement's built form crowds in on either side with views extending forwards with an awareness that the village centre approaches.

The overall effect of the proposal would be to significantly alter the existing character and appearance of the lane to one of a more urbanised nature. Although the revised access has reduced openings with a single break in the hedgerow; the main concern remains with the presence of built form in this location. Setback, as is proposed, this suggests the worst of 20th century layout arrangement that disengages with the wider settlement's traditional built form that tends to be more immediately roadside. The Landscape Architect does not raise a wider landscape character concern although local character deserves closer attention. Although the harm would be localised, the consistent if transitory appearance of the lane maintains an important rural character that more importantly separates the village edge from the outlier's built form, helping to maintain the traditional and historic separateness that is widely appreciated.

The proposal removes, rather than erodes what is a significant length of roadside gap. Notwithstanding the amended drawing that seeks a single break in the hedgerow that leaves the existing roadside hedge largely intact, the needs of the car and visibility requirements is likely to affect more than just the opening itself whose framing in combination with the presence of the dwellings would underscore the urban presence introduced that is considered would cause unacceptable harm. The proposal would significantly extend development along the roadside and notwithstanding signs of traditional linear growth, this is not overwhelmingly so, and besides the proposal is seen creates in this location an 'imbalance', and in combination with the existing roadside development at Broadway becomes a overly long stretch of poor ribbon development. In supporting this 'ribbon development', for it can hardly be described as 'in-fill', its length distracts from the clear transitional role between the rural agricultural character and the village proper.

The Landscape Architect's response is considered largely sympathetic to the extant character, and local responses have referred to the importance of roadside gaps in support of local distinctiveness, that is also referred to in the Village Design Statement. While the protection of local gaps is not a feature of the Local Plan, this should not negate the importance of such gaps within the rural scene where they contribute to local distinctiveness, context and character which policy EQ2 refers. Contrary to the applicant's opinion the proposed development is considered does not form a logical and coherent continuation of the frontage, in coming out from the village, neither should it be viewed as a natural extension to the village that will retain the rural character of the residential area.

Policy EQ2 is a general policy applicable to all development, which aims among other things to ensure that development promotes local distinctiveness and preserves or enhances the character and appearance of the district. It does not relate to housing supply and therefore does not fall to be considered against the latter part of paragraph 49 of the National Planning Policy Framework (the Framework). The proposal is considered would fail to reinforce local distinctiveness and respect the local context in which it sits, which would be contrary to criteria in Policy EQ2. Whilst it would accord with other criteria in the policy, including one relating to landscape character, the harm caused to local character and appearance - the unwelcome consolidation of built form, extending the village form out of character with the open nature of the increasingly sporadic development that is identified is considered would be sufficient to

conflict with the policy as a whole. Furthermore, the development would not be in accordance with paragraph 17 of the National Planning Policy Framework (the Framework) which seeks to ensure that development takes account of the different roles and character of different area, and recognises the intrinsic character and beauty of the countryside.

Highway Safety (Access):

Access is considered in detail by this application and is thought acceptable by the Highway Authority whose comments also reflect the need to achieve parking standards for plots 6 to 8, whose 'illustrated' layout lacks turning, if not parking spaces given the application form refers to as 2 bedroom. However, this is detail to be considered at Reserved Matters and it is sufficient in considering the outline application that the space exists within the site to secure an acceptable highways outcome.

Neighbour objections draw attention to accessing the village centre with local reliance on the shared road surface with vehicles, including tractors, and horse riders often present while negotiating the bend in the road adjacent to the public house. Further afield, the sharp bend before arriving at the village shop is another 'pinch point', while the lack of footpaths and street lighting, as well as the distances involved to get to the primary school, with the nearest bus stop located equally distant and offering a very limited service are all services and facilities shared by the wider community. Whether the impacts of this small cumulative increase are severe to warrant refusal is another matter. The Highway Authority has not sought refusal on this basis.

Neighbour Amenity:

While the current application is in outline and the final details have yet to be considered, the illustrative layout indicates a relationship to the roadside whose finished details would or could avoid producing any detrimental impact for adjacent occupants.

Affordable Housing:

Despite there being no policy requirement (following the Court of Appeal judgement: *SofS CLG v West Berkshire DC and Reading BC*), to provide affordable housing, the proposal intends 3 shared ownership properties. The change in policy is reflected in updated paragraphs in Planning Practice Guidance that states 'affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development (para.031). The obligation is no longer necessary to make the development acceptable in planning terms, as the relevant Local Plan policy is not aligned with current national policy, nor is the obligation any longer directly related to the development by means of the same policy. In this respect a planning obligation fails to meet two of the tests set out in the Framework (paragraph 204) and limited weight should be given this in the planning balance.

Despite the applicant's reference to there being a local need local objectors are correct that there is no local housing need for the Charltons' as is confirmed by the council's Housing Officer.

Neighbour and Parish Council responses:

These are largely dealt with under the relevant sub-headings of the officer report. Those that are not include reference to drainage and flooding. Wessex Water require that any approval is conditioned that the development is not commenced ahead of the necessary drainage works. While the works are indicated to be undertaken in the near future inevitably there can be delays that raise the possibility that by the time the works were completed the council's lack of a five year housing land supply may have been addressed.

The addition of dwellings provides opportunity to improve surface water flood risk in the locality although it is noted that the main concern is with the existing infrastructure

The Parish have also raised concern with the impact of the development on the Fox and Hounds Inn that currently enjoys a largely rural setting, with the outlook of patrons impacted not only by the removal of the agricultural expansive open space that adjoins, but also by the very presence of the access point and break in the roadside hedgerow that would leave diners with views direct into the proposed development, aware of the comings and goings of this local traffic . This and the resulting loss of rural context would be evident for patrons, and notwithstanding that the proposed development is a source of potential additional custom for the pub it is undeniable that the current rural context would be largely lost to the detriment of the local business.

Local objections are also concerned that the density of the proposed development is greater in contrast to the existing densities on either side of the application site. This shows for the equivalent length that the proposal seeks 8 dwellings, while to the east this produces 5 to 6 dwellings, and on the west side 6 dwellings.

Other Matters:

Pre-application advice was sought and given by the LPA for a smaller scheme. Its response included the need to engage 'with the local community for local input and as to whether an application would have local support.' The submission includes a 'Statement of Community Involvement' although objectors have made the point that there was no real engagement as is indicated in the brevity of the statement. The CPRE response also draws attention to the requirement for there to be a robust engagement that is considered not to have been undertaken. It is noted that some objectors as well as supporters in considering the application have pointed to positive changes aimed at improving the scheme.

Planning balance:

The council's lack of a five year housing land supply is acknowledged and attracts great weight in the decision making process with policies for the supply of housing considered not to be up-to-date. The Local Plan reflects the presumption in favour of sustainable development set out in the Framework. The sustainability of development needs to be assessed against three elements: social; environmental; and economic. The proposal would bring short term economic gains in terms of construction. The appellant argues that benefits would also accrue through increased support for the facilities within the village, including financial contributions towards local leisure facilities, while the provision of new dwellings and their contribution, although modest to the shortfall in housing supply across the district, attract due weight.

The factors identified as weighing against the proposed development are considered significantly and demonstrably outweigh the factors in its favour. The proposed development is considered would be detrimental and have an adverse harm for the character and local distinctiveness of the immediate locality. This sees a combination of consolidation and the projection of roadside built form that witnesses the joining of the village edge with the outlier of Broadway that underscores poor and mostly discredited ribbon development.

By standing the dwellings back from the roadside; this does not address the presence of urban built form. Bearing in mind the permanence and irreversibility of the proposed built development, these factors are considered all weigh heavily against supporting the proposed development. The presumption in favour as set out in paragraph 14 is relevant and engaged by virtue of paragraph 49 although not considered to apply in this instance. The proposed development therefore cannot be considered a sustainable development.

RECOMMENDATION

Refuse

FOR THE FOLLOWING REASON:

01. The proposed development by reason of the development's projection and consolidation of local built form that would result in loss of the traditional separateness between Charlton Adam and the secondary settlement of Broadway in combination with the existing roadside development at Broadway provides for poor overly extended ribbon development to the detriment of character, appearance and local distinctiveness. As such the proposal is contrary to the aims and objectives of Policy EQ2 of the South Somerset Local Plan 2006- 2028 and paragraph 17 of the NPPF.

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, while the applicant/agent took the opportunity to enter into pre-application discussions the indicative scale of proposal appears has not materialised in the current application.

Agenda Item 13

Officer Report On Planning Application: 16/02370/OUT

Proposal :	Outline planning application for residential development consisting of 3 dwellings, with all matters reserved, except for means of access.
Site Address:	Land Off Higher Kingsbury Milborne Port
Parish:	Milborne Port
MILBORNE PORT Ward (SSDC Member)	Cllr Sarah Dyke
Recommending Case Officer:	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
Target date :	30th August 2016
Applicant :	Mr I Skinner
Agent: (no agent if blank)	Mr tony allen The Old Fire Station EC Salt Lane SALISBURY Wiltshire SP1 1DU United Kingdom
Application Type :	Major Dwlgs 10 or more or site 0.5ha+

REASON FOR REFERRAL

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

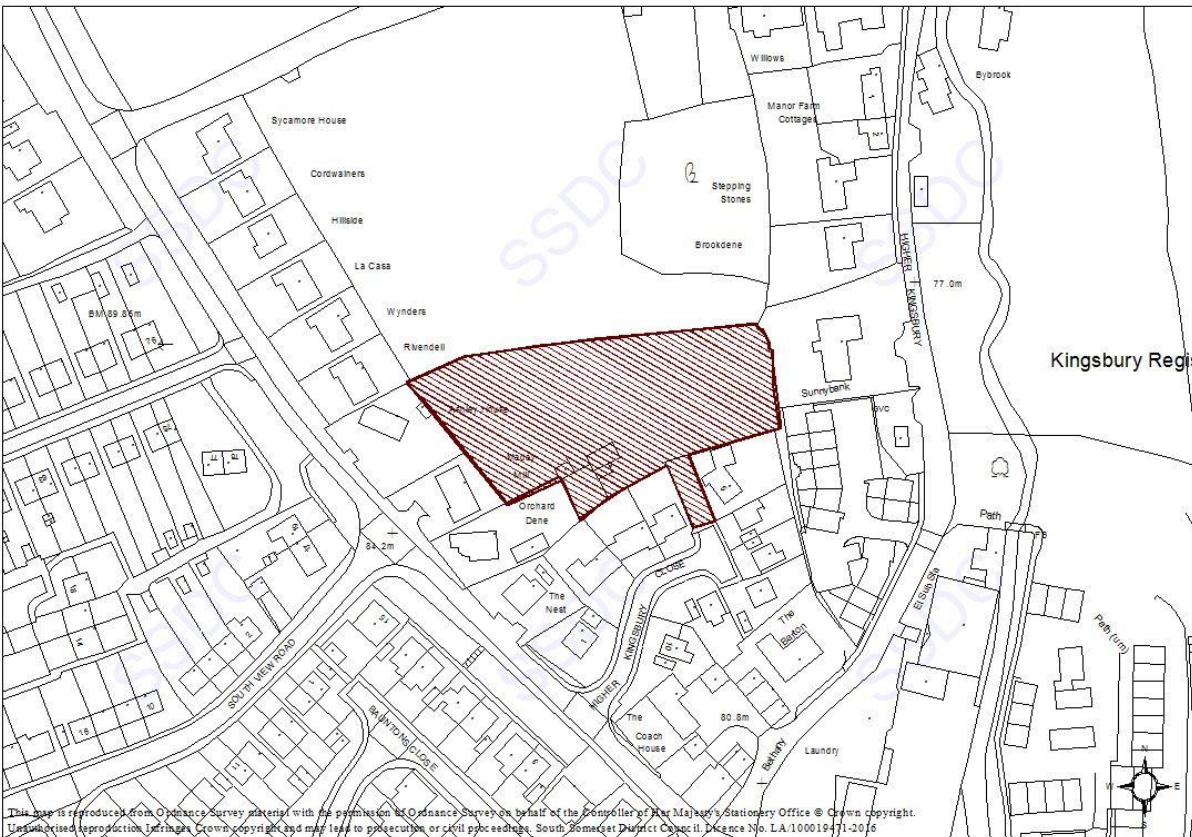
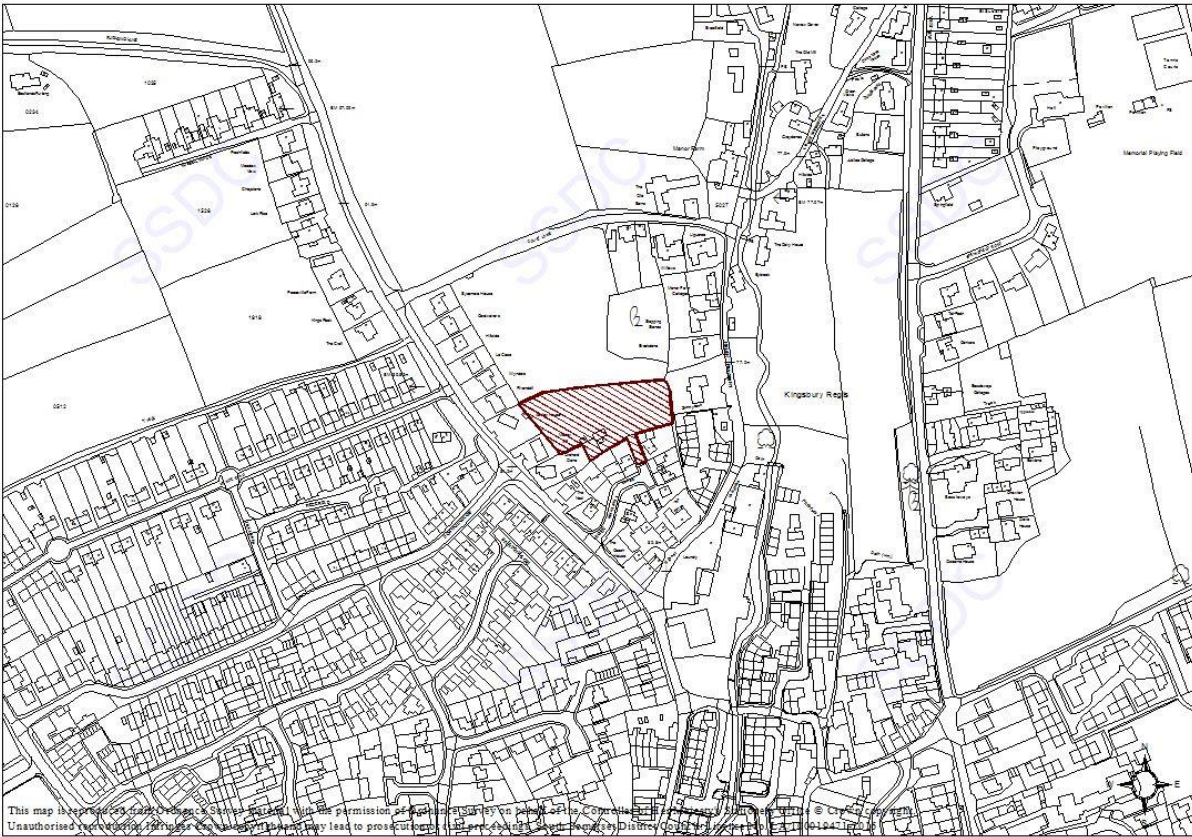
BACKGROUND

This application comprises a resubmission of an earlier refusal, ref: 15/05449/OUT that sought the principle of 3 dwellings, whose reason for refusal was:

01. The proposed development site has been arbitrarily defined to exclude land, also owned by the applicant, which has been previously identified for development. As such the proposal has been artificially contrived to exclude areas of the wider site to avoid triggering the need for the on-site provision of affordable housing as required by Policy HG3. Such piecemeal development, in the absence of measures to deliver the necessary requirements on a pro-rata basis, is contrary to Policies HG3 and SS6 of the South Somerset Local Plan 2006- 2028.

The current application resubmits the outline proposal for residential development that consists of 3(no.) dwellings. This follows the May 2016 Court of Appeal decision (SoS CLG vs West Berks/Reading) that clarified Local Authorities should not seek contributions from schemes of 10 units or less. Whilst it is considered Policy HG3 is valid, the most recent legal ruling must be given significant weight and therefore the council would not seek an affordable housing obligation from this development. The relevance of the applicant's arbitrarily drawing their red outline to avoid including more than 0.2 hectares is superseded by the court of appeal judgement. The reason for refusal therefore falls away.

SITE DESCRIPTION AND PROPOSAL



The site is located adjacent to development limits with residential properties to south, west and east of the application site. The land drops at the eastern boundary adjoining the curtilage of a

single storey dwelling known as Sunny Bank. The land generally rises northwards and forms a green wedge where the countryside projects towards the centre of the village. Higher Kingsbury Close to the south is a small purpose built cul-du-sac estate. The field access is taken from Higher Kingsbury Close.

The layout shows a road access taken from Higher Kingsbury Close at its north east corner between nos. 4 and 5, and involves the widening of the current field access to serve the new residential scheme. Once on site the estate road is proposed forms an east- west axis. The layout is 'illustrative' and shows detached family homes comprising 3(no.) two storey dwellings. These are given to be 5 bedroom but scale is not being considered by the outline.

The application is supported by a Planning Statement (June 2016).

HISTORY

15/05449/OUT - Outline application for residential development consisting of 3 dwellings, with all matters reserved, except for means of access, Refused. (OFFICER note: the reason for refusal reflects the Policy HG3 requirement for contributions where the application site exceeded 0.2 hectare and in coming forward the application sought to avoid such contributions through a arbitrarily drawn red outline.

14/04927/OUT - Revised Outline Planning Application for 10 Dwellings with All Matters Reserved, except for means of access, layout and scale - Refused and Appeal Dismissed.

14/00791/OUT - Outline planning application for the erection of 10 dwellings with some matters reserved (revised scheme) - Refused.

13/04830/OUT - Outline planning application for 10 dwellings with all matters reserved except for means of access, layout and scale, Withdrawn to consider further the highway and residential amenity issues that had been raised.

91/01646/OUT - Residential development of land. Refused and appeal dismissed.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF state 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.

SS5 - Delivering New Housing Growth

EQ2 - General Development

TA6 - Parking Standards

TA5 - Transport Impact of New Development

HG3 - Provision of Affordable Housing

HG4 - Provision of Affordable Housing

SS6 - Infrastructure Delivery

SS1 - Settlement Strategy

National Planning Policy Framework (March 2012):

4. Promoting sustainable transport
6. Delivering a wide choice of high quality homes
7. Requiring good design

Somerset County Council Parking Strategy, Sept 2012.

Somerset Highways Standing Advice - June 2015.

CONSULTATIONS

Milborne Port Parish Council - considers that the reduction of planned development from 10 to 3 dwellings with larger plot sizes and increased landscaping makes this an acceptable development subject to Highways assessment of vehicle access and turning provision (information pending) which had been a concern with the previous applications. It is also noted that there is strong opposition from other residents in this quiet close to the proposal.

County Highway Authority - The proposal appears to provide a shared surface arrangement which will allow vehicles and pedestrians to access the site using the singular road surface without need for a footway. Visibility does not appear to be an issue due to the fact that vehicle speeds are likely to be low given the nature of the road. Each dwelling will need to be served by a properly consolidated and surfaced access before it can be brought into use. Conditions are proposed.

SSDC Landscape Officer - The house numbers are now greatly reduced to 3 plots only, which whilst likely to result in properties of greater scale, should allow for greater green space, and tree planting also. Consequently my views are as previously expressed, i.e; the site is contained on 3 sides by development, and whilst it is agricultural land, the built surround exerts a strong urban character, for the prospect of development not to appear incongruous. Neither has the site a significant visual profile. Consequently I see no landscape issue to tell against the potential for housing here. I am wary of the proposal to site a two-storey house on plot 1, given its dominant relationship with housing to the east. Consequently I would advise that if you are minded to grant consent, that outline consent is not tied to the layout before us at the moment.

County Archaeologist - No objection.

SSDC Environmental Protection - condition contaminated land watching brief.

Natural England - No objection.

REPRESENTATIONS

9 Households have responded objecting to the proposal, raising the following concerns:

- 1992 and 2015 Appeal decisions dismissed similar development on the same site on the basis of amenity harm for occupants of no. 5 Higher Kingsbury Close
- The proposed narrow access and proximity to existing properties will be detrimental to the living conditions and amenities enjoyed by adjacent occupants in 4 and 5 Higher Kingsbury Close. The proposal will significantly and demonstrably harm the residential amenity of the occupiers of numbers 4 and 5 Higher Kingsbury Close, contrary to prevailing policy.
- No defensive space between no.5 and proposed access road; glare of car lights
- The exit from Higher Kingsbury Close to Wick Road is often impeded by the parking

- from the laundry and laundry workers
- There have been two large residential developments in the village recently, an increase of over 200 houses
 - The refuse vehicles have to reverse into the Close
 - Noise, pollution and presence of traffic

CONSIDERATIONS

Principle of Development:

Milborne Port is a sustainable location identified for growth over the plan period. There is support in principle. The relevance of Policy HG3, as noted above, is changed following the Appeal Court decision. This removes the previous reason for refusal. Accordingly there is the need to review the material considerations and whether there has been any change since the last refusal. The main considerations include character and appearance, highway safety and residential amenity.

Character and Appearance (Layout and Scale):

While the current outline considers only access in any detail, the illustrative layout as was originally submitted, showed three large dwellings spaced out across the site. The illustrative layout tends to show that an acceptable scheme can come forward without detriment to character and appearance.

Highway Safety (Access):

The Highway Authority propose conditions and no other objection is received from them with regard to the access point that has proven a point of local controversy. The reduction in the number of houses is noted, and although these are expected to be large scale the resulting traffic movement is considered would have been reduced that in part addresses the earlier concerns of adjacent occupants. It is considered that an acceptable scheme can come forward as part of the Reserved Matters.

Impact on Residential Amenity:

The recent appeal considered the access point wedged between numbers 4 and 5 Higher Kingsbury Close and the Inspector concluded that there was a neighbour amenity concern sufficient to warrant the appeal being dismissed. This followed the earlier 1992 appeal decision that also made reference to neighbour amenity. The current application clearly results in a significant change in the number of proposed dwellings. Seen in context the 2014 refusal whose appeal was dismissed sought 10 dwellings, the 1992 appeal had considered 5 dwellings, and the current application seeks 3 dwellings - a not insubstantial reduction in the number of proposed dwellings. The Landscape Architect has certain reservations with plot 1, but Reserved Matters can consider the detail. A condition seeks to limit the development to no more than two storey although it is quite possible that a one or one and half storey may come forward dependent on any constraints identified in considering detailed finishes. In terms of the reduction in the number of dwellings the significant reduction identified is considered to have addressed the neighbour amenity concerns of numbers 4 and 5 that had previously identified (at the time of the most recent appeal).

Neighbour Concerns:

Their objections are noted and considered, as appropriate, under the respective sub-headings of the officer report. In considering the current application the primary issue of concern is whether the reason for refusal has been addressed. As stated above the refusal had been on the basis that the applicant had sought to avoid the financial contributions although since the court of appeal decision this reason for refusal has fallen away.

RECOMMENDATION

Approve.

01. The proposed development of three dwellings is considered makes for an acceptable residential scheme without detriment to character and appearance, highway safety, and neighbour amenity given the number of dwellings involved, and as such is considered accords with Policy TA5, TA6 and EQ2 of the South Somerset Local Plan 2006- 2028.

SUBJECT TO THE FOLLOWING:

01. Approval of access, appearance landscaping, layout and scale (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To accord with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 2015.

02. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

03. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the provisions of S92 (2) Town and Country Planning Act 1990 (as amended by S51 (2) Planning and Compulsory Purchase Act 2004)

04. The development hereby permitted shall be carried out in accordance with the red outline identified in the approved plan: jw583- 200 Rev H received 31 May 2016. The layout and indications of scale are 'illustrative' and need not come forward in considering Reserved Matters.

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

05. In the event that any signs of pollution such as poor plant growth, odour, staining of the soil, unusual colouration or soil conditions, or remains from the past industrial use, are found in the soil at any time when carrying out the approved development it must be reported in writing within 14 days to the Local Planning Authority (LPA). The LPA will then consider if the findings have any impact upon the development and development must be halted on that part of the site. If the LPA considers it necessary then an assessment of the site must be undertaken in accordance with BS10175. Where remediation is deemed necessary by the LPA a remediation scheme must be submitted to and approved in writing by the LPA and then implemented in accordance with the submitted details.

Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with Local Planning Policy.

06. Three dwellings are hereby permitted. The dwellings shall not be more than two storey in height.

Reason: To avoid any ambiguity as to what is approved and anticipated.

07. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed prior to commencement of development and thereafter maintained at all times

Reason: In the interests of highway safety further to Policy TA5 and EQ2 of the South Somerset Local Plan 2006- 2028.

08. The development hereby permitted shall not be commenced until the required parking and a properly consolidated and surfaced turning space for vehicles has been provided and constructed within the site in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such parking and turning spaces shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

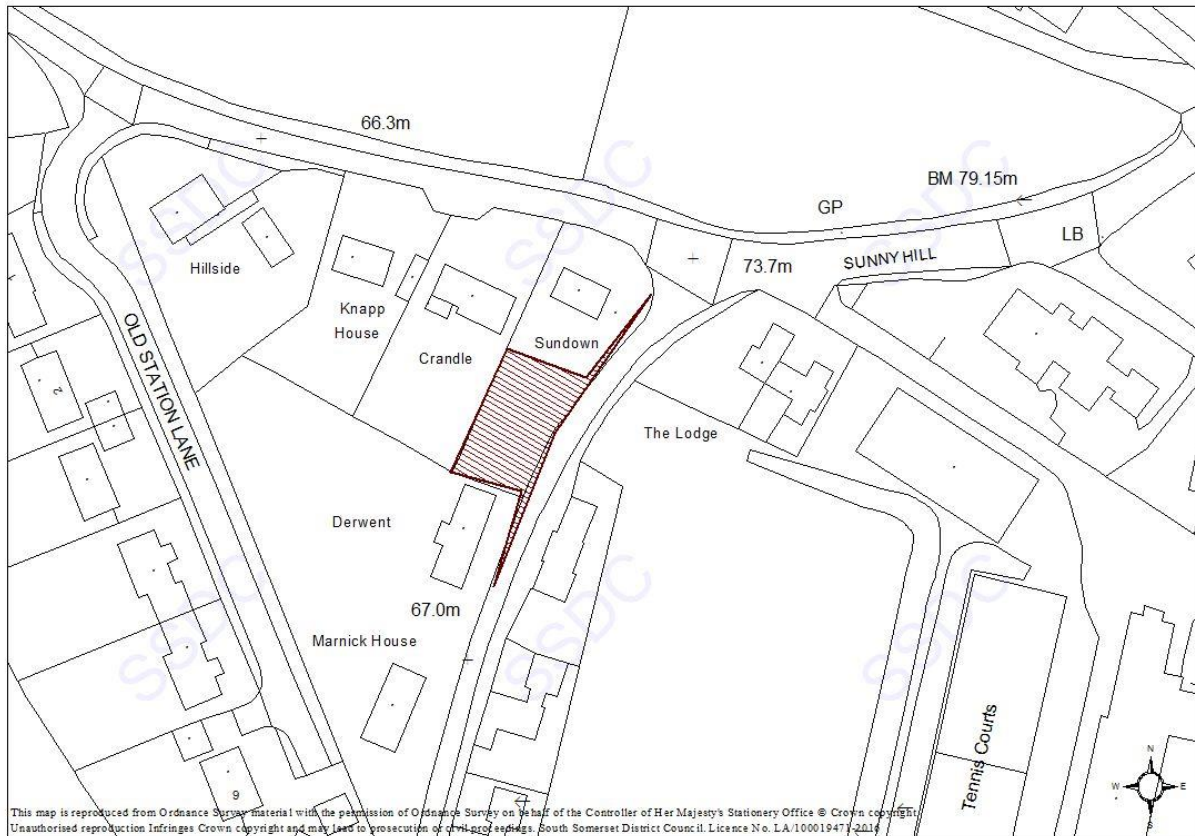
Reason: In the interests of highway safety further to Policy TA5 and EQ2 of the South Somerset Local Plan 2006- 2028.

09. The proposed roads 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 carriageway to at least course level between the dwelling and existing highway.

Reason: In the interests of highway safety further to Policy TA5 and EQ2 of the South Somerset Local Plan 2006- 2028.

10. Before the dwellings hereby permitted are first brought into use, a properly consolidated and surfaced access shall be constructed (not loose stone or gravel) details of which shall have been submitted to and approved in writing by the Local Planning Authority. The access shall be constructed in accordance with the agreed design and shall be maintained in the agreed form thereafter at all times.

Reason: In the interests of highway safety further to Policy TA5 and EQ2 of the South Somerset Local Plan 2006- 2028.



This application seeks outline permission for the erection of a single storey dwelling and formation of access. All matters are reserved for future consideration. The site consists of the garden to a single storey detached house finished in render with concrete tiles. The site is located outside of the development area as defined by the local plan. The site is close to various residential properties.

Indicative plans show the provision of a two bedroom bungalow, with two parking spaces and a new vehicular access.

HISTORY

16/01379/OUT - Outline application for the erection of a single storey dwelling and formation of access - Application withdrawn 11/05/2016

96/01472/FUL - The erection of extensions to bungalow - Application permitted with conditions 25/07/1996

96/00847/FUL - The erection of a two storey extension to bungalow - Application refused 06/06/1996

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF state 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)

Policy SD1 - Sustainable Development

Policy SS1 - Settlement Strategy

Policy SS5 - Delivering New Housing Growth

Policy EQ2 - General Development

Policy TA5 - Transport Impact of New Development

Policy TA6 - Parking Standards

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

National Planning Policy Framework

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

Other Material Considerations

Pitcombe Parish Plan 2015

CONSULTATIONS

Pitcombe Parish Council - Objects for the following reasons:

- The proposal would harm road safety as the visibility splays are not adequate and there is not adequate space on the site to allow vehicles to enter and leave facing forwards.
- Harm to residential amenity as, due to ground levels, the adjoining property would be overlooked and would lose light.
- The site is very small and the proposal would cause overdevelopment of the site.
- The proposal would be unsustainable as the new occupiers of the dwelling would be reliant on car for access to all amenities.
- The proposal is contrary to the Pitcombe Parish Plan, which states that there is no requirement for additional housing in the parish.
- Disruption during construction due to the road having to be closed and the small nature of the site meaning very frequent vehicle movements would be required.

County Highway Authority - Standing advice applies

SDDC Highways Consultant - States that the details of the access arrangements as shown on the proposed site plan are acceptable. He notes the adverse comments from contributors in regards to visibility splays, and states that it is essential that the marked splays are provided on site. He notes the SCC standing advice requirement for on-site turning facilities for sites accessing onto a classified road, but in other cases vehicles should reverse from the public highway. He states that in this case the intentions of drivers seeking to access the site would be obvious and inter-visibility would be to the required standards.

REPRESENTATIONS

Letters of objection were received from the occupiers of 9 neighbouring properties. Objections were raised in the following areas:

- Concerns over highway safety
- Cramped from of development/adverse impact on character of area
- No need for dwellings
- Ecology impacts

- Increased risk of flooding
- Foul drainage
- Lack of detail in the application
- Disruption during construction phase
- Unsustainable location
- "Garden grabbing"
- Overshadowing and overlooking
- Risk to a nearby Walnut tree

CONSIDERATIONS

Principle of Development

The site is located outside of the development area as defined by the local plan, where development is usually strictly controlled. However, whilst the site is outside the development area of Bruton, which is defined by the local plan as Rural Centre capable of supporting some development, it is contiguous with the built form of the settlement. Apart from a small section close to the application site, there are continuous pavements to the centre of the settlement. The site is an, approximately, 1.2 km walk or drive from the edge of the development area and approximately 1.7 km from the edge of the town centre. Whilst the route is not flat, it is certainly walkable by the fit and able. The site is therefore considered to be on the edge of what could be argued to be sustainable in terms of accessibility to shops, services, and employment opportunities. In the current absence of a five year supply of housing land permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Furthermore local plan policies that could be argued to restrict development in this location, for example policy SS2 and SS5, cannot be afforded significant weight.

Notwithstanding local concerns, it is therefore considered that, on balance, the principle of modest residential development in this location is acceptable and accords with the up-to-date policies of the local plan and the aims and objectives of the NPPF.

The parish council have referred to the parish plan, which they state says that there is no requirement for additional housing in the parish. The parish plan is not completely clear on this, but does state "*...there should be limited occasions on which the parish will endorse residential development...*". Whilst these comments are noted, any blanket restriction on new housing in the parish of Pitcombe would not accord with the South Somerset Local Plan or the provisions of the NPPF and can therefore be afforded limited weight, and does not outweigh the considerations outlined above.

A concern has been raised locally that the proposal represents "garden grabbing" contrary to the provisions of the NPPF. However, whilst domestic gardens are not within the definition of previously developed land, there is no specific prohibition of developing gardens in the NPPF, and the presumption in favour of sustainable development is paramount.

Highways

It is considered that there is sufficient space on site to achieve an appropriate level of parking in accordance with the Somerset Parking Strategy. This would have to be assessed in detail as part of any reserved matters application. The road is not a classified road, and such it is noted that the County standing advice does not require the provision of on-site turning.

Local concerns have been raised as to the impact of the scheme on highway safety, in relation

to the substandard vehicular access. The highway authority was consulted as to the impact of the scheme. They referred to their standing advice. The SSDC Highways Consultant was consulted and raised no objections to the scheme. Whilst access is a matter that needs to be considered in more detail at the reserved matters stage, it is considered that, notwithstanding local concerns, a safe means of access to the site could be achieved.

Visual Amenity

Concerns have been raised locally as to the impact of the proposed dwelling on the character of the area. In terms of the specific design and materials, there is no clear prevailing character in the locality, and in any case these issues should be properly considered at the reserved matters stage.

Some of the concern relates to the size of the plot, which it is argued would result in a cramped form of development at odds with the local character. The plot is indeed small. However, there is no particular local character in relation to plot size, and a modest bungalow on the plot would still allow for sufficient amenity space for future occupiers.

As such, notwithstanding local concerns and subject to appropriate detail at the reserved matters stage, it is considered that the proposed development would preserve the character of the area in accordance with policy EQ2 of the South Somerset Local Plan and the aims and objectives of the NPPF.

Residential Amenity

Local concerns have been raised regarding the potential for an overlooking and overbearing impact arising from the development. However, due to the size of the plot and the position of adjoining dwellings, it is considered that a single-storey dwelling could be accommodated on site without causing demonstrable harm to the residential amenity of adjoining occupiers.

Therefore, subject to a satisfactory detailed design at the reserved matters stage, the proposal is considered to have no adverse impact on residential amenity in compliance with policy EQ2 of the South Somerset Local Plan.

Contributions

Policies HG3 and HG4 of the adopted South Somerset Local Plan requires either on site provision of affordable housing (schemes of 6 or more units) or a financial contribution towards the provision of affordable housing elsewhere in the district.

In May 2016 the Court of Appeal made a decision (SoS CLG vs West Berks/Reading) that clarifies that Local Authorities should not be seeking contributions from schemes of 10 units or less.

It is considered that whilst policies HG3 and HG4 are valid, the most recent legal ruling must be given significant weight and therefore we are not seeking an affordable housing obligation from this development.

We will also not be seeking any contributions towards Sports, Arts and Leisure (Policy SS6) as the same principle applies.

Other Matters

A concern has been raised locally that there will be undue disruption during the construction

phase. Whilst all construction is potentially disruptive, such disruption is likely to be short lived and therefore not sufficient reason to withhold planning permission. In this particular case, as highlighted by local occupiers and the parish council, the plot is small and located on a narrow road, which could result in any disruption being magnified. As such, it would not be unreasonable to impose a condition on any permission issued to secure a construction management plan, in order to help minimise the inevitable disruption.

A concern has been raised locally as to the potential for adverse impacts on local ecology. However, there are no known protected species on site, and the proposal represents a modest development on what is currently a domestic garden. It is therefore considered unlikely that there would be any significant adverse impact on local biodiversity.

Concerns have been raised locally as to the potential for problems associated with flooding and drainage. However, the site is not in an Environment Agency flood zone and there are no known incidents of surface water flooding in the immediate vicinity. It is therefore considered that all drainage issues can be satisfactorily controlled through the imposition of a suitably worded condition on any permission issued.

Finally, a neighbour has raised a concern about the potential impact of the development on a nearby walnut tree. There are no protected trees within the vicinity of the site, and no trees of obvious significance on the site. If, at the reserved matters stage, it appears likely that a nearby tree of significance is likely to be affected, this could be dealt with through the imposition of an appropriate tree protection condition at that time.

Conclusion

The principle of the proposed development is considered to be acceptable in this location and to have no significant adverse impact on visual amenity, highway safety, or residential amenity.

RECOMMENDATION

That application reference 16/03426/OUT be approved subject to the following conditions:

01. The principle of residential development in this sustainable location is considered acceptable. The proposed dwellings on this site would respect the character of the locality with no demonstrable harm to residential amenity or highway safety. As such the proposal complies with policies SD1, SS1, SS5, TA5, TA6 and EQ2 of the local plan, and the aims and objectives of the NPPF.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be carried out in accordance with the location plan received 08 August 2016.

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

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

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

03. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development shall begin no later than 3 years from the date of this permission or not later than 2 years from the approval of the last "reserved matters" to be approved.

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

04. No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved by the Local Planning Authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate no greater than greenfield runoff rates. Such works shall be carried out in accordance with the approved details.

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained in accordance with the approved details throughout the lifetime of the development, in accordance with paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, Paragraph 103 of the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework (March 2015).

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

- Construction vehicle movements;
- Construction operation hours;
- Construction vehicular routes to and from site;
- Construction delivery hours;
- Method of ensuring construction vehicles leaving the site do not emit dust or deposit mud, slurry or other debris on the highway.
- Expected number of construction vehicles per day;
- Car parking for contractors;
- Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;

Reason: In the interests of highway safety and residential amenity and in accordance with policies EQ2, TA5 and TA6 of the South Somerset Local Plan.

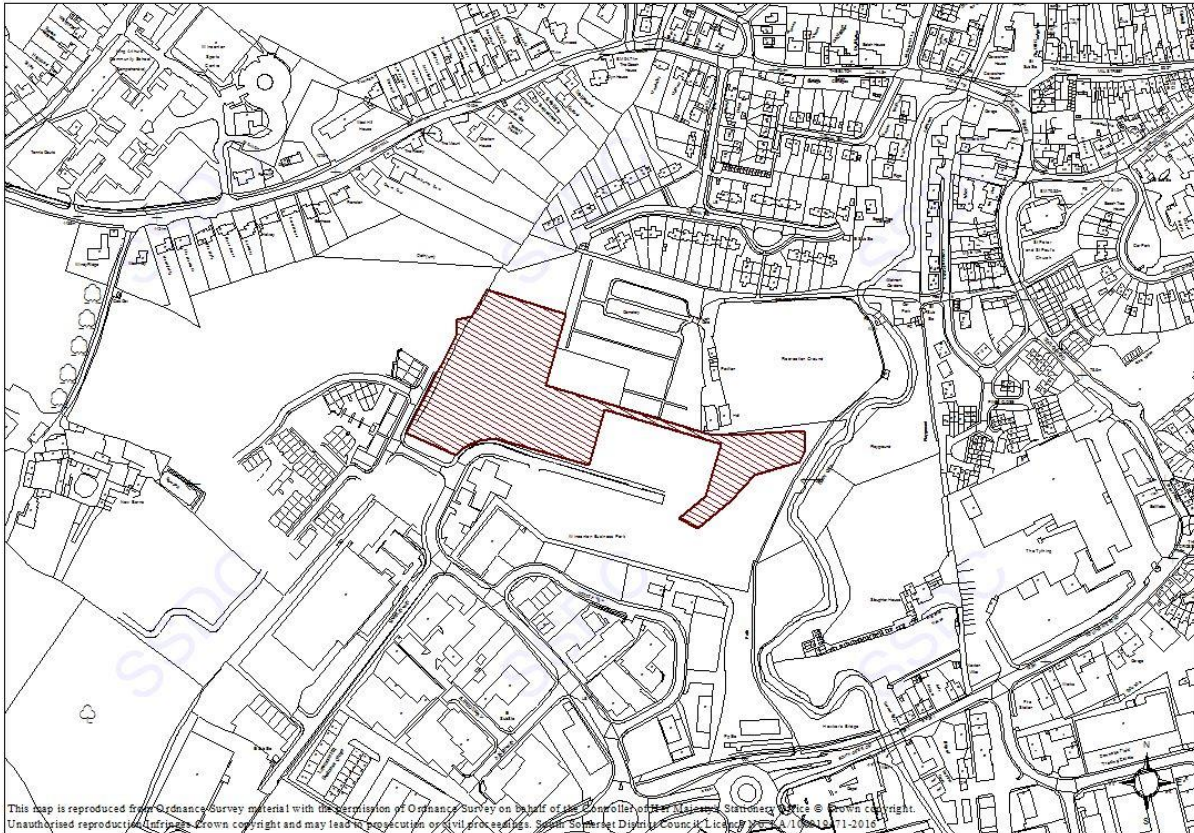
Agenda Item 15

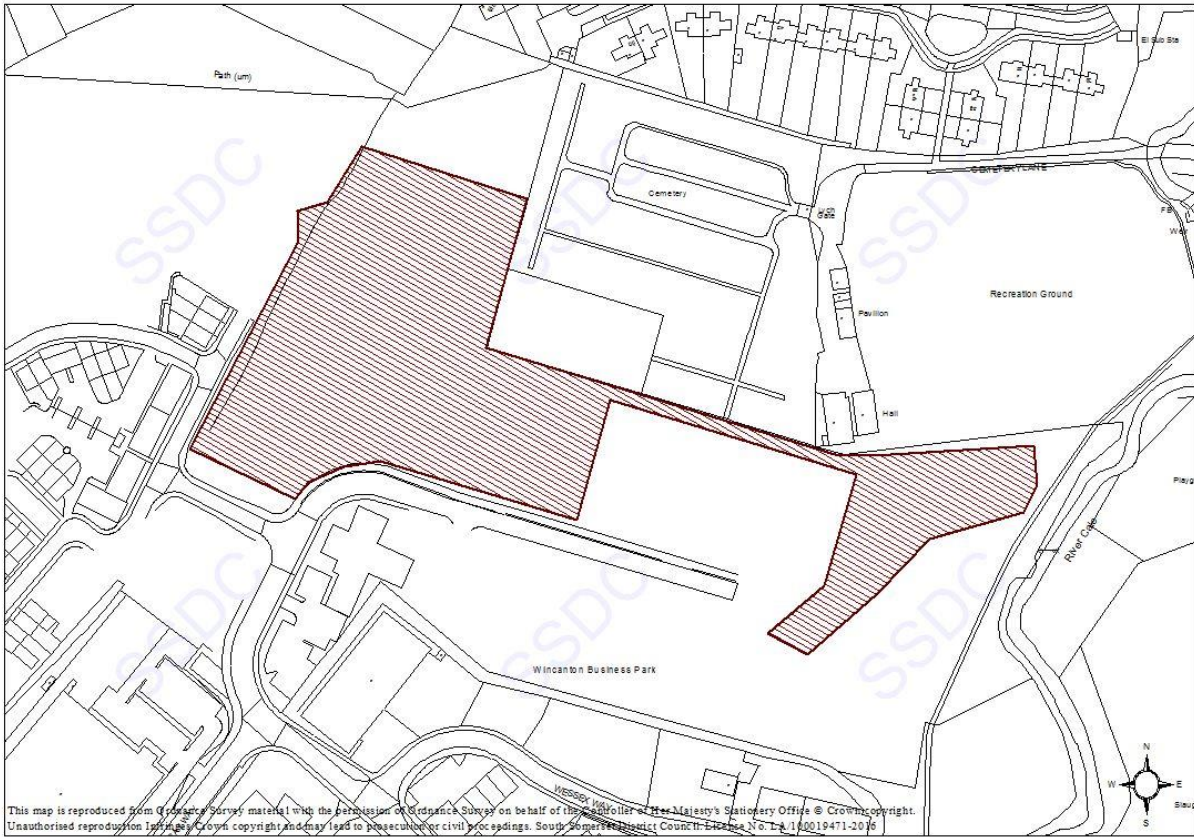
Officer Report On Planning Application: 16/01659/OUT

Proposal :	Outline application with some matters reserved for residential development, associated landscaping, cycleway and footpath links and new vehicular access
Site Address:	Land South Of Cemetery Cemetery Lane Wincanton
Parish:	Wincanton
WINCANTON Ward (SSDC Member)	Cllr Nick Colbert Cllr Colin Winder
Recommending Case Officer:	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
Target date :	18th July 2016
Applicant :	Miss Judith Gannon
Agent: (no agent if blank)	
Application Type :	Major Dwlg's 10 or more or site 0.5ha+

The application is before the committee at the request of the ward members, and with the agreement of the area chair, to allow this major development with town-wide implications to be publicly debated.

SITE DESCRIPTION AND PROPOSAL





This application seeks outline permission for the residential development of land. All matters, with the exception of access are reserved for future consideration. The site consists of an area of open land laid to grass with some hedged and some open boundaries. The site is located within the development area as defined by the local plan. The site was master planned as a new primary school, and is subject to a legal agreement requiring it to be offered to the County Council for that purpose.

The site is close to various residential properties, including some still under construction, various commercial properties, and a cemetery.

The indicative layout plan shows the provision of a new vehicular access from the unclassified highway known as Dyke's Way. The access opens onto a new internal estate road serving 60 dwellings, in a mixture of flats and houses. The plan shows the provision of various pedestrian rights of way through the site, along with adopted road, private drives and parking courts.

HISTORY

05/00960/OUT - The provision of a mixed use development comprising residential, employment, education and community uses with approximately 250 no. dwellings - Application permitted with conditions 28/12/2006

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF state 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)

Policy SD1 - Sustainable Development

Policy SS1 - Settlement Strategy

Policy SS5 - Delivering New Housing Growth

Policy SS6 - Infrastructure Delivery

Policy PMT4 - Wincanton Direction of Growth

Policy EQ2 - General Development

Policy EQ4 - Biodiversity

Policy TA5 - Transport Impact of New Development

Policy TA6 - Parking Standards

Policy HG3 - Provision of Affordable Housing

Policy HW1 - Provision of Open Space, Outdoor Playing Space, Sports, Cultural and Community Facilities in New Development

National Planning Policy Framework

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

CONSULTATIONS

Wincanton Town Council - Recommends approval.

County Highway Authority - Notes that the likely increase in traffic movements (35 movements in the morning and 37 in the afternoon) is not considered severe enough to warrant an objection on traffic impact grounds. They note several areas where the submitted travel plan could be improved and state that a travel plan will need to be secured through a legal agreement. They state that they are satisfied that the proposed junction arrangement is considered appropriate for the level of development. They note that the application is outline but offer several suggestions and comments as to the indicative internal layout of the scheme. They conclude that they raise no objections subject to a travel plan being included in a section 106 agreement and conditions to secure the following:

- A construction and environmental management plan
- Details of estate roads etc.
- That each dwelling is appropriately served by a footway and carriageway before occupation
- That the development is not brought into use before the service road is constructed
- A network of cycleway and footpath connections within the development site
- A drainage scheme
- Appropriate visibility splays

SSDC Ecologist - States that he agrees with the ecological assessment that the site is generally of low ecological value. He states that slow worms could potentially be present on site and notes the legislative framework for their protection. He suggests the use of a condition in this respect on any permission issued. He also recommends the use of a condition to secure biodiversity enhancements in accordance with the provisions of the NPPF.

SSDC Strategic Housing - Requests that 35% of the housing is affordable. Of the currently proposed 60 units they state that 14 should be for social rent and 7 for other intermediate affordable solutions. She states that the legal agreement should contain appropriate trigger

points to secure affordable housing in the event that the site is only partially built out. She provides minimum space standards for the affordable units. She provides details of 'Homefinder Somerset' and approved housing association partners.

SSDC Environmental Protection Unit - Recommends the use of conditions to secure a construction environmental management plan and in relation to contaminated land.

SSDC Planning Policy - Notes that the adopted local plan now forms the development plan for the district. She states that planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise. She states that the NPPF is an important material consideration. She notes that the local plan identifies Wincanton as a Primary Market Town where a "permissive approach" should be taken for the consideration of housing proposals prior to the adoption of a Site Allocations Development. She notes that the site is on land allocated for a new primary school as part of a saved local plan policy and is consistent with the 'primary school site' identified on the illustrative masterplan referred to in the section 106 agreement accompanying planning permission 05/00960/OUT. She notes that South Somerset cannot currently demonstrate a five-year housing land supply and as such the proposal should be considered in the context of the presumption in favour of sustainable development (Policy SD1 of the local plan and paragraph 14 of the NPPF). She notes the three strands of sustainable development identified in the NPPF: economic, social, and environmental. She states that the development would deliver short term economic benefits through the construction phase, from an environmental perspective the site has no special designation, and from a social perspective the proposal will provide new housing, including affordable housing.

She notes that the LEA wish to expand the existing Wincanton Primary School into land owned by the applicant, which has detailed planning permission for 24 dwellings. She notes the intended release of the application site from the planning obligation to be a primary school in exchange for the applicant's land adjacent to the existing primary school. She states that the ability to extend the existing school site will contribute towards the provision of accessible local services which will support the well-being of the community as a whole. She goes on to say:

"Regarding the scale of development proposed, as at 31st March 2015, 533 dwellings were completed in Wincanton and there was planning permission for a further 270 dwellings giving a total of 803. The addition of a further 60 dwellings, and taking account of the loss of the 24 dwellings from the school extension site would take this figure up to 839, approximately 19% over the requirement of 703 dwellings.

I summary, whilst there is some inconsistency with KS/WINC/1 I am satisfied that this has already been accepted through planning permission 05/00960/OUT. Whilst the requirement of 703 dwellings in Policy SS5 will be exceed if planning permission is granted, given the current lack of a five-year housing land supply and the requirement " To boost significantly the supply of housing" (NPPF, paragraph 47) I would conclude that there are no adverse impacts that would significantly and demonstrably outweigh the benefits of granting planning permission when assessed against the policies of the Framework when taken as a whole nor are there any specific policies in the Framework that indicate development should be restricted or refused (Policy SD1 and NPPF, paragraph 14)."

Somerset Wildlife Trust - States the indicative layout is deficient in terms of wildlife-friendly features, including wildlife corridors and trees and planting schemes. They states that a Phase 2 Reptile survey doesn't appear to be available. They note that it is recommended that external lighting should be designed so as to minimise light pollution, but note that there are no other proposals for enhancement, such as bird boxes. They request that boundary fences are designed to allow the free movement of small mammals.

SSDC Climate Change Officer - Notes that indicatively 10 of the dwellings would have north facing gardens, which would be in the shade for the majority of the day and therefore objects to the application as currently presented.

SSDC Landscape Architect - States that there is no particular landscape issue given the established built context, and the relatively low elevation of the site relative to the main key site area. He notes that whilst this is an outline proposal, an indicative layout plan, and landscape strategy proposal have been submitted. He considers the proposal that the majority proportion of the housing immediately alongside the cemetery edge is designed as frontage, as is the road approaching the residential care home, to be correct. He has no major issues with the proposed landscape strategy but advises some minor changes are made before the reserved matters stage.

SSDC Community, Health and Leisure - Requests the following contributions towards the provision of outdoor playing space, sport and recreation facilities:

- Equipped play space £50,928 (local)
- Youth facilities £10,000 (local)
- Playing pitches £23,493 (local)
- Changing rooms ££47,697 (local)
- Theatre and art centres £18.533 (strategic)
- Commuted sums £53,714 (local)
- 1% Community, Health and Leisure Service administration fee £2,044

Overall level of planning obligation to be sought: £206,409 (£3,440 per dwelling)

Wessex Water - Notes the location of their apparatus within the vicinity of the site. They state that the development should be served by separate systems of drainage constructed to adoptable standards. They state that the foul sewer network and water supply network has adequate capacity for the changes in demand flow. They state that buildings above two storeys will require on site boosted storage. They note that the proposal will result in an increase in impermeable area and surface water run-off. They note that it is proposed to resize the attenuation pond accordingly.

SCC Lead Local Flood Authority - Notes that the development will result in an increase in impermeable areas that will generate an increase in surface water runoff. They state that this has the potential to increase flood risk to the adjacent properties or the highway if not adequately controlled. They note the intention to increase the existing attenuation area and to discharge via the existing Wessex Water foul and surface sewers within the highway. However, they state that insufficient detailed designs or calculations have been provided thus far. They therefore have no objection to the scheme subject to a condition to secure detailed drainage information.

SCC Education - Initially requested a contribution of £168,084 towards the provision of primary school places. On the receipt of further information from the applicant they agreed that this figure should be off-set against the 24 dwellings that have planning permission, with no education contributions required, on the site adjacent to the school. They also requested the transfer of the land adjacent to the existing school along with a contribution of £109,963.

SCC Archaeology - No objections

REPRESENTATIONS

One letter of objection received from the occupier of a neighbouring property. Objections were raised on the following grounds:

- The proposed housing is not necessary
- The site is too permeable, particularly to the rear, which will result in noise and disturbance to existing residents and new residents.

CONSIDERATIONS

History and Principle of Development

The site is located with the development area of Wincanton, where the principle of residential development would normally be considered to be acceptable. However, as discussed above by the SSDC Policy Planner, the site is on land allocated for a new primary school as part of a saved local plan policy and is consistent with the 'primary school site' identified on the illustrative masterplan referred to in the section 106 agreement accompanying planning permission 05/00960/OUT.

It is noted that the LEA wish to expand the existing Wincanton Primary School into land owned by the applicant, which has detailed planning permission for 24 dwellings. The applicant has offered the land adjacent to the existing primary school to the county council in exchange for the release of the application site from the planning obligation to be a primary school. It is considered that the ability to extend the existing school site will contribute towards the provision of accessible local services which will support the well-being of the community as a whole.

Regarding the scale of development proposed, as at 31st March 2015, 533 dwellings were completed in Wincanton and there was planning permission for a further 270 dwellings giving a total of 803. The addition of a further 60 dwellings (as proposed), and taking account of the loss of the 24 dwellings from the school extension site, would take this figure up to 839, approximately 19% over the requirement of 703 dwellings outlined in policy SS5 for the scale of growth of Wincanton for the plan period.

Notwithstanding the 703 figure, the local plan identifies Wincanton as a Primary Market Town where a "permissive approach" should be taken for the consideration of housing proposals prior to the adoption of a Site Allocations Development.

Therefore, whilst the requirement of 703 dwellings in Policy SS5 will be exceeded if planning permission is granted, given the current lack of a five-year housing land supply and the requirement "To boost significantly the supply of housing" (NPPF, paragraph 47) it is considered that, in terms of the principle of development, there are no adverse impacts that would significantly and demonstrably outweigh the benefits of granting planning permission when assessed against the policies of the Framework when taken as a whole; nor are there any specific policies in the Framework that indicate development should be restricted or refused in accordance with policy SD1 of the local plan and the NPPF (paragraph 14). The comments of a neighbouring occupier, suggesting that there is no need for the proposed housing, are noted but do not outweigh the above considerations.

Highways

The highway authority was consulted as to the impact of the scheme on the local highway network. They raised no objections to the scheme, subject to the imposition of various conditions on any permission issued and the securing of an appropriate travel plan through a section 106 agreement. There have been no concerns raised locally in this regard.

As such, any impact on highway safety is considered to be less than severe in accordance with the aims and objectives of the local plan and the NPPF.

Visual Amenity

The site is not located in a particularly sensitive location from a visual amenity point of view. The SSDC Landscape Architect was consulted as to the principle of development and the indicative layout. He stated that there is no particular landscape issue given the established built context, and the relatively low elevation of the site relative to the main key site area. He noted the indicative layout plan, and landscape strategy proposal that have been submitted. He noted that the majority proportion of the housing immediately alongside the cemetery edge is designed as frontage, as is the road approaching the residential care home, and stated that this is the correct approach. He states that there are no major issues with the proposed landscape strategy but advises some minor changes are made before the reserved matters stage.

As such, subject to appropriate detail at the reserved matters stage, it is considered that the proposed development would preserve the character of the area in accordance with policy EQ2 of the South Somerset Local Plan and the aims and objectives of the NPPF.

Residential Amenity

Due to the location of the site and the position of adjoining dwellings and commercial properties, it is considered that 60 dwellings could be accommodated on site without causing demonstrable harm to the residential amenity of adjoining occupiers. A neighbour has raised a concern that the site is too permeable, particularly to the rear, which will result in noise and disturbance to existing residents and new residents. However, there is no reason to assume that the permeability of the site will have any significant impact on the amenity of adjoining residents. In any case, the layout is indicative only at this point, and any possible disturbance from proposed footpaths is more properly considered at the reserved matters stage.

Therefore, subject to a satisfactory detailed design at the reserved matters stage and notwithstanding local concern, the proposal is considered to have no adverse impact on residential amenity in compliance with policy EQ2 of the South Somerset Local Plan.

Ecology

The SSDC ecologist was consulted. He stated that he agrees with the ecological assessment that the site is generally of low ecological value, but noted that slow worms could potentially be present on site. He suggests the use of a condition in this respect on any permission issued. He also recommends the use of a condition to secure biodiversity enhancements in accordance with the provisions of the NPPF.

Flooding and Drainage

Wessex Water and Somerset County Council (as the Lead Local Flood Authority) were consulted as to the flooding and drainage impacts of the proposed development.

Neither raised any objections to the scheme, although SCC requested a condition is imposed on any permission issued to secure detailed drainage information.

Contributions

A contribution of £2801.40 per dwelling towards the provision of primary school places and a

contribution of £3,440.15 per dwelling towards outdoor playing space, sport, and recreation has been requested, in accordance with policies SS6 and HW1 of the South Somerset Local Plan. A further payment of £109,963 has been sought by Somerset County Council in relation to the transfer of the land adjacent to the existing primary school into their control. It has also been requested that 35% of the housing is affordable in accordance with policy HG3 of the South Somerset Local Plan.

The applicant has argued that the site is not viable if the full range of contributions and affordable housing are provided. As such, they submitted a viability assessment, which has been assessed by the District Valuer. The District Valuer does not agree with the applicant's assessment, stating that the site is viable with the requested contributions and the policy requirement for 35% of the dwellings to be affordable. It has not been possible to negotiate an agreed position in terms of the viability of the site. The applicant has stated that they are willing to transfer the site adjacent to the primary school to Somerset County Council, and to pay the £109,963 requested by SCC in relation to this land transfer. In exchange they expect the SCC to release the application site from the S.106 obligation requiring it to be made available as a primary school site. They have not agreed to the education contribution, the playing space, sport and recreation contribution, or the provision of 35% affordable housing. As such, the proposed development is contrary to policies SS6, HW1 and HG3 of the South Somerset Local Plan.

Conclusion

The proposed development is considered to be acceptable in principle, will have no adverse impact on the character of the area, and will cause no demonstrable harm to residential amenity or highway safety. However, the applicant has not agreed to pay contributions towards the provision of primary school places, or the provision of outdoor playing space, sport, and recreation. Furthermore they have not agreed to provide 35% of the housing as affordable. The scheme is therefore contrary to policies SS6, HW1, HG3 of the South Somerset Local Plan. It is noted that the proposal will provide a contribution towards the shortfall of housing land in the district, and the community benefit of enabling the County Council's preferred option for school expansion in the town. However, it is not considered that these social benefits can justify the setting aside of local plan policies relating to planning obligations. An approval on this basis would be contrary to section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF, which state that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

RECOMMENDATION

Refuse for the following reason:

SUBJECT TO THE FOLLOWING:

01. No justification has been provided to demonstrate that it would be reasonable to set aside contributions towards mitigating the impact of the development on the provision of primary school places, the provision of outdoor playing space, sport, and recreation facilities, and the provision of affordable housing. Accordingly, in the absence of a mechanism to secure such contributions, the proposal is contrary to policies SS6, HW1, and HG3 of the South Somerset Local Plan and no material considerations have been identified that justify a departure from the development plan in this case.

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, the applicant/agent was advised that the proposal did not accord with the development plan and that there were no material planning considerations to outweigh these problems.

Agenda Item 16

Officer Report On Planning Application: 16/02909/FUL

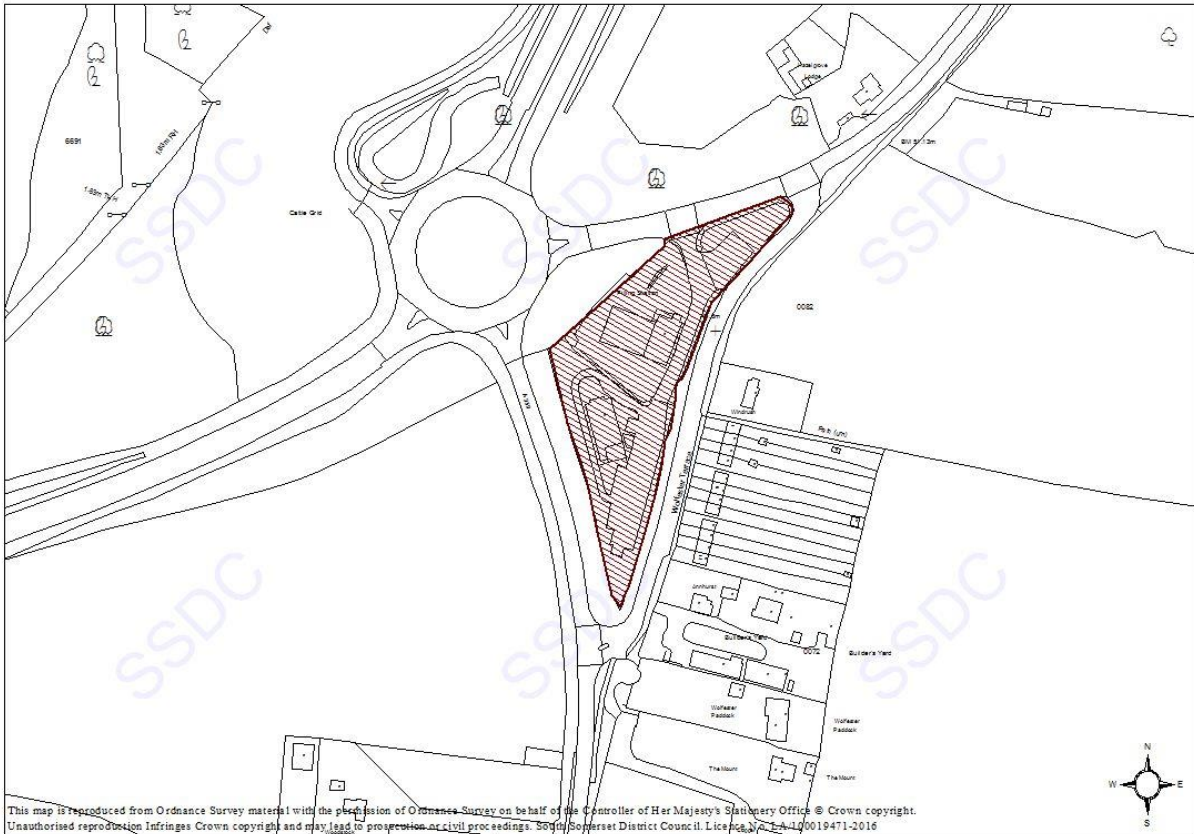
Proposal :	Refurbishment of the restaurant including extensions (totalling 9.7 sqm) with alterations to the elevations, including new cladding to roof and new drive thru booths. Reconfiguration of the drive thru lane to accommodate the introduction of side by side ordering with a new signage island and associated works to the site. Installation of 2 no. customer order displays with overhead canopies, a goal post height restrictor and new fascia signage. OPTION A.
Site Address:	McDonalds Restaurant Sparkford Hill Queen Camel
Parish:	Sparkford
CAMELOT Ward (SSDC Member)	Cllr Michael Lewis
Recommending Case Officer:	Sam Fox Tel: 01935 462039 Email: sam.fox@southsomerset.gov.uk
Target date :	30th August 2016
Applicant :	McDonalds Restaurants Ltd
Agent: (no agent if blank)	Mr Ben Fox, The Granary First Floor, 37 Walnut Tree Lane Sudbury CO10 1BD
Application Type :	Minor Other less than 1,000 sq.m or 1ha

REASON FOR REFERRAL TO COMMITTEE

This application is referred to the committee at the request of the Ward Member(s) with the agreement of the Area Chairman to enable the comments of the Parish Council and neighbours to be fully debated.

SITE DESCRIPTION AND PROPOSAL





The site is located on the Hazelgrove Roundabout, Sparkford.

The site comprises a McDonalds restaurant and adjacent filling station with associated parking and shared access off the High Street. There are dwellings to the south east, Wolfester Terrace, and Hazelgrove School lies to the west on the opposite side of the roundabout.

This application seeks permission for refurbishment of the restaurant including an extension (totalling 9.7 sqm) with alterations to the elevations, including new cladding to the roof and new drive thru booths. Reconfiguration of the drive thru lane to accommodate the introduction of side by side ordering with a new signage island and associated works to the site. Installation of 2 no. customer order displays with overhead canopies, a goal post height restrictor and new fascia signage. Option A.

Two separate applications for advertisement consent have been made and are currently pending consideration, reference 16/02910/ADV and 16/02913/ADV

The proposal has been amended by plans submitted 01 August 2016 and 12 September 2016 to address concerns raised by the Parish Council and neighbour's about reduced parking and litter.

RELEVANT HISTORY

Most relevant:

09/01271/FUL - Alterations and refurbishment of restaurant and patio area. Application permitted with conditions. Application permitted with conditions.

POLICY

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

South Somerset Local Plan (2006-2028)

SD1 - Sustainable Development

SS1 - Settlement Strategy

Policy EQ2 - General Development

Policy TA6 - Parking Standards

Policy EQ7 - Pollution Control

National Planning Policy Framework

7 - Requiring good design

CONSULTATIONS

Sparkford Parish Council - Sparkford Parish Council object to the above planning application for the following reasons:

An increase in throughput of traffic and a reduction in the number of parking spaces will increase the problems that already exist with traffic flow and parking at the site. There are already issues with congestion on the site and vehicles parking on the side of the road at Wolfester Terrace and near the junction which create a highway safety issue. The reduction in parking spaces may also increase the issue of rubbish in the local area. We would request that the applicants are asked to undertake a survey of the HGV parking area and look at the reconfiguration of the area and introduction of time restrictions for parking to assist with the congestion and parking issues.

This proposal may increase the noise at the site, we have already received several complaints from local residents about the noise created at the site and this could enhance these issues.

We would like to request that a condition is included in the application is approved and within their licence agreement to ensure that a 3 metre fence is installed around the site to reduce the impact of the noise to residents at Wolfester Terrace.

There should also be no further increase in the lighting on the site to avoid any increase in light pollution to surrounding properties

Highway Authority - No objection

Highways England - No objection

Environmental protection - No comment

REPRESENTATIONS

Four letters have been received raising the following areas of concern:-

- Noise - from drive thru speakers already unacceptable, proposal will significantly increase this. From movement of drive thru lanes towards our property would increase. From customers in evening, revving engines, shouting and playing loud music already unacceptable and is likely to increase

- Increase in traffic - Vehicles overflow onto road by our property to park or park and eat food from drive thru. This is likely to increase. Parking of vehicles on our road reduces visibility; traffic manoeuvring around the cars is also a hazard. Remove lorry parking and create more car parking.
- Visual amenity - More signage, banners etc, site becoming more commercialised in rural area. If site allowed to expand where will it stop? Signs shining into bedrooms, M sign dominates sky in winter. From customers in evening, revving engines, shouting and playing loud music already unacceptable and is likely to increase.
- Litter - Around local pavements directly from Mcdonalds disgraceful and will only increase.
- General - Decrease in property values. A higher fence would help reduce impact of noise and light along the boundary of Wolfester Terrace. Odour will increase

CONSIDERATIONS

Visual amenity

The proposal involves a small extension to the restaurant of less than 10 square metres with alterations to the elevations and a reconfiguration of the site to provide a double drive thru order area. New signage is to be introduced, currently under consideration as two separate advertisement consent applications, the bulk of which will be around the newly configured drive thru area. Two new canopied ordering stations will be introduced along with the re-introduction of a goal post height restrictor at the entrance of the drive thru along with a reduction in parking spaces. Amended drawings were received by email from the agent on 01 August 2016 to include a small 6 square metre chiller extension and to include two parking spaces, bringing the total loss of parking spaces down from 7 to 5. The site is well screened from public view on all sides with mature tree and hedge planting. The bulk of the new signs are well contained within the site with the building alterations considered to be minimal. On this basis it is not considered that the proposal would harm the character of the property or have a detrimental impact on the visual amenity of the area.

Residential amenity

The extensions proposed are minimal and the bulk of the signs are away from the residential properties of Wolfester Terrace to the east. Given the good boundary treatments along the eastern boundary in the form of hedges and trees it is not considered that the proposal would harm local residential amenity.

Neighbour comments

The comments of the neighbours have been noted.

Noise

The issues regarding noise from the drive thru speakers, traffic and customers has been considered. The drive thru speakers are on the opposite side of the site to Wolfester Terrace and have not been considered an issue by the Environmental Protection officer. The changes proposed to the site are minimal and are not considered to raise any significant increase in noise due to traffic or customers to that which already exists. Should there be an issue of noise from the site this can be dealt with through the Environmental Protection Department.

Litter

The issue regarding litter has been considered and an amended plan was received by email from the agent on 12 September 2016 showing the provision of 2 additional bins within the site and two proposed litter picking routes. However, the issue of litter picking is the subject of a licencing agreement and this requires significantly more litter picks than that proposed. The issue will be passed to our licensing department to ensure compliance.

Traffic

The restaurant is only having a marginal increase whilst the drive thru will provide one additional ordering booth. It is not considered the proposed alterations will significantly increase the volume of traffic to the site. The reduction in parking spaces has been considered by the Highway Authority and they have raised no objection to the proposal as it is considered to be in line with their current requirements. The issue of patrons parking along the road by Wolfester Terrace may arise during very busy periods, there was no evidence of this during my two site visits, the matter will be brought to the applicants attention.

Visual

The issue of the site becoming more commercialised through signage and banners etc has been considered. This area of the site is well screened and it is not considered the changes proposed and additional signage will have any significant impact on visual amenity as much of it will not be visible from outside the site. Likewise, given the good boundary treatments around this area of the site and the low height of the proposed illuminated signage it is not considered that the proposal will cause any significant harm in terms of light pollution.

General

The value of a property is not a material planning consideration. The suggestion of a higher fence was put forward to the applicant, however, given the low level of changes proposed and the existing landscaping they did not consider the request to be proportionate and would not agree to this. Given the existing screening around the site and the Environmental Protection officers comments it was not considered reasonable to insist upon this. Regarding the removal of the lorry parking area to create more car parking, the provision of HGV parking was a condition of the original permission for the site as a whole and is not a consideration of this application. The provision of parking has already been considered acceptable by the Highway Authority. In terms of odour, it is not considered the proposal will increase odour as no new extraction systems are being applied for.

Parish council comments

The comments of the Parish Council have been noted. The issue of parking in and around the site have been addressed in my comments above. The request for a survey of the HGV area has also been dealt with above, likewise, much of this is covered under the licence agreement in place for the site. With regard to existing noise issues, these should be reported to the Environmental Protection Department for them to investigate and is also a consideration of the licencing agreement. As stated above it is not considered that the small changes proposed will cause any significant increase in noise levels from the site and the requirement for a higher fence is not considered reasonable given the level of change proposed.

Conclusion

The level of parking proposed is considered to be acceptable as are the minimal extensions and alterations to the building and surrounding areas. Accordingly the proposal is considered to comply with policy EQ2.

RECOMMENDATION

Grant permission subject to the following conditions

01. The proposal maintains the visual character of the area and causes no demonstrable harm to residential amenity or highway safety in accordance with the National Planning Policy Framework and policies EQ2, EQ7 and TA6 of the South Somerset Local Plan (2006-2028).

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 not be carried out otherwise than in complete accordance with the details received on 05 July 2016 and submitted plans numbered;
 - a. Location Plan, Drawing No. 6632_AEW_1009_0001
 - b. Block Plan, Drawing No. 6632_AEW_1009_0002
 - c. Amended Existing Site Plan, Drawing No. 6632_AEW_1009_0003 RevC
 - d. Amended proposed Site Plan, Drawing No. 6632_AEW_1009_0004 RevC
 - e. Amended proposed elevation drawing No. 6632_AEW_1009_0005 RevB
 - f. COD Canopy, Butterfield Signs, Sign Type 8
 - g. Goal post height restrictor, Butterfield Signs

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

Agenda Item 17

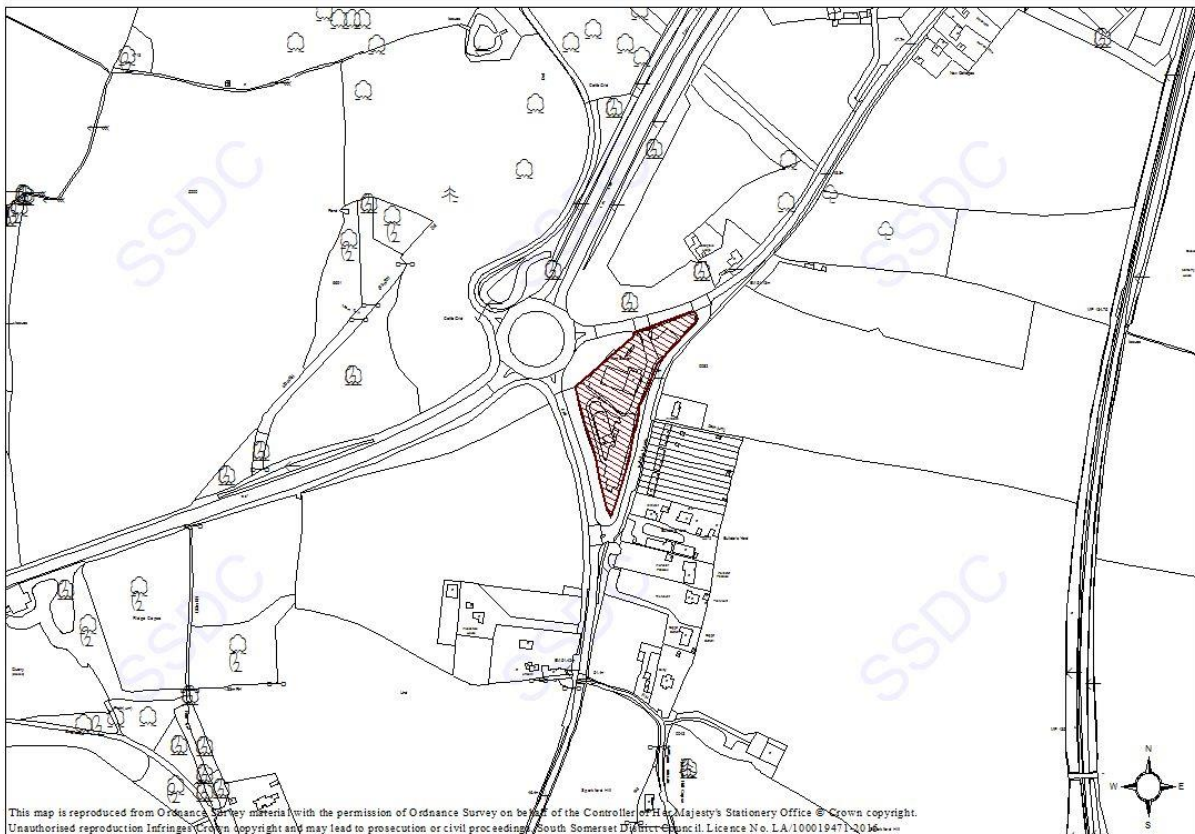
Officer Report On Planning Application: 16/02910/ADV

Proposal :	Installation of 4 no. new fascia signs with the relocation of 3 no. existing fascia signs.
Site Address:	McDonalds Restaurant Sparkford Hill Queen Camel
Parish:	Sparkford
CAMELOT Ward (SSDC Member)	Cllr Michael Lewis
Recommending Case Officer:	Sam Fox Tel: 01935 462039 Email: sam.fox@southsomerset.gov.uk
Target date :	30th August 2016
Applicant :	McDonalds Restaurants Ltd
Agent: (no agent if blank)	Mr Ben Fox The Granary First Floor 37 Walnut Tree Lane Sudbury CO10 1BD
Application Type :	Other Advertisement

REASON FOR REFERRAL TO COMMITTEE

This application is referred to the committee at the request of the Ward Member with the agreement of the Area Chairman to enable the comments of the Parish Council and Neighbours to be fully debated.

SITE DESCRIPTION AND PROPOSAL





The site is located on the Hazelgrove Roundabout, Sparkford .

The site comprises a McDonalds restaurant and adjacent filling station with associated parking. There are a number of signs in and around the site to serve both businesses. The McDonalds restaurant currently has an application pending consideration for refurbishment of the building and additional signage.

This application seeks advertisement consent for the display of 4 no. new fascia signs with the relocation of 3 no. existing fascia signs.

Two separate applications have been made for refurbishment and reconfiguration of the site and for signage and are currently pending consideration, reference 16/02913/ADV and 16/02909/FUL.

RELEVANT HISTORY

Most recent:

09/03681/ADV - The display of 1 non illuminated post mounted banner. Application permitted with conditions.

09/01260/ADV - The display of various illuminated and non-illuminated signs. Application permitted with conditions.

09/01271/FUL - Alterations and refurbishment of restaurant and patio area. Application permitted with conditions.

POLICY

The Secretary of State's powers to make regulations for the control of outdoor advertisements are in sections 200, 221, 223 and 224 of the Town and Country Planning Act 1990. The current

regulations are the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Under regulation 3, advertisements are subject to control only in the interests of "amenity" and "public safety".

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

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

South Somerset Local Plan (2006-2028)
Policy EQ2 (General Development)

National Planning Policy Framework
Chapter 7 (Requiring Good Design) - paragraph 67

CONSULTATIONS

Sparkford Parish Council - No objection providing there is no increase in light pollution and no other alterations made that would result in loss of parking.

Highway Authority - Standing advice applies

Highways England - No objection

Environmental Protection - No comment

REPRESENTATIONS

One letter has been received raising the following areas of concern:-

- Bright lights shining into bedroom, M sign dominates sky especially in winter.

CONSIDERATIONS

The NPPF states:

"Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts."

The issues to assess in line with the NPPF and local policy are the impact on amenity and public safety.

Public Safety:

The highway authority has assessed the application and has referred to standing advice. This states that "any development shall ensure that external lighting should not interfere with the use of the highway (dazzle, glare, etc.) or considered to be prejudicial to highway safety by virtue that it would be likely to distract, or confuse road users because of its size, detailing and proximity to the public highway". Highway England were also consulted due to the sites proximity to the A303 and have raised no objection to the application. The signs are set well

within the site away from the main A303 and are considered to comply with the Standing Advice of the Highway Authority, and raise no foreseeable public or highway safety concerns and as such are considered to be acceptable.

Amenity:

The proposal involves the addition of an internally illuminated golden arch sign on the west elevation above a drive thru booth and relocated the existing two internally illuminated golden arches and the existing internally illuminated Mcdonalds name sign onto the north and south elevations, as exists, following alterations to the roof as part of a separate application 16/02909/FUL currently under consideration. The proposed signage is of the same scale and illumination to that which exists and is well contained within the site given the existing high tree and hedge boundary treatment. The area is also set away from the neighbouring residential properties at Wolfester Terrace to the east with no signage proposed on the elevation directly facing them. The Environmental Protection Officer has raised no objection to the proposal. As such, it is considered that there will be no adverse impact on amenity.

Neighbour comments:

The comments of the neighbour have been noted. Whilst other comments were made by this neighbour the only one regarding signage has been considered on this application and the other issues raised are being considered as part of application 16/02909/FUL where they are relevant. Regarding the illumination, this application is dealing with replacing the existing signage on the roof of the building and adding one additional M, all of which face away from the neighbouring residential properties. With the dense high planting screen the site is well contained along with the lighting and it is not considered this proposal will cause any significant harm to residential amenity from light pollution.

Parish comments:

The comments of the Parish Council have been noted. This application is solely dealing with the 4 fascia signs on the roof of the building and does not incorporate any changes to parking on the site which is being considered under a separate application, 16/02909/FUL, and to which they have raised an objection.

Conclusion:

It is considered that the advertisements do not prejudice public safety and do not adversely affect amenity in accordance with the aims and objectives of Policy EQ2 of the South Somerset Local Plan (2006-2028) and NPPF Chapter 7: Requiring Good Design.

RECOMMENDATION

Approve with conditions

01. The proposal, due to the siting, form, materials and design of the fascia signs, would not adversely affect residential amenity or highway safety in accordance with the aims and objectives of Policy EQ2 of the South Somerset Local Plan (2006-2028) and the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

01. (a) All advertisements displayed and any land used for the display of advertisements shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

(b) Any hoarding or similar structure or any sign, placard, board or device erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition to the reasonable satisfaction of the Local Planning Authority.

(c) Where any advertisement is required under these Regulations to be removed, the removal thereof shall be carried out to the reasonable satisfaction of the Local Planning Authority.

(d) Before any advertisement is displayed on land in accordance with the consent now granted, the permission of the owner of that land, or of a person entitled to grant such permission, shall be obtained.

(e) The consent now granted is limited to a period of five years from the date hereof.

Reason: To accord with The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

02. The development hereby permitted shall not be carried out otherwise than in complete accordance with the details received on 05 July 2016 and submitted plans numbered;
- a. Location Plan, Drawing No. 6632_AEW_1009_0001
 - b. Block Plan, Drawing No. 6632_AEW_1009_0002
 - c. Amended Existing Site Plan, Drawing No. 6632_AEW_1009_0003 RevB
 - d. Amended proposed Site Plan, Drawing No. 6632_AEW_1009_0004 RevB
 - e. Amended Existing and Proposed Elevations 6632_AEW_1009_0005 RevB

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

Agenda Item 18

Officer Report On Planning Application: 16/02913/ADV

Proposal :	Installation of 8 no. freestanding signs, 1 no. side by side directional sign and 2 no. banner units.
Site Address:	McDonalds Restaurant Sparkford Hill Queen Camel
Parish:	Sparkford
CAMELOT Ward (SSDC Member)	Cllr Michael. Lewis
Recommending Case Officer:	Sam Fox Tel: 01935 462039 Email: sam.fox@southsomerset.gov.uk
Target date :	30th August 2016
Applicant :	McDonald's Restaurants Ltd
Agent: (no agent if blank)	Mr Ben Fox Planware Ltd The Granary , First Floor 37 Walnut Tree Lane Sudbury Suffolk CO10 1BD
Application Type :	Other Advertisement

REASON FOR REFERRAL TO COMMITTEE

This application is referred to the committee at the request of the Ward Member with the agreement of the Area Chairman to enable the comments of the Parish Council and Neighbours to be fully debated.

SITE DESCRIPTION AND PROPOSAL





The site is located on the Hazelgrove Roundabout, Sparkford .

The site comprises a McDonalds restaurant and adjacent filling station with associated parking. There are a number of signs in and around the site to serve both businesses.

This application seeks advertisement consent for the display of 8no. freestanding signs, 1 no. side by side directional sign and 2 no. banner units.

Two separate applications have been made for refurbishment and reconfiguration of the site and for signage and are currently pending consideration, reference 16/02910/ADV and 16/02909/FUL.

RELEVANT HISTORY

- Most recent:
- 09/03681/ADV - The display of 1 non illuminated post mounted banner. Application permitted with conditions.
- 09/01260/ADV - The display of various illuminated and non-illuminated signs. Application permitted with conditions.
- 09/01271/FUL - Alterations and refurbishment of restaurant and patio area. Application permitted with conditions.

POLICY

The Secretary of State's powers to make regulations for the control of outdoor advertisements are in sections 200, 221,223 and 224 of the Town and Country Planning Act 1990. The current regulations are the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Under regulation 3, advertisements are subject to control only in the

interests of "amenity" and "public safety".

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

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

South Somerset Local Plan (2006-2028)
Policy EQ2 (General Development)

National Planning Policy Framework
Chapter 7 (Requiring Good Design) - paragraph 67

CONSULTATIONS

Sparkford Parish Council - No objection providing there is no increase in light pollution and no other alterations made that would result in loss of parking.

Highway Authority - Standing advice applies

Highways England - No objection

Environmental Protection - No comment

REPRESENTATIONS

Two letters have been received raising the following areas of concern:-

- Bright lights shining into bedroom, M sign dominates sky especially in winter.
- To reduce impact of additional light pollution must ask for a condition requiring a more substantial fence circa 3m high to shelter the residents of Wolfester Terrace.

CONSIDERATIONS

The NPPF states:

"Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts."

The issues to assess in line with the NPPF and local policy are the impact on amenity and public safety.

Public Safety:

The highway authority has assessed the application and has referred to standing advice. This states that "any development shall ensure that external lighting should not interfere with the use of the highway (dazzle, glare, etc.) or considered to be prejudicial to highway safety by virtue that it would be likely to distract, or confuse road users because of its size, detailing and proximity to the public highway". Highway England were also consulted due to the sites

proximity to the A303 and have raised no objection to the application. The signs are set well within the site away from the main A303 and are considered to comply with the Standing Advice of the Highway Authority, and raise no foreseeable public or highway safety concerns and as such are considered to be acceptable.

Amenity:

The proposal involves the installation of 4 no. 2.4m high internally illuminated totem signs and 2 no. 2.51 m high internally illuminated totem signs sighted around the newly formed double drive thru, currently under consideration on application 16/02909/FUL, along with 1 no. 2.45m high lane direction sign, 2 no. 2.06m high x 4.82m wide banner signs and 2 no. 2.1m high internally illuminated directional signs at the entrance and exit. The bulk of the signage will be near the drive thru to the west of the site with only the 1 no. banner sign and 2 no. directional signs on the western side near Wolfester Terrace. Given the high dense growth along this boundary it is not considered that the proposal will have any adverse impact on amenity.

Neighbour comments:

The comments of the neighbour have been noted. Whilst other comments were made by one neighbour the only one regarding signage has been considered on this application and the other issues raised are being considered as part of application 16/02909/FUL where they are relevant. Regarding the illumination, the bulk of the signage is away from the residential properties along Wolfester Terrace on the western edge of the site with only a banner sign and two signs showing welcome and goodbye near the entrance on the eastern side. Given the dense boundary planting it is not considered that the proposal will cause any additional significant harm in terms of light pollution. The suggestion of a fence has been noted and put forward to the applicant. The applicant considers did not consider the request proportionate to the level of development at the site over what already exists and has declined the request. It is not considered reasonable to impose a condition for the fencing given the existing planting around the site which is high and dense.

Parish comments:

The comments of the Parish Council have been noted. This application is dealing with the various signs around the site and does not incorporate any changes to parking on the site which is being considered under a separate application, 16/02909/FUL, and to which they have raised an objection.

Conclusion:

It is considered that the advertisements do not prejudice public safety and do not adversely affect amenity in accordance with the aims and objectives of Policy EQ2 of the South Somerset Local Plan (2006-2028) and NPPF Chapter 7: Requiring Good Design.

RECOMMENDATION

Approve with conditions

01. The proposal, due to the siting, form, materials and design of the fascia signs, would not adversely affect residential amenity or highway safety in accordance with the aims and objectives of Policy EQ2 of the South Somerset Local Plan (2006-2028) and the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

01. (a) All advertisements displayed and any land used for the display of advertisements shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

(b) Any hoarding or similar structure or any sign, placard, board or device erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition to the reasonable satisfaction of the Local Planning Authority.

(c) Where any advertisement is required under these Regulations to be removed, the removal thereof shall be carried out to the reasonable satisfaction of the Local Planning Authority.

(d) Before any advertisement is displayed on land in accordance with the consent now granted, the permission of the owner of that land, or of a person entitled to grant such permission, shall be obtained.

(e) The consent now granted is limited to a period of five years from the date hereof.

Reason: To accord with The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

02. The development hereby permitted shall not be carried out otherwise than in complete accordance with the details received on 05 July 2016 and submitted plans numbered;
- a. Location Plan, Drawing No. 6632_AEW_1009_0001
 - b. Proposed Site Plan, Drawing No. 6632_AEW_1009_0008
 - c. Totem 4 2 Bay, Butterfield Signs
 - d. Totem 3 Pre Sell Boards, Butterfield Signs
 - e. Side by Side Lane Sign, Butterfield Signs
 - f. Directional Sign, Butterfield Signs
 - g. New Double Sided Banner Unit, Butterfield Signs

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

Agenda Item 19

Officer Report On Planning Application: 16/02971/S73

Proposal :	S73 application to vary conditions 1 & 4 of approval 11/03159/FUL, to allow for an increase in permitted retail sales area.
Site Address:	Boots Pharmacy Dykes Way Wincanton
Parish:	Wincanton
WINCANTON Ward (SSDC Member)	Cllr Nick Colbert Cllr Colin Winder
Recommending Case Officer:	Adrian Noon Tel: 01935 462370 Email: adrian.noon@southsomerset.gov.uk
Target date :	8th September 2016
Applicant :	Boots UK Ltd
Agent: (no agent if blank)	Mr Duncan Bennett 140 London Wall London EC2Y 5DN
Application Type :	Other Change Of Use

UPDATE

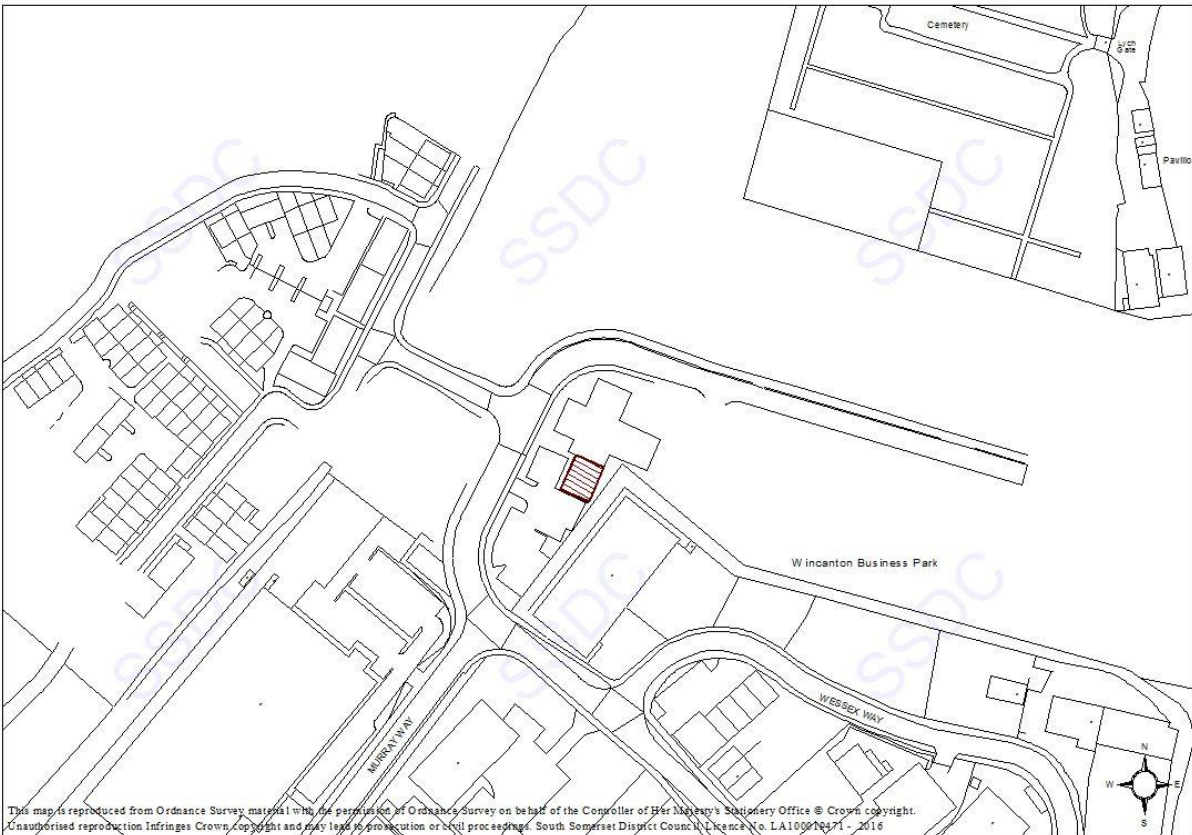
This application was considered at the September meeting of Area East when it was deferred to enable the applicant to clarify their intentions for their existing outlet on the High Street. It has been confirmed that there is no intention to close the High Street store and applicant is willing to offer a unilateral undertaking not to close it for a period of 5 years from the date of any permission granted in relation this application.

The report, updated to reflect this information and observations received since the previous report was drafted, is set out below.

REASON FOR REFERRAL

At the request of the ward members to enable the impact on the town centre to be debated.

SITE DESCRIPTION AND PROPOSAL



This site sits at the foot of the hill, adjacent to the approved access to the New Barns key-site from the Wincanton Business Park. The allocation (KS/WINC/1) comprises residential,

employment, education and community uses. The site as a whole has outline permission (05/00960/OUT) for residential development, industrial and community uses including a primary school, an extension to the cemetery and associated landscaped areas.

Two reserved matters approvals have been granted, 09/00979/REM for 283 houses, eleven employment units and an attenuation pond (to serve the whole development) and 10/00014/REM for medical centre, industrial units and retail units with flats above. Subsequently a full, standalone permission (11/03159/FUL) was granted (at appeal) for a medical centre, associated parking and landscaped areas and a pharmacy with a dedicated retail display area of 18m² at ground floor as shown on the approved plan.

Condition 5 of the Inspector's decision limits the retail sales area to the 18m² as shown on drawing 06010 51. Condition 4 limits the range of goods to those specified on an attached list of restricted pharmacy products and services.

Subsequently a S73 application (12/00971/S73) was approved to vary the sales area to 18sqm. This did not seek to change the list of restricted pharmacy products and services.

This application now seeks to substitute a different ground floor plan to show an increased sales area of 66sqm. No other changes are proposed.

RELEVANT HISTORY

05/00960/OUT	<p>Outline planning permission granted for mixed-use development of land together with new primary school, riverside park and associated infrastructure (28/12/06). An associated S.106 Agreement, which has been amended by a supplementary agreement covers:-</p> <ul style="list-style-type: none">• Affordable housing (35%)• Provision and maintenance of landscaped public open space and play facilities• Provision of the cemetery extension site• Education contributions;• Off-site highway and travel plan costs
09/04736/NMA	<p>Minor amendments agreed to 09/00979/REM to allow changes to plots 41-58, 94, 115, 116-139 and 143.</p>
10/00014/REM	<p>Reserved matters approved for the erection of a medical centre, 3 industrial units, 4 retail units, 7 residential duplexes and associated works. The proposal did not include a pharmacy with the medical centre and condition 10 stated:-</p> <p><i>“None of the retail units hereby approved shall be used as a pharmacy without the express grant of planning permission.</i></p> <p><i>“Reason: To safeguard the vitality and viability of the town centre in accordance with policies MC3 and MS2 of the South Somerset Local Plan.”</i></p>
10/05187/MNA	<p>Minor amendments agreed to 10/00014/REM to allow inclusion of photovoltaic and solar panels to the roof and 6 high-level sun-tube terminals to roof of medical centre.</p>

11/00246/NMA	Minor amendments agreed to 10/00014/REM to allow revisions to medical centre.
10/05038/FUL	Planning permission refused for the erection of a new Health Centre including pharmacy on the grounds that:- <i>“It is not considered that it has been demonstrated that the provision of a pharmacy within the medical centre would not be prejudicial to the vitality and viability of the town centre. As such the proposal is contrary to with policies MC3 and MS2 of the South Somerset Local Plan, adopted 2006.”</i>
11/03159/FUL	Planning permission refused for the erection of a new Health Centre including pharmacy. Allowed at appeal 23/02/12.
11/04690/ADV	Signage to pharmacy approved.
12/00971/S73	Variations to conditions 1 (plans) and 5 (retail sales area) of 11/03159/FUL approved.

POLICY

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

The policies of most relevance to the proposal are:

South Somerset Local Plan 2006 - 2028

SD1 – Sustainable Development
 EP9 – Retail Hierarchy
 EP11 – Location of main town centre uses (the sequential approach)
 EP12 – Floorspace threshold for impact assessments
 EP14 – Neighbourhood centres
 EQ2 – General Development
 TA5 – Transport impact of new development
 TA6 – Parking standards

National Planning Policy Framework

CONSULTATIONS

Wincanton Town Council – No objection.

County Highway Authority – No observations

SSDC Highways Consultant – Does not consider that the proposed changes would lead to a significant increase in vehicular traffic to/from the site.

Area Development - make the following comments

“I recognise that the pharmacy meets the needs of registered patients but suggest it is also the ‘first choice’ provision, by virtue of its location, for the many from the neighbouring residential estate and much of the Blackmore Vale so there is a very fine

balance to be struck between enhancing a now established/valued service and the likely longer term impacts an increased retail sales area could have on the town centre provision.

“As you are aware, the Area Development Team has consistently opposed increasing edge of town facilities on the grounds they would adversely affect the town centre and having reviewed the case history I am minded to maintain this position. Within this application it is stated that ‘the majority of trade generated by the proposed increased retail sales area would be diverted from existing out of town supermarkets’ (Lidl & Morrisons); we are also told that Boots is committed to the future of its town centre store and widening of the permitted range of goods is not proposed.

“This is clearly the state at present but I am concerned that incrementally we will be moving towards a position where, if this application is approved, it leaves an application for ‘another day’ to lift the condition relating to the restrictive list at which point, the long term viability of the (currently) Boots operated town centre provision is further compromised. This risk was acknowledged by the Appeal Inspector and makes me feel it is worth reiterating some of the points made previously in relation to this site:

- The vulnerability of the original funding for the new health centre, was an influential factor in the Area East Committee (June 2010) decision to approve the health centre on its present site, at the same time the Committee prevented the use of nearby retail units as a pharmacy; the intent was clear - it wished to protect town centre pharmacies*
- In February 2011 NHS Somerset commented that ‘Boots’s other pharmacy at 29-31 High Street would remain (although obviously we cannot pre-judge what commercial decisions Boots may make in the future)’*
- In August 2011 the Design & Access Statement ‘The pharmacy will only provide items from the restricted list and therefore should have no effect on the retail outlets in the town’.*
- In November 2011, the appeal submission stated that ‘the primary purpose of the pharmacy is to dispense prescriptions, and the retail element being so small, it is considered a sui generis use’.*
- In February 2012, the Planning Inspector commented ‘The proposed facility therefore has to be called a pharmacy, but its role could be controlled to be as close as possible to that of a dispensary. This could be ensured by conditions which restrict the retail element in terms of use, range of goods, floor area’”*

It is confirmed that out of 85 units on the High street 11 are vacant, of which 2 are understood to be under offer by prospective occupants.

REPRESENTATIONS

11 letters of objection, including representations from the Wincanton Chamber of Commerce have been received raising concerns about the impact on the viability of the high street due to loss of footfall. The need to the proposal is questioned given the existing outlet on the High Street. Concern is raised that should the High Street outlet close vulnerable residents without access to a car would not be able to access the pharmacy at the medical centre. Concern is raised about the impact of the medical centre increasing its ranges of goods – these should remain restricted to medical products.

A further letter has been received from a Town Councillor objecting on the grounds that the proposal is contrary to planning policy and would adversely affect the viability of the town centre. The councillor considers that the application demonstrates that Boots wishes to close their High Street branch and should be stopped.

Applicant's Case

In response to local concerns the applicants have provided a statement that sets out:-

An analysis of Wincanton Town Centre including a survey in September 2015 has shown it to be relatively healthy in retail terms with a vacancy level of 8.75% (7 vacant units) compared to a national average vacancy rate of 12.30%. The survey showed a number of new independent retailers entering the town centre including an Arts & Crafts shop, a sewing shop, a café and a sandwich shop. One of the vacant public houses had also been re-opened and another vacant unit was the subject of ongoing restoration works at the time of the survey. This shows the health of the town centre to be improving with a focus on independent retailers.

Boots is the only pharmacy and the main personal care goods retailer in the town centre. Only limited personal care goods are sold within the Co-op Supermarket on Carrington Way within the town centre. As such Boots High Street store would be the main retail outlet for such goods in the town centre potentially impacted by trade draw generated by the proposed expanded retail sales floorspace in the Wincanton Health Centre.

There are two main out-of-centre retail outletssell an element of personal care goods, with the Morrisons store featuring approximately 204 sq.m of personal care sales, and the store Lidl featuring approximately 40 sq.m of personal care sales.

We would contend that the majority of trade generated by the proposed increased retail sales floorspace at the Wincanton Health Centre Pharmacy would be diverted from these two out of centre stores rather than the town centre as patients and local residents would already travel to these stores for personal care goods rather than travel into the town centre, and would not choose to travel the extra distance to the town centre for these goods. This trade is already lost from the town centre and its diversion from the existing out-of-centre stores would have no impact on the town centre.

Boots is committed to the future of its town centre store in Wincanton, indeed where Boots have opened a pharmacy within a health centre, apart from the closure of the store from which the pharmacy contract was relocated, the remaining store(s) in the town have been kept open.

In Wincanton Boots relocated its pharmacy contract from its store at 13 Market Place to the relocated health centre in March 2012 and closed the store. Boots retained its store at 29/32 High Street.

Since opening, the staff at the Boots pharmacy at the Health Centre have received a considerable amount of feedback from customers with regard to the level of retail provision within the pharmacy. Customers have been asking questions such as 'when are you going to finish the store' and on a daily basis customers are telling staff they would like to be able to buy a wider range of Boots products. This clearly demonstrates a local demand for increased retail provision within the pharmacy.

The additional sales floorspace would only be used to sell goods within the current restricted range of goods. Widening of the permitted range of goods is not proposed.

We consider that the case put forward in the submitted planning statement and the above additional supporting information provides a robust case for the proposed

additional retail sales floorspace being fully compliant with national and local planning policy and provides reassurance to the Council and interested parties that the proposed additional retail sales would be beneficial in meeting local retail needs and would not have a detrimental impact on the town centre or put Boots town centre store at risk.

The applicant has further confirmed a willingness to provide an undertaking not to close their High street store for a period of 5 years.

CONSIDERATIONS

No physical changes are proposed to the previously approved structure, nor are any amendments to the site layout, landscaping, parking arrangements etc. requested. As such it is not considered that there are any implications for policies EQ2 TA6 or TA5. The sole revision is the repositioning of the retail sales area within the ground floor.

Although an increase of 48sqm is proposed no variation to the range of goods to be sold is sought. The pharmacy serves primarily the medical centre, and also the substantial residential area at New Barns. Accordingly whilst such a facility would normally be steered to the town centres of larger settlements (EP9, EP11) it is considered that a justifiable case exists for such a service in this location.

The proposed increase in floor area is not of a scale that triggers the need for an impact assessment (policy EP12); rather it is considered commensurate with a facility that might reasonably be expected in a neighbourhood centre (EP14) where there is a GP surgery.

Local concerns are noted, however as the area development team point out 11 out of 85 units are currently vacant (13%), with the prospect that this may reduce to 9 (10.5%). This compares favourably to the nation average of 12.5% (Retail Gazette, March 2016)

On this basis it is not considered that its repositioning as shown on the alternative ground floor plan would have any adverse impact on the town centre. As such the proposal complies with the policies of the local plan and the policies contained within the NPPF.

As this is a S73A application it is necessary to treat any approval as a fresh permission and in this respect all other issues, being unchanged, are considered acceptable any remain compliant with the relevant saved policies and the NPPF. Accordingly all other conditions, with the exception of the time limit (the development is now complete) as imposed by the inspector should be attached to the permission. The plans condition should be updated to include the new ground floor condition to be referred to in the amended version of condition 5.

The offer of an undertaking to not close the High Street store with 5 years is a welcome assurance of the applicant's commitment to the town centre.

RECOMMENDATION

Grant planning permission subject to the following conditions.

Justification

The proposed medical centre and pharmacy would be of an appropriate scale, with a suitable design and layout, parking and access arrangements that would not be prejudicial to visual amenity, the character of the locality or highways safety. It is considered that it has been

demonstrated that the provision of a pharmacy within the medical centre, which would meet a specified need, would not be prejudicial to the vitality and viability of the town centre. Safeguarding conditions could reasonably ensure that the pharmacy would be restricted to ensure that it caters for the demonstrated need. As such the proposal complies with policies SD1, EP9, EP11, EP12, EP14, EQ2, TA5 and TA6 of the South Somerset Local Plan 2006 – 2028 and the policies contained within the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

01. The development shall be carried out generally in accordance with the previous approved plans, namely plans 06010 50A;06010 51; 06010 52A; 06010 53A; 06010 54B; 06010 55A; 06010 56A; and 06010 57. With regard to the ground floor pharmacy drawing 06010 51 shall be superseded, in part, by drawing titled Planning Application (drawing number 1309/C215742/GF received 07/07/16 as set out by condition 4 below.

Reason: To define the development hereby approved.

02. The sales area hereby approved shall remain as a pharmacy and for no other retail use within use class A1 of the Use Classes Order 1995 (as amended).

Reason: To ensure that the pharmacy meets the need identified and to safeguard the vitality and viability of the town centre in accordance with policies EP11 and EP14 of the South Somerset Local Plan 2006 - 2028.

03. The goods and services to be provided by the pharmacy hereby approved shall be limited to those specified on the “restricted list of pharmacy products and services to the public” provided as Appendix 1 attached to this permission.

Reason: To ensure that the pharmacy meets the need identified and to safeguard the vitality and viability of the town centre in accordance with policies EP11 and EP14 of the South Somerset Local Plan 2006 - 2028.

04. The pharmacy and retail area hereby approved shall be limited to shown on drawing titled Planning Application (drawing number 1309/C215742/GF) received 07/07/16.

Reason: To ensure that the pharmacy meets the need identified and to safeguard the vitality and viability of the town centre in accordance with policies EP11 and EP14 of the South Somerset Local Plan 2006 - 2028.

05. With the exception of out of hours emergency dispensing, the opening hours of the pharmacy hereby approved shall be limited to the opening hours of the medical centre. There shall be no retail sales outside the opening hours of the Healthcare Centre.

Reason: To ensure that the pharmacy meets the need identified and to safeguard the vitality and viability of the town centre in accordance with policies EP11 and EP14 of the South Somerset Local Plan 2006 - 2028.

Agenda Item 20

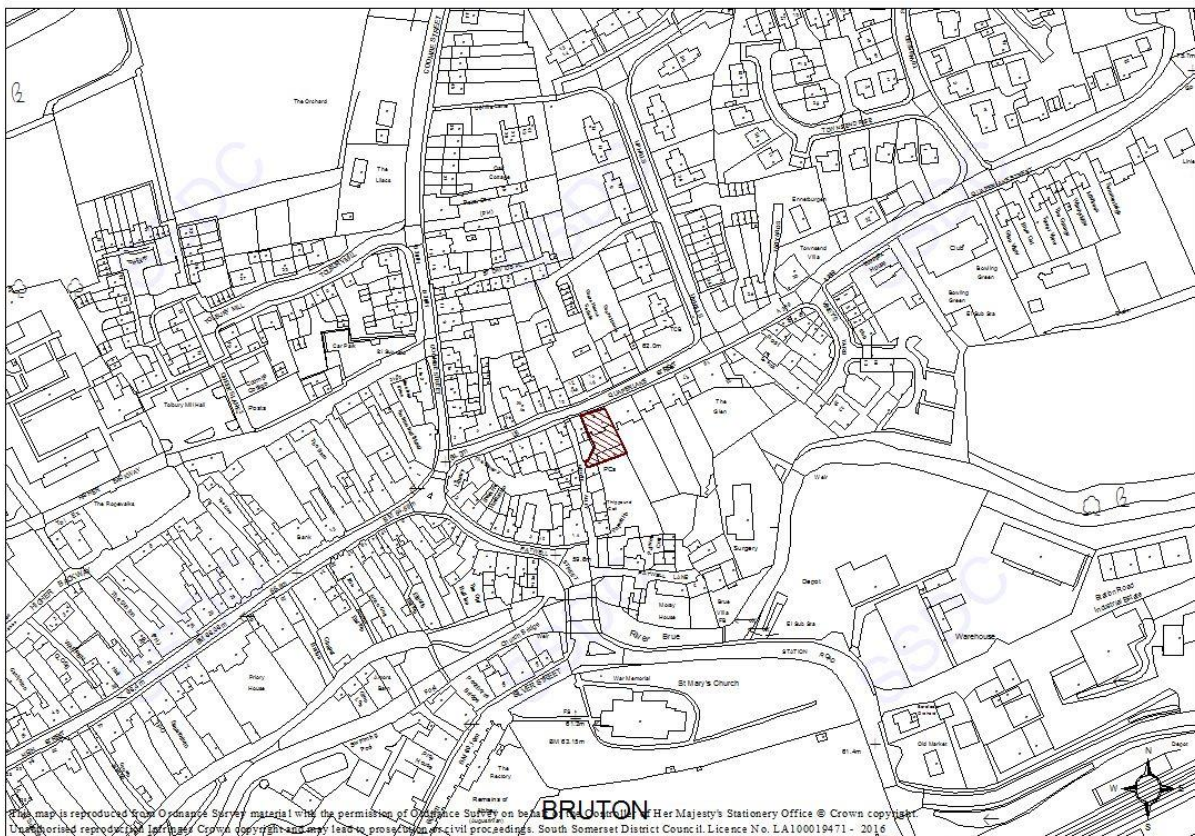
Officer Report On Planning Application: 16/02374/FUL

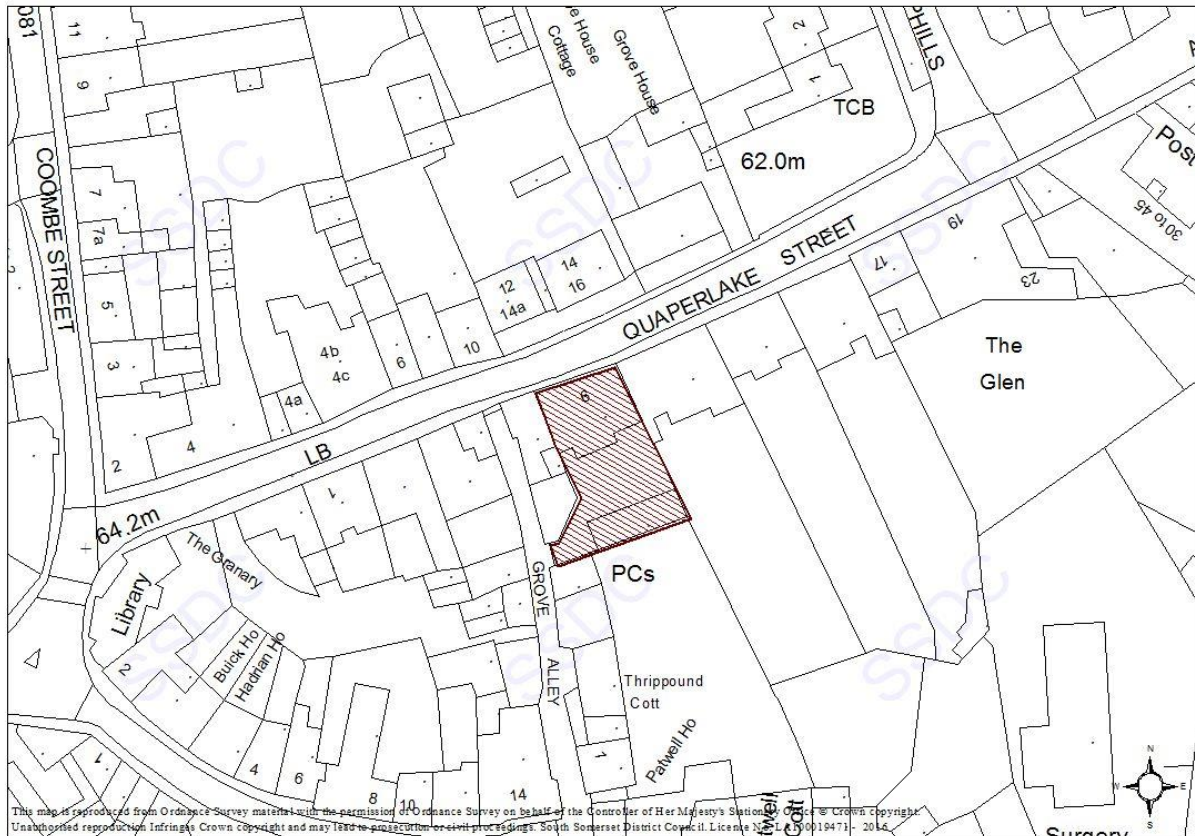
Proposal :	Refurbishment of free-standing outbuilding to create an annex to house (guest bedroom and living space) (revised application)
Site Address:	9 Quaperlake Street Bruton BA10 0HF
Parish:	Bruton
BRUTON Ward (SSDC Member)	Cllr Anna M Groskop
Recommending Case Officer:	Sam Fox Tel: 01935 462039 Email: sam.fox@southsomerset.gov.uk
Target date :	5th August 2016
Applicant :	Ms Natalie Jones
Agent: (no agent if blank)	
Application Type :	Other Householder - not a Change of Use

REASON FOR REFERRAL TO COMMITTEE (UPDATE)

This application was presented to Area East Committee at their September meeting last month where it was resolved to defer the application subject to clarification of the proposed roofing material. The applicant has now revised the application to alter the roofing material from tin to natural slate. Amendments to the original officer's report have been made as necessary.

SITE DESCRIPTION AND PROPOSAL





The site is located on the south side of Quaperlake Street, within the both the development and conservation areas.

The property is a terraced, two-storey Grade II listed building constructed of stone painted cream with dark blue painted timber windows under a clay tile roof. The surrounding properties are two storey terraced varying in age and design, most also being Grade II listed. The property has been converted to a mixed residential/shop/café with the ground floor front of the building being given over to the shop and café and the ground floor rear and upper floors being given over to residential.

This application seeks permission for the refurbishment of a free-standing outbuilding to create an annexe to house guest bedroom and living space (revised application).

HISTORY

Most relevant:

16/01688/FUL - Refurbishment of free-standing outbuilding to create annexe to house (guest bedroom and living space). Application withdrawn.

16/01689/LBC - Refurbishment of free-standing outbuilding to create annexe to house (guest bedroom and living space). Application withdrawn.

POLICY

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

For the purposes of determining current applications the local planning authority considers that

the adopted development plan is the South Somerset Local Plan (2006-2028).
On this basis the following policies are considered relevant:-

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

SD1 - Sustainable Development

SS1 - Settlement Strategy

Policy EQ2 - General Development

Policy EQ3 - Historic Environment

National Planning Policy Framework

7 - Requiring good design

12 - Conserving the historic environment

CONSULTATIONS

Parish Town Council - No comments received to date regarding amended materials.

Previous comments - Bruton Town Council has considered the above application for Ms. Natalie Jones of 9 Quaperlake Street, Bruton BA10 0HF and wish to recommend that this application be approved with a condition that the roofing materials be changed to be more in keeping with the surrounding roof scape. Council is unhappy with the current proposals for metal sheeting panels.

County Highway Authority - Standing advice applies, parking for 3 vehicles

SSDC Highway Officer - No significant highways issues provided the outbuilding is used as an annex ancillary to the main residence and that sufficient on-site car parking is provided in line with SPS optimum standards.

Conservation Officer - No comments received to date regarding amended materials

Previous comments - Thank you for consulting me. I have reviewed this revised proposal carefully, and note the comments put forward by local residents.

The three rooflights on the north roof slope are still very large. They scale off at about 1.6m in length, which seems excessive for such a small room, particularly as there is a window in the west elevation as well. I suggest the three are reduced to two, and both are much smaller conservation type units.

I have no objection to the treatment of the rest of the building. I am content with the proposed use of profiled metal. I consider this to be an appropriate roof covering for a modest outbuilding such as this. No details of the actual product have been submitted. Such details would be useful at this stage, particularly as the suitability of this product has been raised as a concern by local residents. I suggest the use of a traditional small 's' profile, based on the profile of historic wriggly tin. The colour could be re-considered. A grey finish may be preferable as it will be less stark than black.

Following the above comments the applicant provided amended drawings reducing the size and number of rooflights to 2 and changing the colour from black to grey in line with his advice. The conservation officer was then satisfied with the proposal.

REPRESENTATIONS

No letters of objection have been received regarding the amended materials at the time of

writing.

Previous comments

Seven letters of representation have been received raising the following objections:

Parking

- Little parking on site and surrounding roads already busy.
- Building vehicles accessing site will add to parking problems.

Roof

- Roof materials should be slate or tile in keeping with surrounding buildings.
- Roof materials not in keeping within conservation area.
- Rain would create more noise on metal roof.
- Raised ridge height would be highly visible from Grove Alley.
- Height increase unnecessary and oppressive.
- Loss of western sunlight due to height increase.
- Marginal reduction in sunlight reaching us and increased periods of shadow at certain times of year due to height increase.
- Rooflights will reduce our privacy by overlooking. Could be obscured and non-opening.
- Overlooking/reduced privacy from new window in western gable. Could be obscured and non-opening.
- Window directly overlooking will also cause light pollution in an otherwise dark garden.

General

- Will be attached to our wall, will compromise structural soundness.
- Discrepancies in wall heights as not marked on drawings.
- Contrary to the Design and Access statement the proposal will be visible from Grove Alley.
- Possible B&B use would increase parking problem

CONSIDERATIONS

Description

The proposal is for the conversion of an existing outbuilding into additional living accommodation. The building lies in the south east corner of the curtilage of the property and it is proposed to raise the roof of half the building to provide bedroom space.

Visual amenity

The proposal is considered to be of an appropriate size, scale design and detailing with materials stated as being to match the existing property. The conservation officer has been consulted on the proposal and following receipt of amended drawings to reduce the number of rooflights to 2 and reduce their size along with changing the colour of the metal roof from black to grey supported the scheme. He has not made any comments on the change in roofing material from tin to natural slate, however, the use of natural slate is considered to be acceptable given its presence in the wider conservation area. On this basis it is not considered that it would harm the character of the Grade II listed property or have a detrimental impact on the visual amenity of the conservation area.

Residential amenity

It is not considered that the window layout and general bulk of the proposal is such that it would give rise to undue overlooking / loss of privacy or an overbearing relationship with neighbouring properties. Therefore the proposal would not harm local residential amenity.

Highway comments

Prior to 2014 the main dwelling had 5 bedrooms and following the applicants extension and refurbishment scheme this was reduce to 4. This proposal brings the total number back to 5. The existing arrangement does not meet the current requirement and given the properties situation within the town with designated road parking on Quaperlake Street and close to a public car park it is not considered the proposal will raise any significant additional highways issues in terms of parking.

Town Council comments

No comments have been received from the Town Council regarding the revised materials at the time of writing this report. There only previous concern was that of the roofing material and they offered to support the application if any approval was conditioned that the roof materials be changed to be more in keeping with the surrounding roof scape. The applicant has now revised the materials to natural slate, a material present on surrounding properties and considered to be acceptable.

Neighbour comments

The comments of the neighbours have been noted.

Parking

Whilst there is no increase in parking for the site to accommodate the additional bedroom, the proposal will provide the same number of bedrooms as that which existed prior to 2014. It is not unusual within the town centre to have little if any parking available. It is not considered that the proposal will raise any significant additional issues in terms of parking. Whilst there may be a slight increase in traffic during the course of building work, this would only be temporary and would be relevant to many properties within the town with similar parking issues.

Roof

The previous issues regarding the use of metal on the roof have been addressed by the applicant and the materials have been changed to natural slate, as used on the conversion permitted to the rear of the site to which similarities were drawn. Given its use on surrounding properties this is considered to be acceptable. The impact of noise from rain is no longer considered to be an issue given the change in materials. Given the very restricted views from Grove Alley, it is not considered that the proposed increase in height will have a significant impact. The applicant has stated the need to increase the height to provide a usable area within the roof space. When measuring at 1.8m high, the floor area this would provide is only 2.1m wide. It is not considered that the proposed height increase will cause any significant loss of light given the properties orientation. Likewise, any marginal shadowing at certain times of year would be in a small area of garden away from the main dwelling. The rooflights have been reduced in both size and number and will sit approximately 1.7m above the internal floor. The applicant has stated that they will be frosted/opaque and restricted opening to assist privacy. It is not considered that these will cause any significant harm to privacy given their position within the roof space. Likewise, the window in the western gable will serve the new stairwell into the roof space and is relatively small in size. Whilst it may provide some views into the end of the adjoining neighbours garden at No. 7 it will not face directly into their property and is not considered to cause any significant harm in terms of overlooking. Whilst the neighbouring property to the rear, south, has raised objections due the oppressiveness and loss of view given the increased height and overlooking from the western gable window, given the orientation of the property and the distance, approximately 50m, it is not considered that the proposal will cause any harm in terms of overshadowing, overbearing or overlooking.

General

The issue raised regarding the boundary wall is a civil matter and any structural issues will be dealt with through building control. The issue over the discrepancies in height due to lack of heights on drawings, the drawings are drawn to scale and at any time these heights can be

confirmed on request. The visibility of the proposal from Grove Alley has been acknowledged, however, this will be minimal and is not considered to be unacceptable. The issue regarding potential B&B and its impact on parking, this has been addressed by the applicant in terms of potential customers being guided to the use of existing public car parks within the town.

Conclusion

It is not considered that the proposal will cause any significant harm in terms of visual and residential amenity nor is it considered to cause any significant harm to the setting of the listed building or the wider surrounding conservation area. The proposal is considered acceptable in terms of its impact on highway safety. Accordingly the proposal is considered to comply with policies EQ2 and EQ3.

RECOMMENDATION

Permission be granted subject to the following conditions:-

01. The proposal, by reason of its size, scale and materials, respects the character of the area, and causes no demonstrable harm to residential amenity. It also preserves the character and appearance of the Conservation Area and setting of the Listed Building in accordance with the aims and objectives of policies EQ2 and EQ3 of the South Somerset Local Plan (2006-2028).

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. No work shall be carried out on site to any external roofs unless particulars of the materials to be used, including a sample, have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the significance of the heritage asset, in accordance with the provisions of chapter 12 of the National Planning Policy Framework and policy EQ3 of the South Somerset Local Plan (2006-2028).

03. No work shall be carried out to fit the roof lights unless details of the units have been submitted to and agreed in writing by the Local Planning Authority. Unless otherwise agreed in writing, the roof lights shall be top hung and flush with the roof covering. Such approved details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: To safeguard the significance of the heritage asset, in accordance with the provisions of chapter 12 of the National Planning Policy Framework and policy EQ3 of the South Somerset Local Plan (2006-2028).

04. No work shall be carried out to fit any doors, windows, boarding or other external opening unless details of the design, materials and external finish of these elements have been submitted to and approved in writing by the Local Planning Authority. This will include detailed drawings including sections of at least 1:5. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: To safeguard the significance of the heritage asset, in accordance with the provisions of chapter 12 of the National Planning Policy Framework and policy EQ3 of the South Somerset Local Plan (2006-2028).

05. No work shall be carried out on site unless particulars of the materials (including the provision of a sample panel) to be used for external walls have been submitted to and approved in writing by the Local Planning Authority.

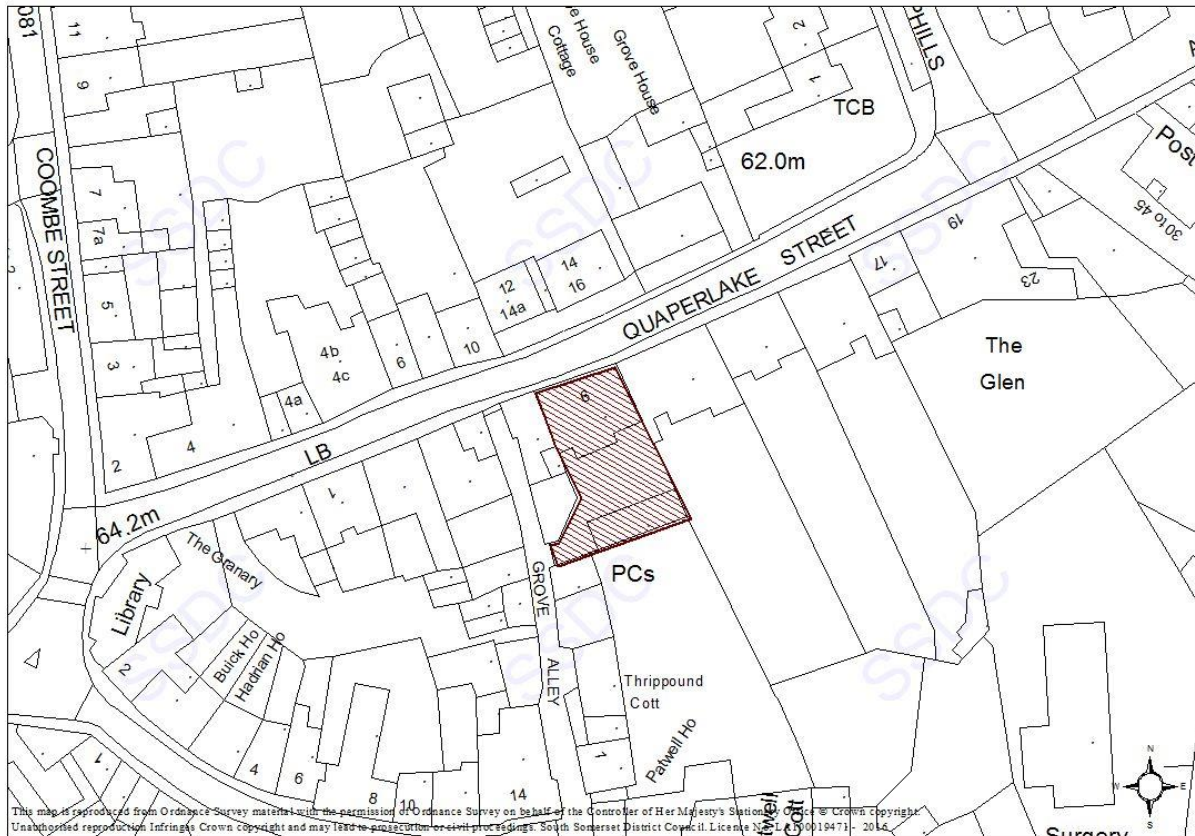
Reason: To safeguard the significance of the heritage asset, in accordance with the provisions of chapter 12 of the National Planning Policy Framework and policy EQ3 of the South Somerset Local Plan (2006-2028).

06. No work shall be carried out to fit any new WCs, Bathrooms, Kitchens or Utility rooms unless details of all new services to such rooms, including details of routes of foul water and any ventilation or extraction have been submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: To safeguard the significance of the heritage asset, in accordance with the provisions of chapter 12 of the National Planning Policy Framework and policy EQ3 of the South Somerset Local Plan (2006-2028).

07. The development hereby permitted shall be carried out in accordance with the following approved plans: Details and drawings received on 31 May 2016, details received on 09 June 2016, amended drawings received by email on 02 September 2016 and details received by email from the applicant on 05 September 2016.

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



The site is located on the south side of Quaperlake Street, within the both the development and conservation areas.

The property is a terraced, two-storey Grade II listed building constructed of stone painted cream with dark blue painted timber windows under a clay tile roof. The surrounding properties are two storey terraced varying in age and design, most also being Grade II listed. The property has been converted to a mixed residential/shop/café with the ground floor front of the building being given over to the shop and café and the ground floor rear and upper floors being given over to residential.

This application seeks consent for the refurbishment of a free-standing outbuilding to create an annexe to house guest bedroom and living space (revised application).

HISTORY

Most relevant:

16/01688/FUL - Refurbishment of free-standing outbuilding to create annexe to house (guest bedroom and living space). Application withdrawn.

16/01689/LBC - Refurbishment of free-standing outbuilding to create annexe to house (guest bedroom and living space). Application withdrawn.

POLICY

Section 16 of the Listed Building and Conservation Areas Act is the starting point for the exercise of listed building control. This places a statutory requirement on local planning authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'

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

Saved policies of the South Somerset Local Plan (Adopted April 2006):
Policy EQ3 - Historic Environment

National Guidance
National Planning Policy Framework
7 - Requiring good design
12 - Conserving and enhancing the historic environment

CONSULTATIONS

Bruton Town Council - No comments received to date regarding amended materials.

Previous comments - Bruton Town Council has considered the above application for Ms. Natalie Jones of 9 Quaperlake Street, Bruton BA10 0HF and wish to recommend that this application be approved with a condition that the roofing materials be changed to be more in keeping with the surrounding roof scape. Council is unhappy with the current proposals for metal sheeting panels.

Conservation Officer - No comments received to date regarding amended materials

Previous comments - Thank you for consulting me. I have reviewed this revised proposal carefully, and note the comments put forward by local residents.

The three rooflights on the north roof slope are still very large. They scale off at about 1.6m in length, which seems excessive for such a small room, particularly as there is a window in the west elevation as well. I suggest the three are reduced to two, and both are much smaller conservation type units.

I have no objection to the treatment of the rest of the building. I am content with the proposed use of profiled metal. I consider this to be an appropriate roof covering for a modest outbuilding such as this. No details of the actual product have been submitted. Such details would be useful at this stage, particularly as the suitability of this product has been raised as a concern by local residents. I suggest the use of a traditional small 's' profile, based on the profile of historic wriggly tin. The colour could be re-considered. A grey finish may be preferable as it will be less stark than black.

Following the above comments the applicant provided amended drawings reducing the size and number of rooflights to 2 and changing the colour from black to grey in line with his advice. The conservation officer was then satisfied with the proposal.

REPRESENTATIONS

Seven letters of representation have been received raising a number of issues that have been dealt with under application 16/02374/FUL running alongside this application and currently being considered. No issues regarding the listed building status have been raised.

CONSIDERATIONS

As this is an application for listed building consent the main considerations are what impact the proposal will have on the character and setting of the listed building.

Advice from the conservation officer regarding this application was sought; however, no comments have been received regarding the change in materials at the time of writing this report. The conservation officer supported the previous scheme following amended plans reducing the number of rooflights to 2 and their size along with changing the colour of the tin roof from black to grey. The use of natural slate, given its presence on surrounding properties, is considered to be acceptable and it is unlikely to raise concern from the conservation officer if supported by a sample.

The opinion of the conservation officer is considered to hold considerable weight in applications of this nature. It is therefore considered that the application does not adversely affect the setting of this listed building in accordance with the National Planning Policy Framework and policy EQ3 of the South Somerset Local Plan (2006-2028).

RECOMMENDATION

Consent be granted subject to the following conditions:-

01. The proposal by reason of its size, scale, design, materials and position, and its limited/informed intervention into the historic fabric of this listed building, is considered to respect the historic and architectural interests of the building and is in accordance with policy EQ3 of the South Somerset Local Plan (2006-2028), and the provisions of the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

01. The works hereby granted consent shall be begun before the expiration of three years from the date of this consent.

Reason: As required by Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

02. No work shall be carried out on site to any external roofs unless particulars of the materials to be used, including a sample, have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the significance of the heritage asset, in accordance with the provisions of chapter 12 of the National Planning Policy Framework and policy EQ3 of the South Somerset Local Plan (2006-2028).

03. No work shall be carried out to fit the roof lights unless details of the units have been submitted to and agreed in writing by the Local Planning Authority. Unless otherwise agreed in writing, the roof lights shall be top hung and flush with the roof covering. Such approved details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: To safeguard the significance of the heritage asset, in accordance with the provisions of chapter 12 of the National Planning Policy Framework and policy EQ3 of the South Somerset Local Plan (2006-2028).

04. No work shall be carried out to fit any doors, windows, boarding or other external opening unless details of the design, materials and external finish of these elements have been submitted to and approved in writing by the Local Planning Authority. This will include detailed drawings including sections of at least 1:5. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: To safeguard the significance of the heritage asset, in accordance with the provisions of chapter 12 of the National Planning Policy Framework and policy EQ3 of the South Somerset Local Plan (2006-2028).

05. No work shall be carried out on site unless particulars of the materials (including the provision of a sample panel) to be used for external walls have been submitted to and approved in writing by the Local Planning Authority.

Reason: in the interests of the special architectural and historic interests of the listed building

06. No work shall be carried out to fit any new WCs, Bathrooms, Kitchens or Utility rooms unless details of all new services to such rooms, including details of routes of foul water and any ventilation or extraction have been submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: To safeguard the significance of the heritage asset, in accordance with the provisions of chapter 12 of the National Planning Policy Framework and policy EQ3 of the South Somerset Local Plan (2006-2028).

07. The development hereby permitted shall be carried out in accordance with the following approved plans: Details and drawings received on 31 May 2016, details received on 09 June 2016 and amended drawings received by email on 02 September 2016.

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

Agenda Item 22

Officer Report On Planning Application: 16/03458/OUT

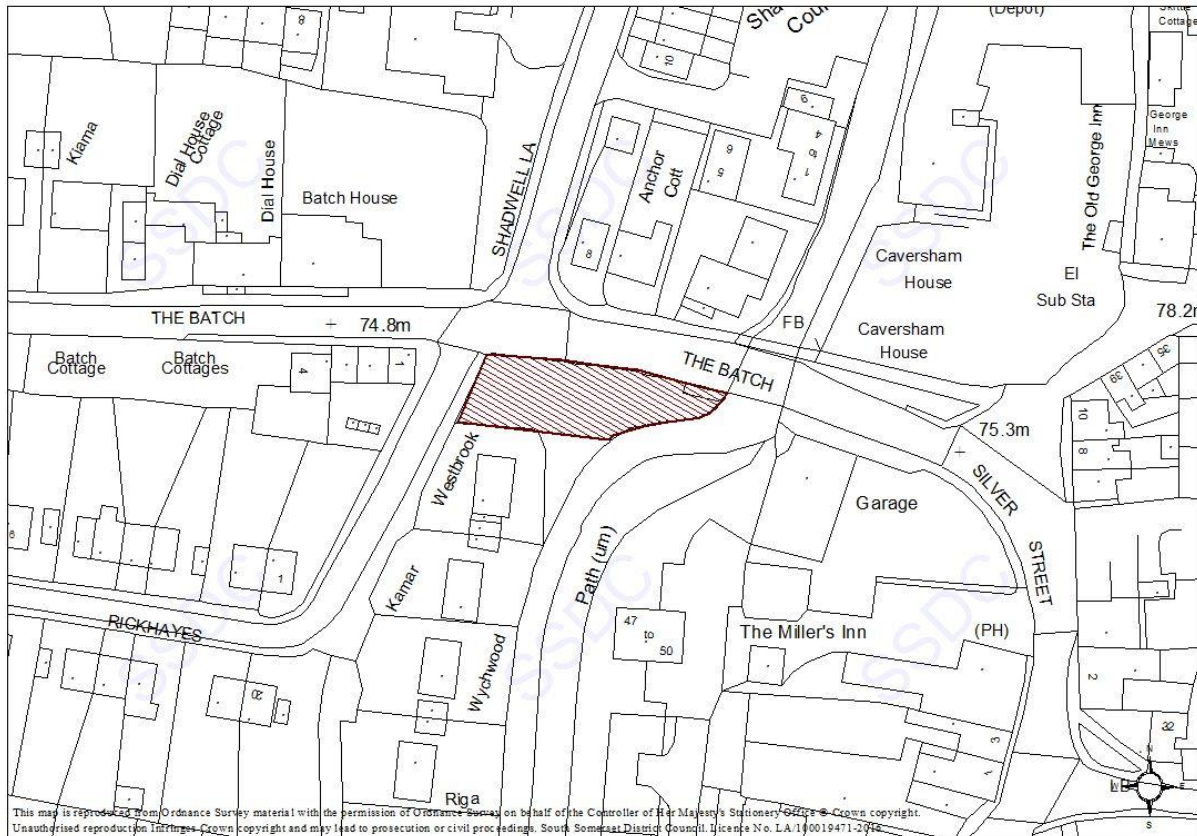
Proposal :	The erection of a bungalow.
Site Address:	Land Adjoining Westbrook The Batch Wincanton
Parish:	Wincanton
WINCANTON Ward (SSDC Member)	Clr Nick Colbert Clr Colin Winder
Recommending Case Officer:	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
Target date :	27th September 2016
Applicant :	Mr And Mrs Colbert
Agent: (no agent if blank)	Bell Associates Fountain Cottage Wyke Road Gillingham Dorset SP8 4NH
Application Type :	Minor Dwellings 1-9 site less than 1ha

The application is before the committee because the applicant is a district councillor.

SITE DESCRIPTION AND PROPOSAL



This map is reproduced from Ordnance Survey material by the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. Crown copyright. Unauthorized reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. South Somerset District Council File No: 16/03458/OUT 2016



This application seeks outline permission for the erection of a bungalow. All matters are reserved for future consideration. The site consists of an area of land laid to grass and trees, adjoining an existing single storey dwelling and the River Cale. The site is located within the Wincanton development area as defined by the local plan. The site is close to various residential properties, including several grade II listed buildings, and is immediately adjacent to a conservation area. A significant portion of the site is in Environment Agency flood zone 3b. The remainder of the site is within flood zone 2.

The indicative plan shows the provision of a single dwelling to the west of the site (outside of flood zone 3b), with a vehicular access to the south. The access would be immediately adjoining the existing bungalow known as Westbrook.

HISTORY

16/016065/OUT - Outline application for the erection of two detached bungalows with some matters reserved - Application withdrawn 15/07/2016

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF state 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)

Policy SD1 - Sustainable Development
Policy SS1 - Settlement Strategy
Policy EQ1 -Addressing Climate Change in South Somerset
Policy EQ2 - General Development
Policy TA5 - Transport Impact of New Development
Policy TA6 - Parking Standards
Policy HG4 - Provision of Affordable Housing: Sites of 1-5 Dwellings

National Planning Policy Framework

Chapter 6 - Delivering a Wide Choice of High Quality Homes
Chapter 7 - Requiring Good Design
Chapter 10 - Meeting the Challenge of Climate Change, Flooding and Coastal Change

National Planning Practice Guidance

Flood Risk and Coastal Change - Paragraphs 9 - 17

CONSULTATIONS

Wincanton Town Council - Recommend approval.

County Highway Authority - Standing advice applies

SSDC Highways Consultant - Refers to his comments made in relation to his previous application, which were:

He noted that the proposal represented an opportunity for highway improvements by providing a visibility splay across the entire frontage of the site to serve the Rickhayes/The Batch junction and to provide a footway along the southern side of the Batch. He states appropriate visibility splays at the point of access off Rickhayes should be provided. He states that the first 6 metres of the access should be properly consolidated and surfaced, on-site parking should accord with Somerset Parking Strategy optimum standards, and on-site turning should be provided.

SSDC Conservation Officer -

He notes his comments in relation to the previous application on the site, which were:

"This site abuts the conservation area. To the northwest on the opposite side of the road are a pair of listed buildings and immediately west are a range of stone cottages, siting up against the road edge. The current row of bungalows are set well back from the road without intruding significantly on the historic character of this part of the conservation area. The properties on the opposite side are modern, but do have a conventional two storey form. The Design Statement makes no reference to the character of the area, or appropriateness of two new bungalow's in this context.

The area does not appear to have been developed historically, and has served in the past as a nursery. The trees on the plot of land currently offer a welcome screen to the modern bungalows beyond.

The site is small, and heavily constrained by the position of the river and roads. It is evident from the proposal that siting buildings here is problematic. The buildings appear to turn their back to The Batch with the back of a garage building projecting further towards the road, yet there is a reference to a 'front entrance' on the proposed site layout. This arrangement is considered to cause harm to the character of the conservation area and setting of nearby listed buildings, by failing to respond to the established character of the area. The bungalow form of

the buildings is inappropriate in this context, and their detached form will not provide a good quality streetscene arrangement, that we should expect on a site that fronts a busy road. I therefore recommend refusal.

I consider it difficult to accommodate any development here, but suggest that there may be potential for something with a traditional two storey cottage form, of a scale to match 1-4 The Batch, that addresses the street properly."

He states that his concerns still stand. He notes that no additional information has been submitted to show how the proposal has taken into account the historic character of the area and setting of the listed buildings opposite. He concludes that he is of the view that the erection of a bungalow in this prominent position will cause harm to the setting of the conservation area and listed buildings, and as such recommends refusal.

Environment Agency - They object to the proposal on flood risk grounds. They note the requirement of the NPPF for the development to pass a sequential test, and if it can pass a sequential test to also pass the exception test.

They note the submitted flood risk assessment (FRA), and the refined flood information for the present situation, but states that it has not related this development proposal to the design flood level associated with climate change. They therefore conclude that the application is contrary to the NPPF. They state:

"For the application to be acceptable we would expect the applicant to use a mixture of raising finished floor level above the design flood level as well as flood resilience. We would like the applicant to consider raising the finished floor level above the design flood event to minimise the impact on the building. In addition the applicant will need to look at providing floodplain storage compensation to demonstrate that there are not any offsite impacts from raising the developments floor levels. If the applicant proposed voids / stilts to allow for flood conveyance beneath the building then this would not be considered acceptable.

It is also not clear if there is any ancillary development in Flood Zone 3b for example boundary walls that would need to be considered in the FRA."

They note that a safe route across the site from the dwellings to the entrance of the site should be created.

SCC Archaeology - No objections

REPRESENTATIONS

A letter of objection was received from the occupiers of 1 neighbouring property. Objections were raised on the following grounds:

- Concern over the impact of the proposal on visual amenity.
- Concern over the impact of the development on physical amenity.
- Concern over the impact of the proposal on highway safety.

CONSIDERATIONS

Principle of Development

The site is located within the development area of Wincanton. As such, the principle of residential development is considered to be acceptable in accordance with local plan policies and the NPPF.

Highways

A concern has been raised by a local occupier in relation to highway safety. The County Highway authority has referred to their standing advice. The application is outline with all matters reserved. The indicative position of the proposed vehicular access cannot achieve visibility of splays of 43 metres, which is the level required by county standing advice, due to the proximity of the junction. Furthermore the indicative position of the proposed dwelling would significantly reduce the visibility of vehicles turning left from The Batch into Rickhayes, compounding the issue of visibility. No evidence has been submitted to demonstrate that vehicle speeds are commensurate with the available visibility at this point. As such, it is considered that it has not been adequately demonstrated that a safe and efficient means of access to the public highway can be provided on site, contrary to local plan policy TA5. An assessment of whether parking is being provided at an appropriate level would be made at the reserved matters stage.

It is noted that the indicative layout plan shows the provision of a footpath to the south side of The Batch, as requested by the SSDC Highways Consultant. However, it is not considered that this potential benefit of the scheme should outweigh the potential adverse highway safety impact of inadequate visibility splays.

Visual Amenity

The site is located immediately adjacent to a conservation area and close to a couple of grade II listed buildings. As such, the SSDC Conservation Officer was consulted as to the impact of the development on the visual amenity of the area. He has objected to the proposal on the grounds that a bungalow in this prominent position would have an adverse impact on the setting of the conservation area and the nearby listed buildings, by being at odds with the overwhelmingly two-storey historic area. The existing bungalows on Rickhayes are set well back from The Batch, and therefore do not intrude into the historic area in the same way as the proposed bungalow would. However, the proposal is outline with all matters reserved, including scale. As such, it would not be reasonable to refuse the proposal on the grounds of proposed scale. The design, including scale, is more properly considered at the reserved matters stage.

As such, subject to appropriate detail at the reserved matters stage and notwithstanding local concern, it is considered that the proposed development would preserve the character of the conservation area and the setting of the nearby listed buildings in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan and the aims and objectives of the NPPF.

Residential Amenity

Due to the size of the plot and the position of adjoining dwellings, it is considered that a single dwelling could be accommodated on site without causing demonstrable harm to the residential amenity of adjoining occupiers.

Therefore, subject to a satisfactory detailed design at the reserved matters stage and notwithstanding local concern, the proposal is considered to have no adverse impact on residential amenity in compliance with policy EQ2 of the South Somerset Local Plan.

Flooding

The site is located immediately adjacent to the River Cale and is partially within Environment Agency flood zone 3a/3b and partially within flood zone 2. The developer has indicated how the development could be largely contained within the flood zone 2 area of the site rather than the flood zone 3 area. However, even if all of the development is contained within flood zone 2 (rather than 3), the NPPF makes it clear that the development should still be subject to a sequential test, which seeks to direct development to areas of less flood risk. No attempt has been made by the applicant to carry out a sequential test. As the proposal is for a single open

market dwelling it is considered very unlikely that the applicant would be able to demonstrate that there are no other reasonably available sites elsewhere in the district that could accommodate the development. The fact that the applicant may not own other sites cannot be considered relevant in the application of a sequential test. As such, it is considered that is no reasonable prospect of the development passing a sequential test, even if the applicant was to make such an attempt.

The Environment Agency has objected to the scheme on the grounds that the submitted FRA has not related the proposed development to the design flood level associated with climate change, contrary to the advice contained within the NPPF. Therefore, even if the applicant was able to pass the sequential test, there would still be an objection relating to flood risk from the Environment Agency as the application currently stands.

Contributions

Policies HG3 and HG4 of the adopted South Somerset Local Plan requires either on site provision of affordable housing (schemes of 6 or more units) or a financial contribution towards the provision of affordable housing elsewhere in the district.

In May 2016 the Court of Appeal made a decision (SoS CLG vs West Berks/Reading) that clarifies that Local Authorities should not be seeking contributions from schemes of 10 units or less.

It is considered that whilst policies HG3 and HG4 are valid, the most recent legal ruling must be given significant weight and therefore we are not seeking an affordable housing obligation from this development.

We will also not be seeking any contributions towards Sports, Arts and Leisure (Policy SS6) as the same principle applies.

Conclusion

The impacts of the development, subject to suitable details at the reserved matters stage, are considered to be acceptable in relation to the principle of development, residential amenity, and visual amenity. However, the proposed dwelling would be located within Flood Zones 2 and 3 where residential development that would result in people and property being at risk from flooding and is only acceptable in exceptional circumstances. No such circumstances have been demonstrated and furthermore it has not been demonstrated that, sequentially, there are no other suitable sites available that would not be at risk of flooding. It has also not been demonstrated that a safe and efficient means of access to the site can be achieved.

RECOMMENDATION

Refuse

FOR THE FOLLOWING REASONS:

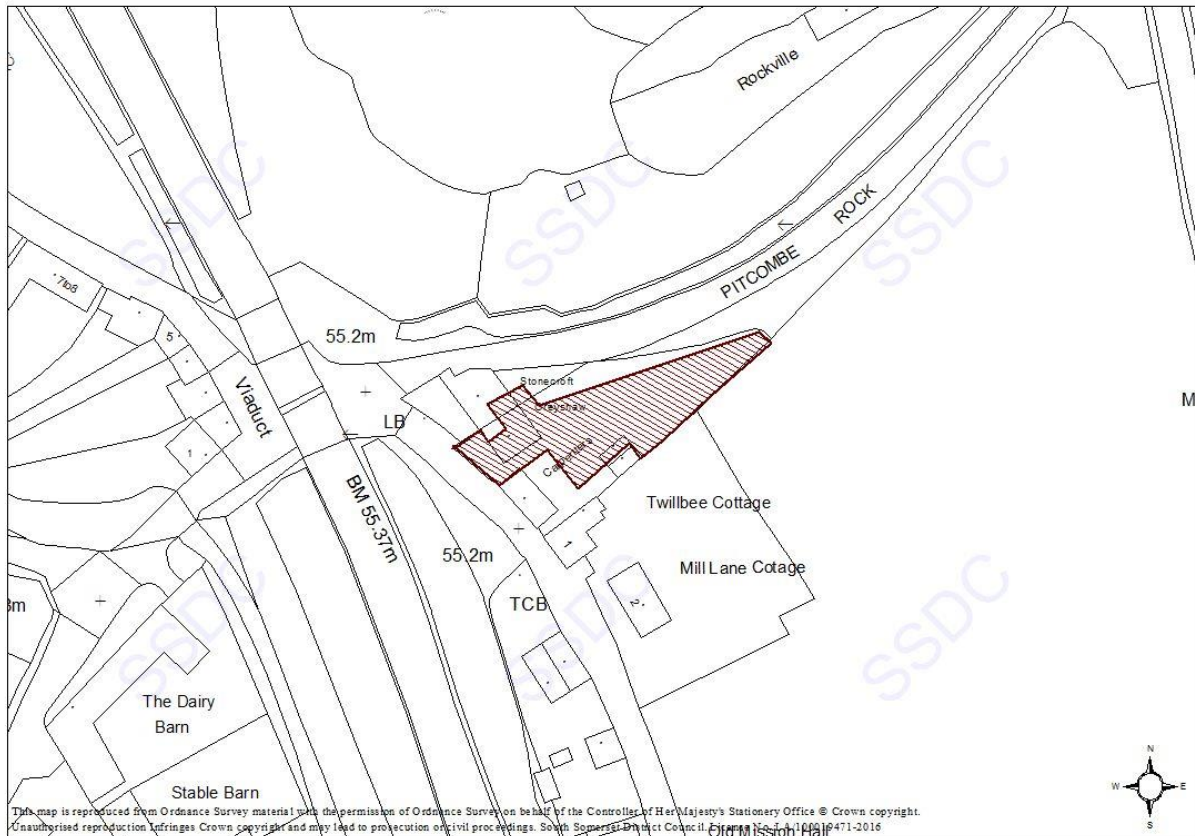
01. The proposed dwelling would be located within Flood Zones 2 and 3 where residential development that would result in people and property being at risk from flooding and is only acceptable in exceptional circumstances. No such circumstances have been demonstrated and furthermore it has not been demonstrated that, sequentially, there are no other suitable sites available that would not be at risk of flooding. Accordingly the proposal is considered to fail the required Sequential Test and in these respects, the proposal is contrary to the aims and objectives of the NPPF (in particular paragraphs 14, 55, 100 and 101), and Policy EQ1 of the South Somerset Local Plan.

02. It has not been adequately demonstrated that a safe and efficient means of access to the site can be achieved, contrary to policy TA5 of the South Somerset Local Plan.

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 proposals.



The site is located centrally within Pitcombe conservation area but beyond any defined development area.

The property is a semi-detached, two-storey Grade II listed dwelling constructed of stone under a slate roof. The property currently benefits from a detached studio to the rear with off road parking.

This application seeks consent for the removal of old mixed tiles on the kitchen roof and replacement with natural grey slate tiles to match existing ones, insertion of two roof lights to north east roof elevation (over kitchen) and internal alterations to kitchen ceiling.

RELEVANT HISTORY

None relevant

POLICY

Section 16 of the Listed Building and Conservation Areas Act is the starting point for the exercise of listed building control. This places a statutory requirement on local planning authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'

NPPF: Chapter 12 - Conserving and Enhancing Historic Environment is applicable. This advises that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing

justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'

South Somerset Local Plan (2006-2028)
Policy EQ3 - Historic Environment

National Planning Policy Framework
7 - Requiring good design
12 - Conserving and enhancing the historic environment

CONSULTATIONS

Pitcombe Parish Council - Recommend approval

Conservation Officer - Thank you for consulting me. I have no objection to this work, which solely relates to the ground floor lean-to at the rear of the property. The Clement rooflight proposed is appropriate. A condition should be used to secure details of the new slate.

REPRESENTATIONS

None

CONSIDERATIONS

Impact upon Heritage Asset

The proposal involves the replacement of the existing lean to roof at the rear of the property which is currently in a poor state comprising a mix of fabricated and natural slate with no felting.

In addition it is proposed to introduce two new rooflights to provide natural light into kitchen. In association with these works it is proposed to remove the modern tongue and groove ceiling leaving the space open and expose the rafters with plasterboard infilling over insulation.

The replacement roof covering is considered appropriate and welcomed along with the proposed clement rooflights. The internal alteration to the ceiling is not considered to be harmful to the property. The conservation officer supports the proposal provided a condition is imposed to secure a slate sample.

It is, therefore, considered that the proposal is acceptable and will not have an adverse impact upon the listed building in accordance with Section 16 of the Listed Building and Conservation Areas Act, policy EQ3 of the South Somerset Local Plan (2006-2028) and Chapter 12 of the NPPF.

RECOMMENDATION

That Listed Building Consent be granted.

01. The proposal, by reason of its materials and design, respects the character of the area and causes no demonstrable harm to the Historic Environment in general accordance with the aims and objectives of policy EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of the National Planning Policy Framework (March 2012).

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. No work shall be carried out on site to the roof unless particulars of the materials (including the provision of samples where appropriate) to be used for re-roofing have been submitted to and approved in writing by the Local Planning Authority. Such particulars will include the detailed finish (rough sawn, hand tooled, etc.) Slate hooks shall not be used.

Reason: In the interests of the special architectural and historic interests of the listed building in accordance with Policy EQ3 of the South Somerset Local Plan.

03. The development hereby permitted shall be carried out in accordance with the following approved plans: Details and drawings received on 26 July 2016, 01 August 2016 and 04 August 2016.

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