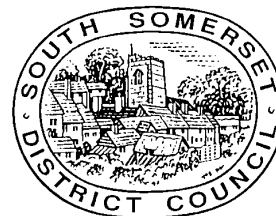


## South Somerset District Council

### *Notice of Meeting*



## Area West Committee

*Making a difference where it counts*

**Wednesday 20th February 2019**

**5.30 pm**

**The Guildhall, Fore Street,  
Chard, TA20 1PP**

(Disabled access and a hearing loop are available at this meeting venue)



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The following members are requested to attend this meeting:

Jason Baker  
Marcus Barrett  
Mike Best  
Amanda Broom  
Dave Bulmer  
Carol Goodall

Val Keitch  
Jenny Kenton  
Paul Maxwell  
Sue Osborne  
Ric Pallister  
Garry Shortland

Angie Singleton  
Andrew Turpin  
Linda Vijeh  
Martin Wale

Consideration of planning applications will commence no earlier than 6.30pm.

For further information on the items to be discussed, please contact the Case Services Officer (Support Services) on 01935 462055 or [democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk)

This Agenda was issued on Tuesday 12 February 2019.

**Alex Parmley**, *Chief Executive Officer*

This information is also available on our website  
[www.southsomerset.gov.uk](http://www.southsomerset.gov.uk) and via the mod.gov app



## **Information for the Public**

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

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

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

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

Meetings of the Area West Committee are held monthly, usually at 5.30pm, on the third Wednesday of the month (except December).

Agendas and minutes of meetings are published on the council’s website  
[www.southsomerset.gov.uk/councillors-and-democracy/meetings-and-decisions](http://www.southsomerset.gov.uk/councillors-and-democracy/meetings-and-decisions)

Agendas and minutes can also be viewed via the mod.gov app (free) available for iPads and Android devices. Search for ‘mod.gov’ in the app store for your device, install, and select ‘South Somerset’ from the list of publishers, then select the committees of interest. A wi-fi signal will be required for a very short time to download an agenda but once downloaded, documents will be viewable offline.

## **Public participation at committees**

### **Public question time**

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

### **Planning applications**

Consideration of planning applications at this meeting will commence no earlier than the time stated at the front of the agenda and on the planning applications schedule. The public and representatives of parish/town councils will be invited to speak on the individual planning applications at the time they are considered.

Comments should be confined to additional information or issues, which have not been fully covered in the officer’s report. Members of the public are asked to submit any additional documents to the planning officer at least 72 hours in advance and not to present them to the Committee on the day of the meeting. This will give the planning officer the opportunity to respond appropriately. Information from the public should not be tabled at the meeting. It should also be noted that, in the interests of fairness, the use of presentational aids (e.g. PowerPoint)

by the applicant/agent or those making representations will not be permitted. However, the applicant/agent or those making representations are able to ask the planning officer to include photographs/images within the officer's presentation subject to them being received by the officer at least 72 hours prior to the meeting. No more than 5 photographs/images either supporting or against the application to be submitted. The planning officer will also need to be satisfied that the photographs are appropriate in terms of planning grounds.

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

The order of speaking on planning items will be:

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

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

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

## **Recording and photography at council meetings**

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

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

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

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

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# **Area West Committee**

## **Wednesday 20 February 2019**

### **Agenda**

#### ***Preliminary Items***

- 1. To approve as a correct record the Minutes of the Previous Meeting held on 16th January 2019**
- 2. Apologies for Absence**
- 3. Declarations of Interest**

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

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

#### **Planning Applications Referred to the Regulation Committee**

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

Councillors Mike Best, Angie Singleton and Martin Wale.

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

- 4. Date and Venue for Next Meeting**

Councillors are requested to note that the next Area West Committee meeting is scheduled to be held on Wednesday 20<sup>th</sup> March 2019 at 5.30pm at The Guildhall, Chard.

- 5. Public Question Time**

This is a chance to ask questions, make comments and raise matters of concern.

Parish/Town Councils 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.

Anyone wishing to raise matters in relation to items on the agenda may do so at the time the item is considered.

## **6. Chairman's Announcements**

### *Items for Discussion*

- 7. Update on Police and Crime Commissioners Panel** (Page 6)
- 8. Promoting Community Safety in Area West - Police Performance and Neighbourhood Policing Update** (Page 7)
- 9. Grant to Speke Hall, Dowlish Wake (Executive Decision)** (Pages 8 - 12)
- 10. Reports from Members on Outside Bodies** (Pages 13 - 14)
- 11. Area West Committee - Forward Plan** (Pages 15 - 16)
- 12. Planning Appeals** (Pages 17 - 26)
- 13. Schedule of Planning Applications to be Determined by Committee** (Pages 27 - 28)
- 14. Planning Application 18/03425/FUL - Land At Carters Lane, East Chinnock** (Pages 29 - 38)
- 15. Planning Application 18/00001/FUL - The George, Back Street, Winsham** (Pages 39 - 49)
- 16. Planning Application 18/00002/LBC - The George, Back Street, Winsham** (Pages 50 - 54)
- 17. Planning Application 18/01902/REM - Land North Of Tatworth Road And Adjacent To Forton Road, Chard** (Pages 55 - 70)

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

**This does not apply to decisions taken on planning applications.**

# Agenda Item 7

## **Update on Avon and Somerset Police Commissioners Crime Panel**

It should be noted that the Panel has three main functions which it has to carry out during the year.

1. Scrutinise and agree the annual Police Budget
2. Scrutinise and suggest amendments to the Annual Police and Crime Plan
3. Investigate any Complaints against the Commissioner

The budget has just been agreed by the Panel but this was by no means unanimous. You may remember that last year the Commissioner was allowed to collect an extra £12 a year on our Council tax to help balance the budget. This was considered a one off increase. However the Government allowed Commissioners to seek an extra £24 a year for this year and this is what her budget is intending to do.

The Panel reluctantly agreed that this took place but returned the budget requesting more detail on whether this increase would be spent on the recruiting of Officers, neighbourhood policing and the concentration on detection of burglary and rural crime.

They did not find the detection rate on Burglary of 8% to be acceptable. Also the new pattern of Neighbourhood policing has only been in place since October 2018 and although this has proved popular with Officers who now come on duty at the same time, and therefore all go off on rest days at the same time, it is too early to say if this is a benefit to the community.

Unfortunately, the figures are not so readily available, either within the budget or in the Crime plan. We await a response to our queries from the Commissioner's Office.

Much the same criticism was raised to the refresh of the Crime Plan and this will have to come back to the Panel.

There are several complaints being dealt with by the Panel some of them fairly long running and complicated.

To help us deal with the Crime Plan various members have Link roles with parts of the Plan and report back during the year to inform the Committee in its decision making.

We recently held a development day which the main topic was serious violence and knife crime. You would be partly right in thinking this is mainly an Urban problem and the main gang activities are indeed in Bristol, but the presence of 'County Lines' for drug dealing has brought it much closer to home and is an ever growing problem in our market towns.

It is a somewhat frustrating role to be a Panel member as they were set up very much as an afterthought to the role of Commissioners and even 6 years into the process there is very little guidance or strengthening of the role. Our enquiries nationally reveal that all the Panels operate differently, some are in open revolt, some just meet and agree some never see their Chief Constable etc. We are not in that position but the Panel is clearly frustrated in its efforts to properly scrutinise.

Martin Wale  
Chairman Avon and Somerset Police and Crime Panel

# Agenda Item 8

## **Promoting Community Safety in Area West - Police Performance and Neighbourhood Policing**

This item relates to the active promotion of Community Safety in Area West.

Sgt. Rob Jameson from the police will attend the meeting and give a short presentation on local issues, crime trends and initiatives.

**Background Papers:**      *None*

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# Agenda Item 9

## Grant to Speke Hall, Dowlish Wake (Executive Decision)

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

### Purpose of the Report

Councillors are asked to consider the awarding of a grant of £10,000 towards the costs of refurbishing the new kitchen and car park improvements for The Speke Hall Dowlish Wake.

### Public Interest

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

The Speke Hall Committee has applied to the Area West community grants programme for financial assistance with the costs of kitchen and car park improvements at The Speke Hall, Dowlish Wake. The application has been assessed by the Locality Officer who is submitting this report to enable the Area West Committee to make an informed decision about the application.

### Recommendation

It is recommended that Councillors award a grant of £10,000 to The Speke Hall, the grant to be allocated from the Area West capital programme and subject to SSDC standard conditions for community grants (appendix A)

### Application Details

Name of applicant:	The Speke Hall
Project:	Kitchen & Car Park Improvements
Total project cost:	£30,807
Amount requested from SSDC:	£10,000 (32.5%)
Application assessed by:	Adrian Moore

### Community Grants Assessment Score

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

Category	Actual score	Maximum score possible
A Eligibility	Y	Y/N
B Equalities Impact	5	7
C Need for project	5	5
D Capacity of organisation	14	15
E Financial need	5	7
F Innovation	2	3
<b>Grand total</b>	<b>31</b>	<b>37</b>



## Background

The Speke Hall in Dowlish Wake is an intrinsic part of local rural community life and used all year round by villagers and people from the 9 nearby conurbations, farms and isolated houses. The building is over 170 years old and Grade 2 Listed.

The car park (a sloping and predominantly grass area) had two ash trees in the middle, both of which suffered Ash Die-back Disease and have been recently felled. The car park surface now needs to be repaired which has led to the opportunity for re-landscaping and provision of a larger weatherproof surface to be laid.

The kitchen is in an existing extension to the rear of the hall. It has suffered from water ingress and its roof has recently been renewed. The old kitchen is badly designed for the many events that the committee provides and cannot now meet the standards that today's users require. Users of the hall's new kitchen will benefit from being able to use more modern and efficient catering equipment in a safer environment with purpose-made fume extraction.

The Speke Hall offers a single, highly flexible space with tables, seating and a raised dais, suitable for a multiplicity of uses. These include; musical performances, recitals, exercise classes, dancing, wedding and birthday celebrations, wakes, breakfasts, banquets, meetings, bridge/whist drives, BBQs and the like. It is a proven venue for a range of social functions, including community based, church based and privately sponsored events. It is used for the general welfare of the inhabitants of Dowlish Wake and its immediate rural communities without distinction of sex, race, political, religious or other opinions.

The Hall is used as a polling station and is also declared as available to be used as emergency accommodation in the event of any such need. Notwithstanding it being Listed Grade 2 it is provided with a ramp for wheelchair access and 'disabled' toilets. The kitchen is also accessible by wheelchair users.

Upgrading the kitchen facilities and car-parking will enhance the capability and appeal of The Speke Hall and enable it to realise its full potential to the benefit of this widespread rural community.

## Parish information

Parish*	Dowlish Wake
Parish Population	277
No. of dwellings	134

\*Taken from the 2011 census profile

## The project

The plan for the kitchen provides for improved storage and layout with two hobs complete with ovens and fume extraction. A new non slip floor is to be laid. White goods will comprise plumbed in boiling water heater, rapid cycle dishwasher, fridge-freezer and combination microwave.

Following the removal of the diseased Ash tree it is planned to increase the area of hard-standing for the provision of a better parking surface. This will provide grip in all weather conditions thereby improving the safer use of the car park by all users especially those with reduced mobility. It is intended to have a number of parking bays especially for Blue Badge Holders convenient to both the church and the hall as they are adjacent.

The Management Committee will be involved with running the project having initially drawn up the specification. The professional skills and qualifications held by the committee are well suited to managing a project of this size. The prime contractor will be involved in the day to day management as part of the installation contract.

### Local support / evidence of need

Many user groups have requested more modern and more efficient kitchen facilities and improved parking facilities

Plans for the new kitchen and car park improvements have been made available to the community for several months and there have been no unfavourable comments or remarks.

The project will be promoted on the Dowlish Wake Village web-site showing the new facilities and as happens now - provides links for hiring the facilities.

A social event is planned to formally introduce the 'WISH' project to the village and surrounding conurbations. (WISH = Works Improving Speke Hall).

Publicity of this project and all events are placed in our parish magazine each month and is circulated to 1028 homes.

### Project costs

<b>Project costs</b>	<b>Cost £</b>
Kitchen Units	7,500
White Goods	3,000
Building and fitting including electricity supplies	11,889
Car Park Resurface	8,418
<b>Total</b>	<b>30,807</b>

### Funding plan

<b>Funding source</b>	<b>Secured or pending</b>	<b>% of Total cost</b>	<b>Amount £</b>
Parish Council	Yes	1.6%	500
Own funds	Yes	14.0%	4,307
St Andrews Church	Yes	11.4%	3,500
Wessex Water	Yes	8%	2,500
Big Lottery	Yes	32.5%	10,000
Gannett Foundation	Pending (Unlikely)		0
SSDC Community Grant	Pending	32.5%	10,000
<b>Total</b>		<b>100%</b>	<b>£30,807</b>

Application pending to Gannett Foundation but unlikely to be awarded, however, if awarded then SSDC funding can be reduced accordingly.

### Conclusion and Recommendation

It is recommended that a grant of £10,000 is awarded.

## **Financial implications**

The balance in the Area West Capital programme is £113,563. If the recommended grant of £10,000 is awarded, £103,563 will remain.

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

## **Council Plan Implications**

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

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

## **Carbon Emissions and Climate Change Implications**

Use of modern kitchen facilities to reduce electricity consumption and carbon footprint

## **Equality and Diversity Implications**

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

## **Background Papers**

None

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## **Appendix A**

### **Standard conditions applying to all SSDC Community Grants**

**The applicant agrees to: -**

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

### **Standard conditions applying to buildings, facilities and equipment**

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

# Agenda Item 10

## **Reports from Members on Outside Bodies**

### **Purpose of the Report**

To introduce reports from members appointed to outside bodies in Area West.

### **Public Interest**

Each year Area West Committee appoints local Councillors to serve on outside bodies (local organisations) in Area West. During the year Councillors make a report on the achievements of those organisations and other relevant issues.

### **Background**

To replace “Reports from members on outside organisations” as a generic standing agenda item it was agreed at the August 2012 meeting to include specific reports about each organisation in the Committee’s forward plan.

Members were appointed to serve on ten outside bodies at the June 2018 meeting.

### **Reports**

Reports can be verbal or written. There is no standard format, but if possible they include an explanation of the organisations aims, their recent activities, achievements and any issues of concern.

This month the member report is :

Ilminster Forum – Cllr. Carol Goodall

### **Recommendation**

That the reports are noted.

### **Financial Implications**

None.

### **Council Plan Implications**

Focus Four: Health and Communities – We want communities that are healthy, self reliant and have individuals who are willing to help each other.

***Background Papers: None***

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## **Iminster Forum**

The last time I reported on the activities of the Forum to this Committee, I concluded my report by mentioning two projects for the future. These have now been completed.

The first project we addressed was an issue that arose out of the Community Plan, namely the desire for a community notice board. Thanks to donations and a £100 grant from the Mayor of Iminster's Charities Fund the notice board was unveiled in early October. Tesco agreed to it being placed on the wall next to the ATM, which is on the way into town. The notice board is for non-commercial local community events, talks and exhibitions. Residents are welcome to place their notices on the board, but they must adhere to a few rules. The main ones are that maximum size of posters is A4 and that the material should not cause offence to public taste and decency. It has proved to be very popular and is filled to capacity most of the time.

Secondly, after much work and advice and guidance from District officers a business survey was produced. This was made available electronically and in hard copy to businesses in and around Iminster. Sadly, despite advertising through Iminster Web, Iminster Facebook and mailshots the response was disappointing. Only 26 completed surveys were returned with another 45 only partially completed. It had been hoped that a good response would have produced some useful data that would have benefitted local businesses and provided valuable information for District officers. We will be creating a report on the survey later this month.

Other ongoing projects/activities:

The two volunteers who had worked tirelessly to keep the Iminster Library garden in good shape retired recently. Fortunately, a gentleman has come forward to carry on the good work.

The monthly Iminster Forum produce market lost a key market stallholder in 2017 with the sale of County Farms. His faggots and sausages drew people to the market. Sadly, we have not as yet been able to find a replacement. Given the drop in footfall we opted to close the market over the winter and will relaunch in the spring when Dillington Allotments will return.

Litter picking continues on an ad hoc basis with the main activity being centred on the clean up after the Carnival and Fun Fair.

We continue to support Tourism with walks leaflets and brochures. We have updated and produced a further 2,000 copies of the Stop Line Way leaflet. We will also be carrying out a refresh of the Visit Iminster website. It is linked to Visit Somerset so features on the first page of the Google search.

Our other website the Iminster Web has increased in popularity, because of its up-to-date listing of events in and around Iminster.

Finally, we are now working with the Chamber of Commerce to add a businesses' listing, along the lines of our community group listing, it will have links to the associated websites and Facebook accounts.

Cllr. Carol Goodall

# Agenda Item 11

## **Area West Committee Forward Plan**

*Service Manager:* Tim Cook, Locality Team Manager  
*Agenda Co-ordinator:* Jo Morris, Case Services Officer (Support Services)  
*Contact Details:* jo.morris@southsomerset.gov.uk or 01935 462055

### **Purpose of the Report**

This report informs members of the proposed Area West Committee Forward Plan.

### **Recommendation**

Members are asked to:-

- (1) comment upon and note the proposed Area West Committee Forward Plan as attached.
- (2) identify priorities for further reports to be added to the Area West Committee Forward Plan.

### **Forward Plan**

The Forward Plan sets out items and issues to be discussed by the Area West Committee over the coming few months.

The Forward Plan will be reviewed and updated each month in consultation with the Chairman. It is included each month on the Area West Committee agenda and members may endorse or request amendments.

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.

Councillors, service managers, partners and members of the public may request that an item is placed within the forward plan for a future meeting by contacting the agenda co-ordinator.

***Background Papers:*** None.

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## Notes

- (1) Items marked in italics are not yet confirmed.  
 (2) Further details on these items, or to suggest / request an agenda item for the Area Committee, please contact the Agenda Co-ordinator; Jo Morris, 01935 462055 or e-mail jo.morris@southsomerset.gov.uk

Meeting Date	Agenda Item	Background / Purpose	Lead Officer(s) SSDC unless stated otherwise
<b>20<sup>th</sup> March 2019</b>	<i>Chard Regeneration Scheme Town Centre Regeneration Update</i>	<i>Update report following the Programme Board meeting</i>	<i>Jeb Farrah, Chard Regeneration Scheme Project Manager</i>
	<i>AONB Management Plan</i>	<i>Approval of the plan and to endorse SSDC's contribution to the core funding</i>	<i>Tim Cook, Locality Team Manager Adrian Moore</i>
	<i>Citizens Advice South Somerset</i>	<i>Annual report</i>	<i>Angela Kerr, CEO</i>
	<i>A Better Crewkerne &amp; District (ABCD)</i>	<i>Reports from members on Outside Organisations</i>	<i>Cllr. Mike Best</i>
	<i>Crewkerne &amp; District Museum</i>	<i>Reports from members on Outside Organisations</i>	<i>Cllr. Marcus Barrett</i>
<b>17<sup>th</sup> April 2019</b>	<i>Meeting House Arts Centre, Ilminster</i>	<i>Reports from members on Outside Organisations</i>	<i>Cllr. Carol Goodall</i>
	<i>Area West Delivery Plan</i>	<i>Progress report</i>	<i>Tim Cook, Locality Team Manager</i>



# Agenda Item 12

## Planning Appeals

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

## Purpose of the Report

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

## Recommendation

That the report be noted.

## Background

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

## Report Detail

### Appeals Received

18/01601/FUL - The erection of a pair of two bedroomed semi detached dwellinghouses and associated parking (revised application 18/00438/FUL)  
Land Rear Of Victory Garage Church Street Winsham Chard Somerset TA20 4JD  
(Officer delegated decision)

16/03606/FUL - Alterations and conversion of skittle alley and store into 3 No. dwellings  
Furnham Inn Furnham Road Chard Somerset TA20 1AP  
(Officer delegated decision)

16/03607/LBC - Alterations and conversion of skittle alley and store into 3 No. dwellings  
Furnham Inn Furnham Road Chard Somerset TA20 1AP  
(Officer delegated decision)

### Appeals Allowed

17/02693/FUL - Alterations to widen access with associated landscaping  
Land At Bullring Farm, Knowle Lane, Misterton, Crewkerne, Somerset  
(Committee Decision)

18/01177/PAMB - Notification for prior approval for the change of use of existing agricultural building to 2 No. dwellings.  
Knowle Green Farm Knowle Lane Knowle St Giles Chard Somerset TA20 4AY  
(Officer delegated decision)

## Background Papers

*Appeal decision notices attached.*

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## Appeal Decision

Site visit made on 7 November 2018

**by I Bowen BA(Hons) BTP(Dist) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 30 January 2019**

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**Appeal Ref: APP/R3325/W/18/3206441**

**Land at Bullring Farm, Knowle Lane, Misterton, Crewkerne TA18 8LY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Ms L Mason against the decision of South Somerset District Council.
  - The application Ref 17/02693/FUL, dated 22 June 2017, was refused by notice dated 30 January 2018.
  - The development proposed is to improve and upgrade vehicular access.
- 

### Decision

1. The appeal is allowed and planning permission is granted to improve and upgrade vehicular access at land at Bullring Farm, Knowle Lane, Misterton, Crewkerne TA18 8LY in accordance with the terms of the application, Ref 17/02693/FUL, dated 22 June 2017, subject to the conditions set out in the attached Schedule.

### Preliminary Matters

2. A revised National Planning Policy Framework (the revised Framework) was published on 24 July 2018, replacing the previous version. The appellant was notified of the publication and invited to make comment on any implications the revised Framework's publication has for the consideration of the appeal development. I have had regard to the revised Framework in determining this appeal.
3. A temporary planning permission was granted in 2015 to allow alterations to the access, works to reduce the gradient of the access and provision of compacted gravel/stone surface. That permission was granted subject to a condition requiring the land to be restored to its original condition by 30 June 2016. Such restoration works have not taken place and the current appeal proposal instead seeks permission for the permanent construction of a widened access. I saw the extent of the works that have been undertaken on my site visit and, accordingly, have proceeded to determine this appeal on the basis that the development has already commenced.

### Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

## Reasons

5. Knowle Lane is a narrow country lane extending southwards and uphill from Misterton. It is heavily treed and flanked on both sides by high hedge banks. Given the steep gradient from the road to the appellant's land, hard landscaping is proposed with retaining stone gabion baskets which would have pocket planting on top to soften their appearance. The enlarged access would also be surfaced with concrete aggregate for the first 6m, with the surface beyond it being porous.
6. The development would require the removal of 4 prominent roadside trees in order to achieve the necessary highway visibility splays. The trees would be replaced with a planting scheme, in line with proposals submitted with the planning application, comprising a mix of oak and hazel on either side of the access. The proposed landscaping treatment has been set out in the appellant's Landscape Proposals document and aims to respect the local context, and reinforce the landscape character of the area.
7. In widening the access and introducing hard landscaping features, the appeal development would introduce a change in the current rural character and appearance of the lane. However, given the narrow and steeply sided nature of the lane, the alterations in the landscape would be apparent over only a relatively limited section when travelling along it. Furthermore, I note the Local Planning Authority's (LPA) view that, despite not having received express approval, use of the access already lawfully exists. On the basis of the evidence before me, I see no good reason to dispute that. In that context, the proposed tree planting and other landscaping measures would, in my view, suitably respect the site's setting and provide appropriate landscape mitigation in accommodating and consolidating an improved access. This is a matter that could be secured through a suitable planning condition. Overall therefore, I do not find that the proposed development would give rise to unacceptable harm to the character and appearance of the area. Accordingly, the proposed development would accord with Policy EQ2 of the adopted South Somerset Local Plan (2006 – 2028) (March 2015). This policy requires development to be designed so as to achieve a high quality, promote local distinctiveness and preserve or enhance the character and appearance of the area.

## Other Matters

8. The appeal site lies in a part of the highway where a 60mph speed limit applies. However, it lies a very short distance from the village 30mph zone to the north of it. I note that, despite standing advice being applicable, an officer from the Highways Authority nonetheless visited the site and advised that a junction design standard based on assumed traffic speeds of around 30mph would be adequate. My own observations, whilst not necessarily representative of road conditions at other times, were that vehicles did not appear to be travelling at excessive speeds in this stretch of highway. On leaving the village it is unlikely, given the narrow, rural nature of the lane, that vehicles will have accelerated significantly before reaching the appeal site. Furthermore, I observed that the 30mph speed signs on the edge of the village are clearly visible for some distance when travelling northwards towards the site. Consequently, again given the nature of the country lane, it would be reasonable to expect drivers to already be anticipating the need to exercise increased caution when approaching the vicinity of the appeal site.

9. I appreciate that Misterton Parish Council and others have conducted their own observations and contend that traffic speeds are in fact higher, particularly when travelling downhill towards the site. However, I have been provided with no detailed information as to the circumstances in which any such data may have been collected. Accordingly, whilst no doubt some vehicles do travel at higher speeds, I have insufficient evidence before me to conclude that traffic speeds are such that the development would give rise to a materially increased risk to highway safety, such that it would be necessary to refuse planning permission.
10. I recognise that the need for the access has been questioned by interested parties, as has the relationship of the land it would serve with the land ownership of Bullring Farm. I also appreciate that current usage of the access is low. However, my finding above that an access already exist is a matter of some significance as its use could become intensified irrespective of the outcome of this appeal.
11. In this context, the appellant has provided details to show how visibility splays of 43m in each direction, with a set-back of 2.4m, could be achieved in line with Manual for Streets guidance. Consequently, this would, to my mind, provide adequate visibility for the prevailing road conditions and represent an improvement on the current position with respect to highway safety. I am therefore satisfied that no unacceptable increased risk to highway safety would result from the appeal development.
12. Concern has been raised over the potential for surface water flood risk to increase as a result of the development. However, a soakaway is proposed as part of the development and this is a matter which could be adequately controlled through use of a suitable planning condition.
13. I appreciate that concern has also been raised over the appellant's failure to comply with the terms of the previous planning permission in terms of restoring the land and in respect of her future intentions. However, I must decide the appeal on the basis of the evidence before me on this particular case and these matters are not determinative in my decision.
14. It has been suggested that bats may be present in the area which, as a protected species, should be afforded consideration. However, the development would not involve the demolition of any buildings and I have not been provided with any substantive evidence to suggest that there is otherwise a reasonable likelihood of bats being present and affected by the development. I therefore attach little weight to this consideration.

### **Conditions**

15. The LPA has suggested the imposition of 5 conditions in the event of the appeal being allowed. I have considered these against the tests in paragraph 55 of the revised Framework and the Planning Practice Guidance. As a result, I have omitted 1 such condition and made amendments to others as follows.
16. Given the development has commenced, a condition specifying a time scale for implementation is not necessary and I have omitted it.
17. A condition specifying the approved plans is necessary in the interests of certainty. A condition is also necessary, in the interests of the character and appearance of the area, to require the proposed landscaping to be carried out

in a timely manner and for replacement planting to take place for a period of up to 5 years in the event of any trees or plants dying.

18. In the interests of managing drainage and flood risk, a condition is necessary to require the cessation of use of the access until the proposed water drainage system as shown on the approved plans, has been fully implemented and to require the retention and maintenance of the system thereafter.
19. A condition is also necessary in the interest of highways safety to ensure the proposed visibility splays are constructed, kept free from obstruction and maintained.

### **Conclusions**

20. For the reasons given, the appeal should be allowed, subject to necessary conditions.

*Ian Bowen*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 2244-PL-201, 2244-PL-202 Rev B, 2244-PL-203, 2244-PL-204.
- 2) All planting, seeding, turfing or earth moulding comprised in the approved details of landscaping (Landscape Proposals by Clark Landscape Design June 2017 and Drawing Nos. 2244-PL-203 and 2244-PL-202 Rev B) shall be carried out in the first planting and seeding season following the date of this decision; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 3) Use of the access shall cease until such time as a scheme for surface water drainage has been submitted to and approved in writing by the Local Planning Authority and fully implemented. The approved surface water drainage system shall thereafter be permanently retained and maintained in accordance with the approved scheme.
- 4) Use of the access shall cease until the access visibility splays shown on the approved plan (Drawing No. 2244-PL-202 Rev B) have been constructed. The splay areas shall thereafter be maintained in accordance with the approved plan and kept free from all obstructions over 0.9m in height above the carriageway.

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## Appeal Decision

Site visit made on 15 January 2019

**by I Bowen BA(Hons) BTP(Dist) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 7 February 2019**

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**Appeal Ref: APP/R3325/W/18/3207255**

**Knowle Green Farm, Knowle St Giles, Chard, Somerset TA20 4AY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Part 3, Class Q of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by Mr & Mrs A Turner against the decision of South Somerset District Council.
  - The application Ref 18/01177/PAMB, dated 22 March 2018, was refused by notice dated 18 May 2018.
  - The development proposed is change of use of existing agricultural building to 2 No. dwellings.
- 

### Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class Q.(a) and Q.(b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for change of use of existing agricultural building to 2 No. dwellings at land at Knowle Green Farm, Knowle St Giles, Chard, Somerset TA20 4AY in accordance with the terms of the application Ref 18/01177/PAMB, dated 18 May 2018, subject to the conditions in the attached Schedule.

### Procedural Matter

2. For brevity, I have adopted the description of the development that appears in the Local Planning Authority's (LPA) decision notice and the appeal form, rather than that on the notification form.

### Background and Main Issue

3. The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) grants permission for certain types of development provided certain criteria are met. Under Schedule 2, Part 3, Class Q, provision is made for (a) the change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; or (b) development referred to in (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 dwellinghouses of that Schedule.
4. In this case, both change of use and building operations to convert the building are proposed. The LPA considers that the proposed operational works are

beyond the scope of those which could reasonably be considered necessary to enable the building to function as a dwelling and this is reflected in its reason for refusal.

5. The LPA does not dispute that the proposal is acceptable, subject to conditions, in respect of the other matters required to be satisfied by Class Q in paragraphs Q.1. (a) to (h) and (j) to (m) and the conditions set out in paragraph Q.2. I have determined this appeal on that basis and therefore focus my decision on matters relating to Q.1 (i).
6. Accordingly, the main issue is whether the scheme would be permitted development under Schedule 2, Part 3, Class Q of the GPDO with regard to whether or not the proposed development would comprise building operations reasonably necessary for the building to function as a dwellinghouse.

## Reasons

7. Development is not permitted under Class Q.1(i) if it would consist of building operations other than (i) the installation or replacement of (aa) windows, doors, roofs, or exterior walls or (bb) water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwellinghouse; and (ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i).
8. The Planning Practice Guidance (the PPG) also provides advice on the extent of building works which may be carried out in accordance with the permitted development right under this Part. In this regard, it makes clear that the right assumes that the agricultural building is capable of functioning as a dwelling.
9. The parties have drawn my attention to the Hibbitt<sup>1</sup> judgement which established that the building must be capable of conversion to residential use without operations that would amount either to complete or substantial re-building of the pre-existing structure or, in effect, the creation of a new building. It was further held that the distinction between a conversion and a rebuild is a matter of legitimate planning judgement.
10. The appeal building is a large agricultural barn with an external footprint of approximately 313sq.m. At the time of my site visit, it was being used for the storage of hay bales and agricultural machinery and vehicles. It would be converted into 2 separate single storey dwellings.
11. The LPA's refusal reason is based, in part, on the view that the building has inadequate structural integrity to be capable of supporting a change of use to 2 dwellings. However, whilst evidence relating to the structure of the building had been provided during the course of the application, further confirmatory evidence in the forms of photographs and a statement from qualified building surveyors was submitted alongside the appeal. In response, the LPA now appears to accept that the building may be structurally sound.
12. I saw on site that some foundations which support upright steel stanchions forming the framework of the building had been exposed in order to demonstrate their size and depth. The submitted evidence indicates these are isolated pad foundations with concrete strip footings supporting infill sections. I

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<sup>1</sup> *Hibbitt and another v Secretary of State for Communities and Local Government and another* [2016] EWHC 2853 (Admin)



also saw that the concrete block walls of the building are supported by substantial concrete buttresses which would be retained. From what I observed, I see no reason to disagree with the submitted evidence and am therefore satisfied that the building is structurally sound and capable of conversion to residential accommodation without reinforcements being needed to its existing structure.

13. However, having regard to the Hibbitt judgement, the structural stability of the building is not the only consideration in assessing whether proposed works are reasonably necessary for conversion to residential use and this is a matter also referred to in the LPA's reason for refusal.
14. The barn is constructed of a 5 bay steel portal frame. It is entirely open to the southern elevation but largely comprises concrete block walls to a height of approximately 2m on the remaining 3 sides, above which is corrugated metal sheeting. A section of wall is absent in the north eastern corner of the building and this has been partially filled with railway sleepers. The roof is dual-pitched, supported by wooden joists laid over a steel portal frame, to which the joists are attached. The roof is covered with corrugated asbestos cement sheeting. The floor is a concrete slab although its full extent was not visible at the time of my site visit or to the appellant's building surveyors.
15. The plans indicate that all of the structural steelwork would be retained, together with the roof structure which would be re-covered with zinc tray material. The concrete block walls would be retained with the exception of the insertion of window and door openings and internally insulated using existing cladding rails. External cladding would be installed using horizontal timber.
16. Whilst the extent of the above works is fairly extensive, I am nonetheless mindful that they are matters which expressly fall within the scope of works permitted under paragraph Q.1.(i). I appreciate that the Hibbitt judgement related to an appeal case that also involved a structurally sound building and that Inspector concluded that the extent of works went beyond what was reasonably necessary. However, on the basis of the High Court and appeal decisions, the barn in that case would appear to have required more substantial building works, including the construction of all four exterior walls.
17. Given the structural integrity of the building in the current appeal and the degree to which it would be retained in the development, I find in this case that the extent of the building operations would not go beyond what would be reasonably necessary for the conversion of the building to residential use. Accordingly, I find the proposed development is permitted by Class Q.

### **Conditions**

18. The GDPO makes clear that any permission granted for development under Article 3(1) and Schedule 2, Part 3, Class Q is subject to the condition set out in paragraph Q.2.(3) which specify that the development shall be completed within a period of 3 years starting with the prior approval date. In the interest of certainty, I also attach a condition specifying the approved plans.
19. The LPA has also requested a number of conditions relating to hard and soft landscaping, highways safety, parking and surface water disposal.



20. However, conditions relating to landscaping would not fall within the scope of subject matters over which prior approval may be required as set out in Q.2.(1)(a)-(f) and it would therefore be unreasonable to impose them.
21. I have considered the remaining suggested conditions against Paragraph 55 of the revised National Planning Policy Framework and the PPG and, accordingly, have amended and/or omitted conditions as follows.
22. In relation to highways, the main parties have both commented that the proposed access junction and track already benefit from planning permission in connection with a building adjoining the appeal site. Notwithstanding this, the plans before me relating to the current appeal include the access track and junction within the red line. However, the LPA has suggested a condition requiring visibility splays to be provided and maintained in accordance with a plan which seemingly formed part of an earlier application, and which does not form part of this appeal. Nevertheless, having regard to the fact that the appeal site would be accessed off a narrow rural lane which, it can be expected, carries little and slow moving traffic, I consider it would be sufficient for visibility splays of 43.8m to the south west and 64.3m to the north east to be provided in compliance with those shown on plan no. SS.373.CQ.01/Rev1. In the interests of highway safety, I therefore impose an amended version of the condition suggested by the LPA referring to the latter plan. Similarly, a condition is necessary in the interests of highway safety to ensure any entrance gates to be installed should be set back a minimum of 5m from the highway and be hung so as to swing inwards only.
23. Given the proposed access and driveway is shown within the red line, I also consider it necessary in the interests of certainty to impose a condition restricting the area to be used as residential curtilage to that shown shaded in green on plan no. SS.373.CQ.01/Rev1. This would ensure that the scheme would comply with permitted development requirements in providing curtilage land which should be no larger than the land area occupied by the agricultural building.
24. The LPA also requested a condition controlling the laying out of parking spaces and turning areas. However as the building is located some distance away from the highway, I have no evidence before me to show why such a condition would be necessary. I have therefore omitted such a condition.
25. It is not in dispute that the site lies in Flood Zone 1 and I have been provided with no information as to why a condition to control surface water flooding would be necessary. I therefore omit such a condition.

### **Conclusions**

26. For the reasons given, the appeal should be allowed and prior approval granted, subject to necessary conditions.

*Ian Bowen*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall be carried out in accordance with the approved plan: SS.373.CQ.01/Rev1, 2348.04, 2348/05A, 2348/06.
- 2) Prior to first occupation of the development hereby permitted, the visibility splays shown on drawing number SS.373.CQ.01/Rev1 shall be provided and shall thereafter be maintained at all times. There shall be no obstruction to visibility greater than 0.6m above adjoining road level within the visibility at any time.
- 3) Any entrance gates erected shall be hung to open inwards only, shall be set back a minimum distance of 5 metres from the carriageway edge and shall thereafter be maintained in that condition at all times.
- 4) The residential curtilage to be created for the dwellings hereby permitted shall be restricted at all times to the areas shaded green on approved plan no. SS.373.CQ.01/Rev1.

# Agenda Item 13

## Schedule of Planning Applications to be Determined by Committee

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

### Purpose of the Report

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

### Recommendation

Members are asked to note the schedule of planning applications.

**Planning Applications will be considered no earlier than 6.30 pm.**

Members of the public who wish to speak about a particular planning item are recommended to arrive for 6.20 pm.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
14	PARRETT	18/03425/FUL	Erection of two detached dwellingshouses, formation of access and associated works	Land at Carters Lane, East Chinnock	Mrs P & Messrs D & B Higdon & Corbett
15	WINDWHISTLE	18/00001/FUL	Alterations to include the change of use of ground floor of dwelling (Use Class C3) to a shop/Post Office (Use Class A1) and cafe (Use Class A3). First floor to be ancillary to shop and cafe use.	The George, Back Street, Winsham	Winsham Shop Limited
16	WINDWHISTLE	18/00002/LBC	Internal and External alterations associated to the change of use of ground floor of dwelling to a shop and café. First floor to be ancillary to shop and cafe use.	The George, Back Street, Winsham	Winsham Shop Limited
17	CHARD HOLYROOD	18/01902/REM	Reserved Matters application for the erection of up to 200 dwellings including access, layout, scale and appearance,	Land North Of Tatworth Road And Adjacent To Forton Road Chard	Kier Living South West

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

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

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# Agenda Item 14

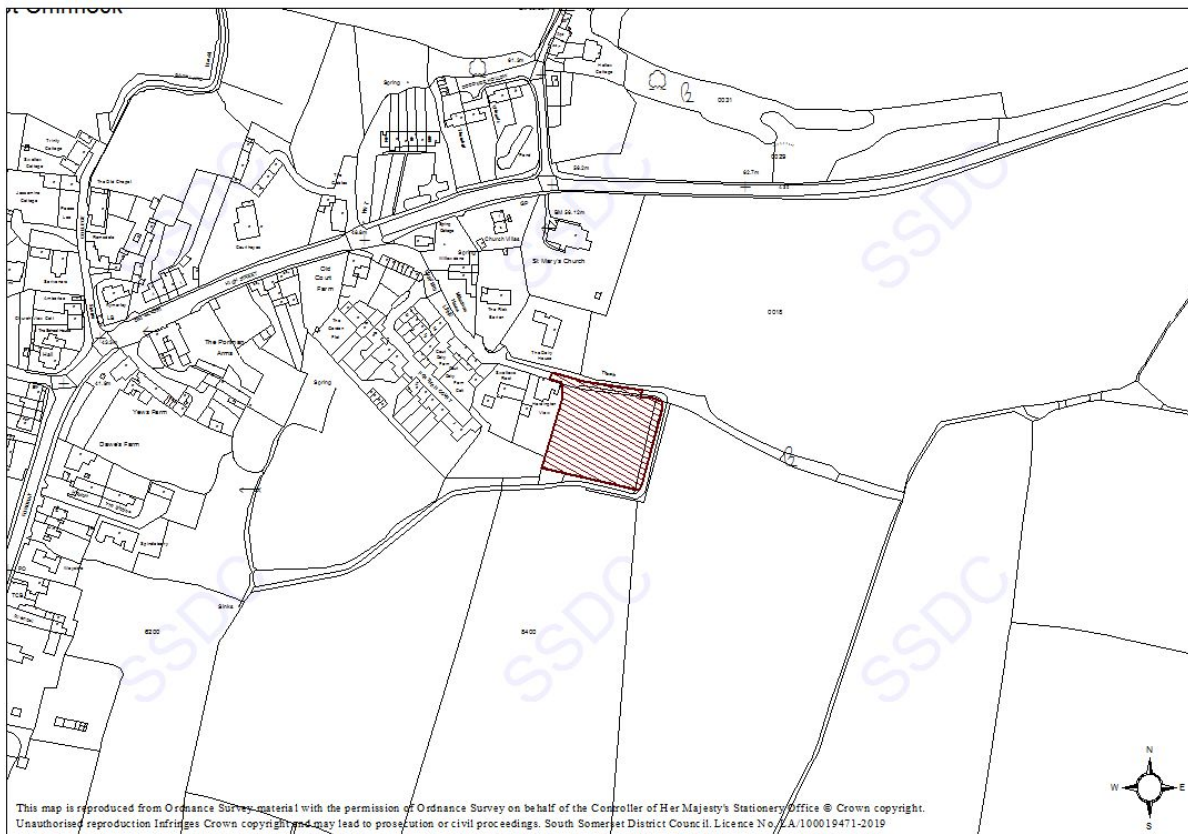
## Officer Report On Planning Application: 18/03425/FUL

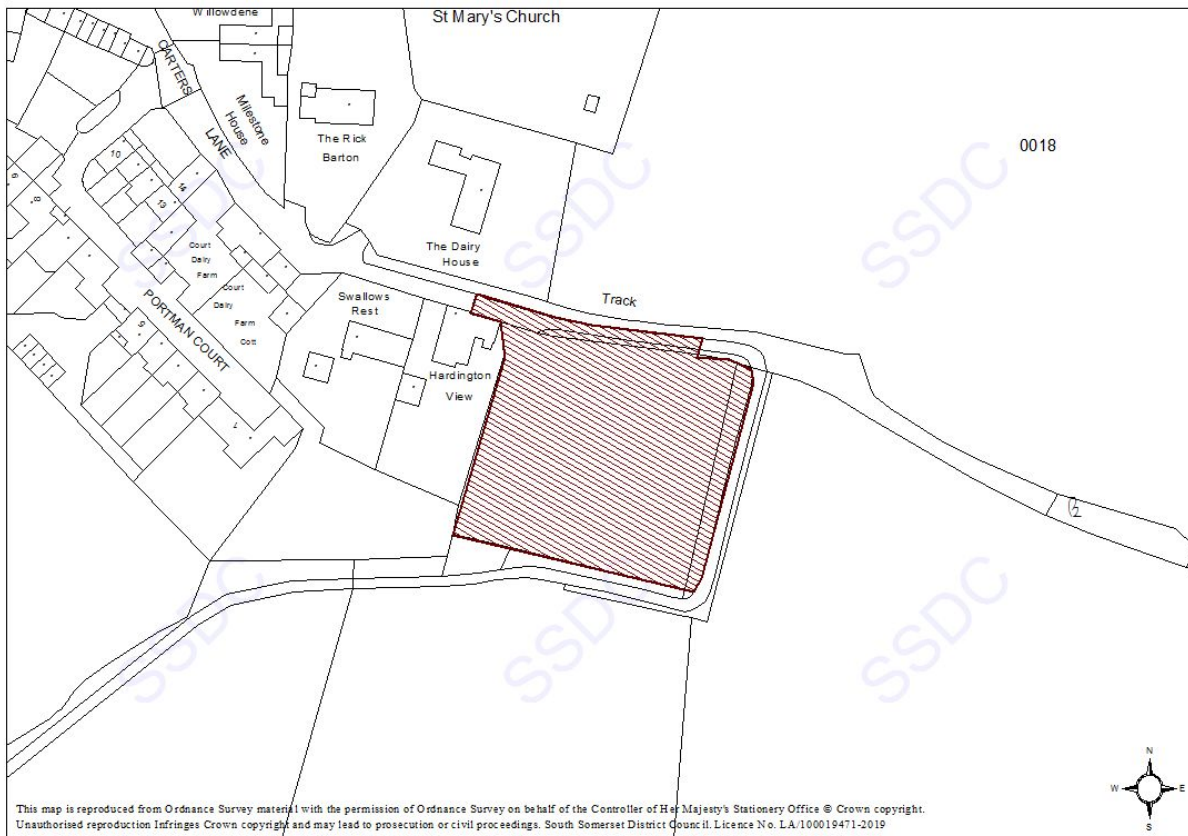
<b>Proposal :</b>	Erection of two detached dwellinghouses, formation of access and associated works
<b>Site Address:</b>	Land At Carters Lane East Chinnock Yeovil
<b>Parish:</b>	East Chinnock
<b>PARRETT Ward (SSDC Member)</b>	Cllr R Pallister
<b>Recommending Case Officer:</b>	Stephen Baimbridge Tel: (01935) 462497 Email: stephen.baimbridge@southsomerset.gov.uk
<b>Target date :</b>	14th December 2018
<b>Applicant :</b>	Mrs P & Messrs D & B Higdon & Corbett
<b>Agent: (no agent if blank)</b>	Greenslade Taylor Hunt Winchester House Deane Gate Avenue TAUNTON TA1 2UH United Kingdom
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL TO COMMITTEE

The application is a repeat application following a previous refusal. The Ward Member considers that there is insufficient justification for the change in recommendation and that this needs to be debated by the Planning Committee.

### SITE DESCRIPTION AND PROPOSAL





The site consists of a plot of land located adjacent to the eastern end of East Chinnock. The site is located at the eastern end of Carters Lane an unclassified highway. To the west, Carters Lane joins the main road the A30.

Carters Lane is also a public right of way and the right of way continues along the eastern and southern boundaries of the site. There is a grade II listed church located to the north of the site.

## HISTORY

16/03543/FUL: The erection of 2 No. detached dwellinghouses and garages and formation of access. Refused (8 June 2018).

## POLICY

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

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

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

Policy SD1 - Sustainable Development

Policy SS1 - Settlement Strategy

Policy SS2 - Development in Rural Settlements

Policy SS4 - District Wide Housing Provision

Policy SS5 - Delivering New Housing Growth

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

### **National Planning Policy Framework - March 2018**

2. Achieving sustainable development  
5. Delivering a sufficient supply of homes  
8. Promoting healthy and safe communities  
9. Promoting sustainable transport  
11. Making effective use of land  
12. Achieving well-designed places  
14. Meeting the challenge of climate change, flooding and coastal change  
16. Conserving and enhancing the historic environment

### **Planning Practice Guidance (PPG)**

Climate change  
Community Infrastructure Levy  
Conserving and enhancing the historic environment  
Design  
Health and wellbeing  
Rural housing

### **Other**

Somerset County Council Parking Strategy (September 2013)  
Somerset County Council Highways Development Control - Standing Advice (June 2015)

## **CONSULTATIONS**

**East Chinnock Parish Council:** Whilst it is acknowledged that efforts have been made to overcome previous points of objection the Parish Council raised the following reservations:

- 1) The housing survey for the Village Plan highlighted that smaller 2 bedroomed dwellings are what the village lacks to enable downsizing and for young people buying their first property.
- 2) There are concerns regarding the additional vehicles which another 2 dwellings would generate on an already busy and narrow roadway which has a difficult junction with the A30.
- 3) It is noted that the design includes cladding which is not traditional in this area and therefore does not blend in as well as reconstituted hamstone.
- 4) This development is beyond the established eastern boundary of the village and the council would be reluctant to support an extension into open countryside.
- 5) The revised plans would encroach into undeveloped pasture that forms an integral part of the setting of the Grade II listed church and interrupt views of the church from the adjoining public rights of way, this causing harm to the setting of the Grade II listed church.

**Highways Authority:** Standing Advice applies. See PROW Y 8/9 - red lines different see road record plan.

**Highways Consultant:** I refer to the comments I made in response to the previous planning application on this site under reference number 16/03543/FUL. The same comments apply equally to the current submission. For the 2016 application, the consultant made the following comments:  
I recall providing the planning department with advice on this development proposal at pre-application

stage. The junction of Carters Lane with the A30 is not ideal in terms of its alignment but it would appear that the appropriate visibility splays are available at the junction and the increase in use of the junction and of Carters Lane itself is unlikely to be severe as a result of the development scheme. On-site parking and turning provision, and the proper consolidation and surfacing of the access road leading to the site should be the subject of suitably-worded planning conditions.

**Rights Of Way:** I can confirm that there is a public right of way (PROW) recorded on the Definitive Map that runs along the access to the site at the present time (public footpath Y 8/9) and PROWs which run adjacent to the site (public footpaths Y 8/10 and Y 8/13). I have attached a plan for your information. We have no objections to the proposal, but the following should be noted:

1. Specific Comments

The local planning authority needs to be confident that the applicant can demonstrate that they have an all-purpose vehicular right to the property along path Y 8/9. If they are unable to and permission is granted, then the local planning authority could potentially be encouraging criminal activity through permitting driving on a public path without lawful authority.

Please note the need for authorisation from SCC Rights of Way Group if any change to the surface of the PROWs is proposed (see General Comments below). If surface works are proposed, the attached authorisation form will need to be completed and returned to Mr Les Braunton (Rights of Way Officer - email: [LBraunton@somerset.gov.uk](mailto:LBraunton@somerset.gov.uk)).

2. General Comments

Any proposed works must not encroach on to the width of the PROW.

The health and safety of the public using the PROW must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of a PROW, but only to a standard suitable for the public use. SCC will not be responsible for putting right any damage occurring to the surface of a PROW resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath, public bridleway or restricted byway unless the driver has lawful authority (private rights) to do so.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would:

- make a PROW less convenient for continued public use; or
- create a hazard to users of a PROW, then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure: <http://www.somerset.gov.uk/environment-and-planning/rights-of-way/apply-for-a-temporary-closure-of-a-right-of-way/>.

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

## REPRESENTATIONS

One letter of objection has been received which can be found on the Council's website. In summary, the following points are raised:



- The proposal is better than the earlier application. On the basis that there is going to be development, this proposal has a lesser impact.
- It would be better for there to be no development of this part of the village, so close to the Church and open countryside.
- The application could result in potentially 8 vehicles. Carter's Lane already has too many vehicles. More houses mean more residents' and delivery vehicles along a severely restricted road where some of the houses, even recent ones, have been built along what is now the roadway. There is no footpath or other reservation for pedestrians.

## CONSIDERATIONS

### Principle of Development

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

- *approving development proposals that accord with an up-to-date development plan without delay; or*
- *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
  - the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

Footnote 7, page 6, of the NPPF states that the policies which are most important for determining the application are out-of-date if "...for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites..."

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

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

Having regard to the above, the planning merits of the proposal are considered against the Local Plan and the aims of the NPPF, and these considerations are set out below:

### Sustainability of the Settlement

It is considered that the settlement is a sustainable location for some housing development given the facilities that it provides.

It is considered that the development would be acceptably located in relation to facilities and furthermore would be likely to provide additional support for facilities through increased patronage.

Having regard to the above it is considered that the development would comply with the relevant sections of the NPPF in respect to locating housing within existing communities where existing services and facilities would be maintained and enhanced.

### **Policy SS1 - Settlement Hierarchy**

In line with the Secretary of State's interpretation that a settlement hierarchy need not be considered a specific restrictive policy in NPPF terms (APP/N4720/W/17/3168897), Policy SS1 it is not considered to be a policy which is most important for determining the application, and as such it should be allocated full weight in the decision-taking process.

Allowing this application would not permit such a quantum of housing growth that it would result in harm to the settlement hierarchy. It would not therefore be contrary to policy SS1.

### **Policy SS2 - Development in Rural Settlements**

Policy SS2 is a policy which seeks to restrict new housing development in Rural Settlements tier of the settlement hierarchy. The policy requires new housing in Rural Settlements, in which this site is located, to increase the sustainability of the settlement through the provision of employment opportunities appropriate to the scale of the settlement; and/or creation or enhancement community facilities and services to serve the settlement; and/or meeting identified housing need, particularly for affordable housing.

This proposal is not compliant with policy SS2 but as a policy to restrict housing growth it should be afforded limited weight in accordance with the NPPF.

### **Landscape Character, Visual Amenity, and Historic Environment**

The original application was refused on the basis that:

*"The proposal by reason of its siting beyond the established eastern boundary of the settlement would be contrary to the established pattern and layout of development in the area at a variance to local distinctiveness causing harm to the landscape character of the area. Additionally the proposed dwellings would encroach into undeveloped pasture that forms an integral part of the setting of the grade II listed church would interrupt views towards the church from the adjoining public right of way. Accordingly the setting of the Grade II Listed church would be harmed. As such the proposal would not accord with policies EQ2 and EQ3, of the South Somerset Local Plan (2006-2028) and the aims and the objectives of Chapter 12 of the National Planning Policy Framework (2012)."*

The proposed development presents two dwellings of a much less suburban form than the original application. The development appears to be more rural in character and whilst projecting beyond the built up area of the settlement, does not appear at odds with local character. As such, the development is not considered to be demonstrably harmful to landscape character, the historic environment, or the visual amenity of the area. Therefore, notwithstanding the objections received, the proposal is considered to accord with policies EQ2 and EQ3.

It is necessary to remove from the dwellings permitted development rights for extensions or alterations. Otherwise, the dwellings could be altered in such a way that would depart from their barn-like character and could result in harm to the character of the area and setting of the listed buildings.

### **Residential Amenity**

It is not considered that the proposed dwellings would result in undue overlooking/ loss of privacy, an overbearing relationship with neighbouring properties, or a loss of light. Accordingly, the proposal accords with policy EQ2 in that it would not result in demonstrable harm to residential amenity.

### **Ecology**

The ecology report submitted with the application found no evidence of protected species on site and appears to make suitable recommendations for biodiversity enhancement. Conditions will be imposed to secure biodiversity enhancements.

### **Rights of Way**

The Rights of Way Officer raised no objection to the proposal but raised specific and general comments

to be noted.

One matter raised was that *"The local planning authority needs to be confident that the applicant can demonstrate that they have an all-purpose vehicular right to the property along path Y 8/9. If they are unable to and permission is granted, then the local planning authority could potentially be encouraging criminal activity through permitting driving on a public path without lawful authority."*

Nevertheless, the view of the Inspector in determining appeal ref. APP/R3325/A/13/2191744 is taken, namely:

*"The granting of planning permission is essentially neutral. It does not require the applicant/appellant to implement the permission. Moreover, it is a well-established principle that decisions on planning appeals must be made on planning merits alone and cannot take into account considerations that are not material. Private property disputes are amongst such considerations as an Inspector has no power under the Town and Country Planning Acts to resolve such matters."*

*Nor does the grant of planning permission affect other legal rights or constraints that may exist over land. It remains the appellant's responsibility, if permission is granted, to ensure that its implementation would not conflict with other legislation."*

Accordingly, it is not considered that the local planning authority must be confident that the applicant can demonstrate that they have an all-purpose vehicular right to the property along path Y 8/9.

The other comments raised are for the benefit of the agent/ applicant.

### **Highway Safety**

The County Highway Authority state that their Standing Advice applies and drew attention to the Right of Way and the red line area shown being different to their road records plan.

The access proposed is onto Carters Lane - an unclassified road - and is considered to be acceptable given the status of the road and the number of properties accessing it.

The two four-bed properties each have two outside parking spaces. Additionally, Unit 1 has a double garage, and Unit 2 has a single garage. There is also additional space for informal parking and turning.

Notwithstanding the objection received, and in accordance with the Highways Consultant, it is not considered that the increase in vehicle movements along Carters Lane would prejudice highways safety.

Conditions will be imposed to secure on-site parking and turning provision, and the proper consolidation and surfacing of the access road leading to the site.

It is not considered that the proposal would prejudice highways safety, and it is considered to accord with policies TA5 and TA6 of the 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 fewer or 1,000 square metres or fewer.

It is considered that whilst policies HG3 and HG4 are valid, the most recent legal ruling must be given

significant weight and therefore it is not possible to seek an affordable housing obligation from this development. In addition, it is no longer appropriate to seek any contributions towards Sports, Arts and Leisure (Policy SS6) as the same principle applies.

The development is liable to pay the Community Infrastructure Levy (CIL).

### **Conclusion**

The Council's lack of a five year housing land supply lends significant weight when considering the planning balance. In this case, the site is considered to have access to a reasonable range of services and facilities. The proposal is not considered to result in a significant and adverse impact upon the landscape character, historic environment, visual amenity, residential amenity, or highway safety. Therefore, in terms of the 'planning balance', it is considered that there are no adverse impacts that would 'significantly and demonstrably' outweigh the benefits of providing a dwelling in this sustainable location.

### **RECOMMENDATION**

Permission be granted subject to conditions

01. The proposed development would provide two dwellings within a sustainable location without causing significant and demonstrable harm to the landscape character, historic environment, visual amenity, residential amenity, or highway safety to outweigh the benefit of the dwellings to the Council's five year housing land supply. As such, the proposal is in accordance with policies SD1, SS4, SS5, TA5, TA6, EQ2, and EQ3, of the South Somerset Local Plan 2006-2028 and the aims and objectives of the NPPF.

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

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

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

02. The development hereby permitted shall be carried out strictly in accordance with the following approved plans:  
2269-PL-11; 2269-PL-12; 2269-PL-13; 2269-PL-14; 2269-PL-15; 2269-PL-16; 2269-PL-17; and 2269-PL-18.

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

03. Development hereby permitted shall not take place above ground level prior to particulars of the following have been submitted to and approved in writing by the Local Planning Authority:

- a) all external materials (including the provision of samples where appropriate); these details shall be supported by a sample panel of natural stone indicating coursing and pointing which shall be made available on site prior to commencement;
- b) full design details and material and external finish to be used for all windows, all external doors, lintels, boarding and openings;
- c) details of all eaves and fascia board detailing, guttering, downpipes and other rainwater goods; and
- d) details of the surface material for the parking and turning area; and
- e) details of all boundary treatments, including entrance gate.

Reason: To safeguard the character and appearance of the area in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

04. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) (with or without modification) no extensions or alterations shall be made to the dwellings hereby permitted without prior consent of the local planning authority.

Reason: To safeguard the character and appearance of the area in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

05. Prior to occupation of the dwellings hereby permitted, the areas shown for parking and turning of vehicles shall be provided and shall be maintained and retained thereafter for the parking of vehicles ancillary to those dwellings, without obstruction.

Reason: In the interests of proper parking provision and highways safety, in accordance with policies TA5 and TA6 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

06. Prior to first occupation of the dwellings hereby permitted, electric charging points (of a minimum 16amps) for electric vehicles shall be provided for each dwelling adjacent to their designated parking spaces or garages shown on the approved plan. Sufficient electric charging points for at least one per dwelling shall be provided in this way. Once installed such parking points shall be retained and maintained in working order, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development is resilient and sustainable in accordance with Policy TA1 (Low Carbon Travel) of the adopted South Somerset Local Plan and the provisions of the NPPF.

07. Prior to occupation of the dwellings hereby permitted, the area of Carters Lane within the red line area of the Site Location Plan (drawing number 2269-PL-11) shall be properly consolidated and surfaced to the satisfaction of the local planning authority.

Reason: In the interests of highways safety and to secure an appropriate access to the site, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

08. Prior to commencement of the development, site vegetative clearance, demolition of existing structures, ground-works, heavy machinery entering site or the on-site storage of materials, a scheme of tree and hedgerow protection measures shall be prepared in-writing and submitted to the Council for their approval. Upon approval in writing by the Council, the scheme of tree and hedgerow protection measures (specifically any required ground-protection, fencing and signage) shall be installed and made ready for inspection. Prior to commencement of the development, the suitability of the tree and hedgerow protection measures shall be confirmed in-writing by a representative of the Council (to arrange, please contact us at [planning@southsomerset.gov.uk](mailto:planning@southsomerset.gov.uk) or call 01935 462670). The approved tree and hedgerow protection requirements shall remain implemented in their entirety for the duration of the construction of the development and may only be moved, removed or dismantled with the prior consent of the Council in-writing.

Reason: To preserve existing landscape features (trees and hedgerows) in accordance with the Council's policies as stated within The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

09. No works shall be undertaken until there has been submitted to and approved in writing by the Local Planning Authority, a scheme of landscaping. The submitted scheme shall clearly confirm the details and dimensions of any intended tree or shrub planting, earth-moulding, seeding, turfing and surfacing. All planting stock shall be confirmed as UK-grown, and details shall be provided in regards to the planting locations, numbers of individual species, sizes, forms, root-types/root volumes and the intended timing of planting. The installation details regarding ground-preparation, weed-suppression, staking/supporting, tying, guarding, strimmer-guarding and mulching shall also be included within the submitted scheme. All planting comprised in the approved scheme shall be carried out within the dormant planting season (November to February inclusively) following the commencement of any aspect of the development hereby approved; and if any trees or shrubs which within a period of ten years from the completion of the development die, are removed or in the opinion of the Council, become seriously damaged or diseased, they shall be replaced by the landowner in the next planting season with trees/shrubs of the same approved specification, in the same location; unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the planting of new trees and shrubs in accordance with the Council's statutory duties relating to The Town & Country Planning Act, 1990 (as amended)[1] and the following policies of The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

10. Prior to occupation of the dwellings hereby permitted, the following biodiversity enhancements shall be provided on site:  
One bat tube or shelter installed on each new dwelling, on a warm wall (south-east or south-west) and above 3 metres from ground level; and at least four bird boxes (hole type) to be appropriately installed.

Reason: To compensate for habitat loss and provide biodiversity enhancement in accordance with policy EQ4 (Bio-Diversity) of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

11. The development hereby permitted shall be carried out in line with the recommendations of the Protected Species Survey (April 2016).

Reason: In the interests of biodiversity and in accordance with policy EQ4 (Bio-Diversity) of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

#### **Informatives:**

01. Please be advised that approval of this application by South Somerset District Council will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice.

You are required to complete and return Form 1 Assumption of Liability as soon as possible and to avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place. Please complete and return Form 6 Commencement Notice.

You are advised to visit our website for further details <https://www.southsomerset.gov.uk/cil> or email [cil@southsomerset.gov.uk](mailto:cil@southsomerset.gov.uk)

02. Please note that the consolidation and surfacing of Carters Lane, as an unclassified road and public right of way, will need to be to the satisfaction of Somerset County Rights of Way and Highways Authority.

# Agenda Item 15

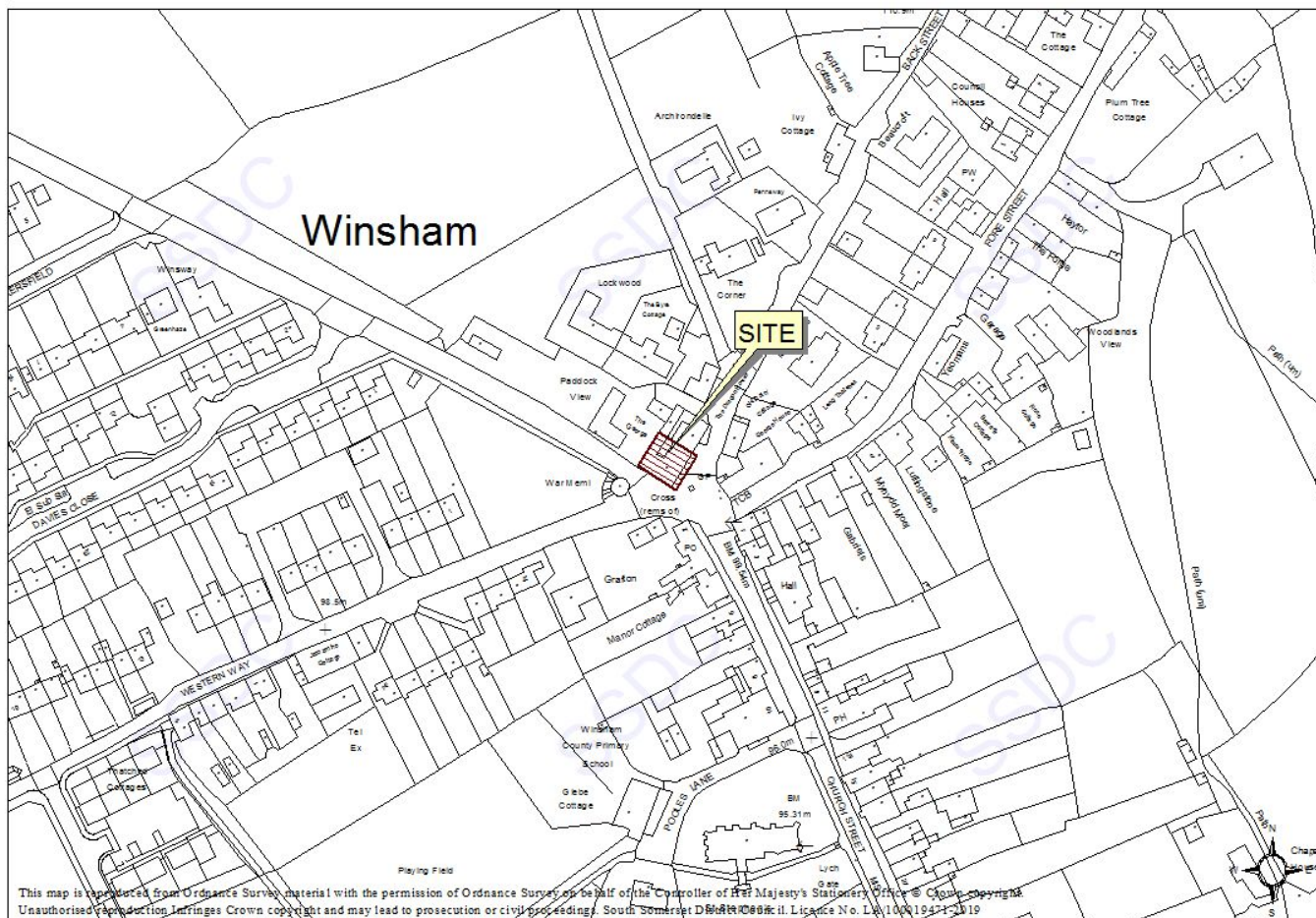
## Officer Report On Planning Application: 18/00001/FUL

<b>Proposal :</b>	Alterations to include the change of use of ground floor of dwelling (Use Class C3) to a shop/Post Office (Use Class A1) and cafe (Use Class A3). First floor to be ancillary to shop and cafe use.
<b>Site Address:</b>	The George Back Street Winsham
<b>Parish:</b>	Winsham
<b>WINDWHISTLE Ward (SSDC Member)</b>	Cllr Sue Osborne
<b>Recommending Case Officer:</b>	Mike Hicks Tel: 01935 462015 Email: <a href="mailto:mike.hicks@southsomerset.gov.uk">mike.hicks@southsomerset.gov.uk</a> .
<b>Target date :</b>	19th July 2018
<b>Applicant :</b>	Winsham Shop Limited
<b>Agent: (no agent if blank)</b>	
<b>Application Type :</b>	Minor Other less than 1,000 sq.m or 1ha

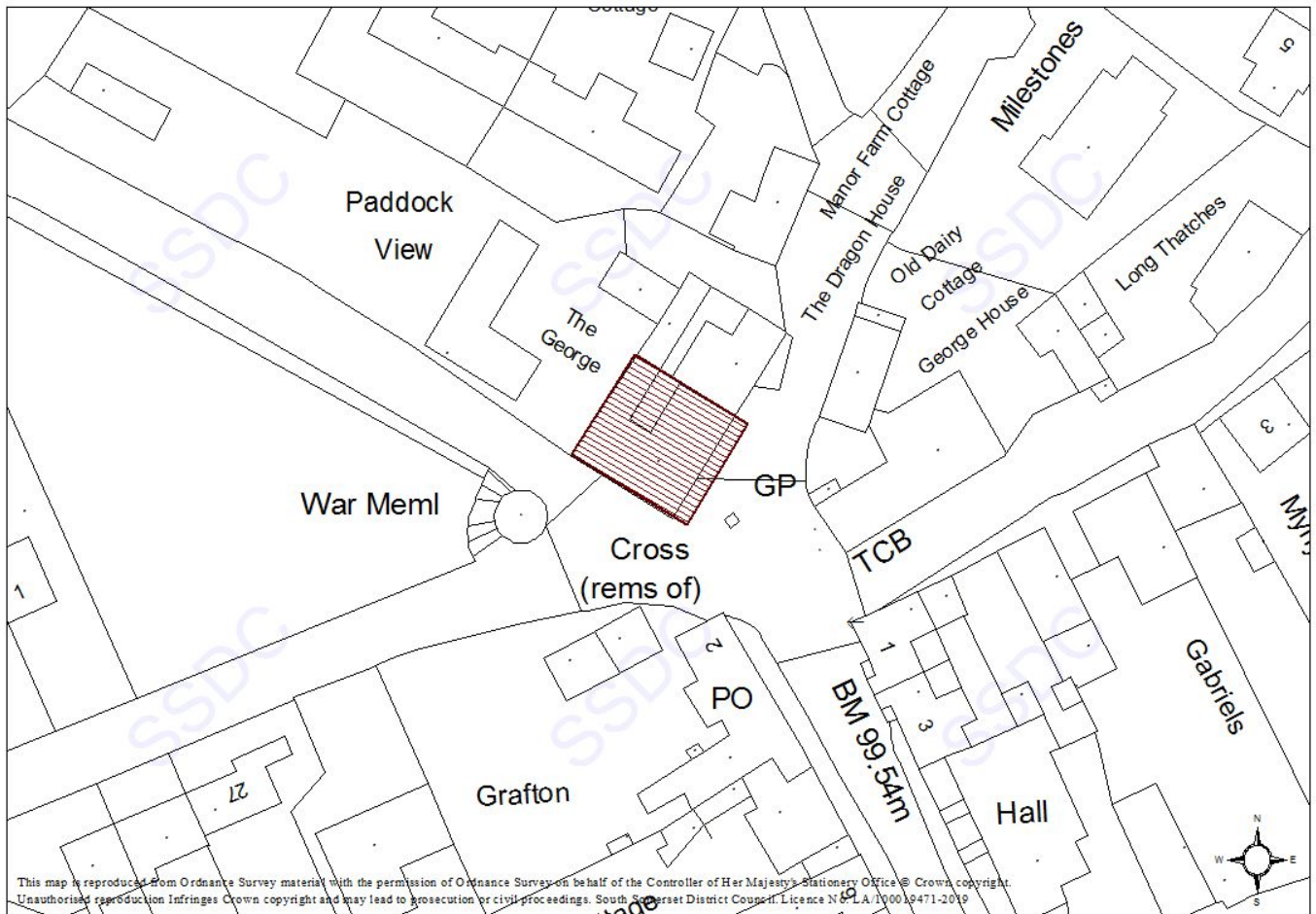
## REASON FOR REFERRAL TO COMMITTEE

The application is referred to the planning committee due to the high level of public interest and to consider highway matters.

## SITE DESCRIPTION AND PROPOSAL







The site consists of a link attached Grade II listed dwelling. The dwelling is located within the centre of Winsham at the cross road junction of the B3162, an unclassified road (Back Street) to the North and an unnumbered classified road (Western Way) to the West. There is a Grade II listed village cross located to the front of the site within the adopted highway. There are other Grade II listed buildings in the near vicinity including Old Dairy Cottage and Old Manor farm to the eastern side of Back Lane and the war memorial to the opposite side of the B3162.

The existing dwelling contains 4 bedrooms to the first floor. There is a small yard and ancillary outbuildings to the rear of the dwelling. The existing shop and post office premises are located approximately 30 metres to the South of the site.

The proposal involves the change of use of the dwelling to provide a shop and café. The first floor would remain as ancillary to this use and accordingly could provide storage and an office to service the proposed use on the ground floor.

Various minor alterations are proposed to the floor plan. These include alterations such as:

- Reinstatement of opening in rear wall to provide customer access to post office.
- Reconfiguration of stud partitions within outbuilding.
- Insertion of post office counter
- Upgrading of existing glass roof to rear passage
- Installation of extraction equipment

Amended plans were received which amended the proposal to delete the change of use of the first floor to 4 self contained office units from the proposal.

There are concurrent applications for Listed Building Consent and advertisement consent under



references 18/00002/LBC and 18/01705/ADV respectively.

## **HISTORY**

There is no history of relevance to the proposal.

## **POLICY**

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

For the purposes of determining current applications the Local Planning Authority considers that the relevant policy framework is provided by the National Planning Policy Framework and the South Somerset Local Plan 2015. The Local Plan was adopted by South Somerset District Council in March 2015.

In relation to listed buildings Section 72 of the Listed Building and Conservation Areas Act places a statutory requirement on local planning authorities to 'have special regard to the desirability of preserving or enhancing the character and appearance' of the conservation area.

Section 66 of the Listed Building and Conservation Areas Act requires that planning authorities have 'special regard to the desirability of preserving the building or its setting'.

The National Planning Policy Framework 2018 (the NPPF) is a material consideration.  
The following chapters are of most relevance:

Chapter 2- Achieving sustainable development  
Chapter 4- Decision-making  
Chapter 5- Delivering a sufficient supply of homes  
Chapter 9- Promoting sustainable transport  
Chapter 15- Conserving and enhancing the natural environment  
Chapter 16- Conserving and enhancing the historic environment

Local Plan (2006-2028)

The following Local plan policies are considered to be relevant:

SD1- Sustainable Development  
SS2- Development in Rural Settlements  
EQ3- Historic Environment  
EQ2- General development  
TA5- Transport impact of new development  
TA6- Parking standards  
EP15- Protection and provision of local shops, community facilities and services  
EQ7- Pollution Control

National Planning Practice Guidance:

The following sections have the most relevance:

- Determining an application.
- Conserving and enhancing the historic environment

Other Policy Considerations

Somerset County Council Parking Strategy

## **CONSULTATIONS**

## **Winsham Parish Council**

First response:  
recommend approval.

Second response:

Winsham Parish Council held its meeting last night, where the above planning applications were discussed (together with 95 residents of the Parish) and its observations for both applications are:

Recommend Approval. Whilst we give this application our recommendation for approval, we wish to emphasise that this has the overwhelming support of the Winsham community. It is a vital village asset which we wish to preserve and develop for the sake of all.

Third response (in response to amended description):

The Parish Council noted the amended description.

The Parish Council's original response still stands, Recommend Approval.

## **SSDC Conservation Officer**

No formal comments received.

## **SSDC Environmental Health Officer**

No waste storage in passage way or rear courtyard due to potential amenity impact on neighbouring premises.

Also noise from patrons sitting in the outside seating area could impact again on the amenity of the neighbouring premises, also noise from any extraction system could also have an impact, so would look to prevent the outside area being used for the business.

Somerset Highway Authority: (Where an application is referred to 'standing advice' on highway grounds and the recommendation of the District Council is for refusal, the proposed refusal is sent to the Highway Authority for comment. The Highway Authority have commented that they cannot support the refusal and have provided the following commentary):

### **Parking and Manoeuvring in the Highway**

Due to the existing services and facilities in the village, vehicles parking in close proximity to the 5 way junction (The southern (Church Street) and northern arms of the B3162, Western Way, Back Street and Fore Street) is a matter of fact, both in close proximity to The George, and the existing store/post office; (SSDC Highway Consultant's comments)- *This may be the case but by locating the shop in the building proposed, the traffic movements (pedestrians, cyclists and vehicles) will intensify directly outside the building leading to, in my opinion, a significant increase in the substandard junction.*

Drivers approaching this junction on the through-route; i.e. no need to stop and 'give-way', from the north will be aware that their onward journey onto the southern arm of the B3162 will entail using the northbound carriageway due to parked vehicles on the eastern side of the road; (SSDC Highway Consultant's comments)- *I do not understand the relevance of this statement. I acknowledge that on-road parking occurs on the east side of the B3162 forcing southbound vehicles travelling on the B3162 to straddle the centreline of the road to pass such parked vehicles, but this manoeuvre occurs beyond the substandard Back Street/Fore Street junction.*

Further, drivers will know that vehicles are regularly parked outside The George and there is a risk that reversing movements occur. In this regard, speed of vehicles is kept low. If the existing situation with vehicles reversing into the highway outside The George were inherently dangerous it would be reflected in the collision data held by this Authority. I have had a look at our records and no collisions have been reported to us over at least the last three years. (SSDC Highway Consultant's comments)- *Given the*

*very poor forward visibility caused by the building, it is my view that it would not be possible to anticipate the reversing movements whether drivers are local or not. While reference to the collision data can be a good indicator as to whether or not the local highway network is safe, it is important to note that the data only records personal injury collisions that have been reported to the police authority, damage-only collisions are not recorded and most importantly, the intensification in use of the substandard junction as a result of the shop could result in an increase in risk of collision injuries occurring.*

#### Trip Generation

This Authority does not consider the proposal as submitted will be a major trip generator for people who would require motorised transport to attend the site. In our opinion, whilst a small café may entice people to gather for refreshments these are likely to be local residents who will walk to the site. (SSDC Highway Consultant's comments)- *I do not disagree with this statement but it is the concentration and intensification of traffic movements directly outside the building that is my concern.*

The applicant has provided details of the pedestrian activity associated with the existing site and whilst a few more visits may be created by the addition of the café, this Authority considers most of the café users will be existing store/post office customers. The level of new traffic will be minimal. (SSDC Highway Consultant's comments)- *The data provided by the applicant indicates a significant volume of pedestrian traffic generated by the shop. The provision of a new café within the premises is likely to attract cyclists given the growing popularity of the sport/recreation. Again, it is the intensification of pedestrian traffic and the increase in cycle traffic in this specific location that is cause for concern, as well as the prospect of delivery and service vehicles reversing onto the B3162.*

For northbound pedestrians wishing to cross Church Street to attend the new store/café, the desire line would take them to the corner of No2 Church Street. From this location the least visibility is along Western Way, but this still measures approximately 30m; (SSDC Highway Consultant's comments)-*For pedestrians to cross the road (west to east) at the safest point would lead to pedestrians walking into the bell-mouth of the Back Lane junction.*

For pedestrians approaching the site along Western Way, the least visibility is of vehicles leaving Back Lane where approx. 25m of visibility is provided; (SSDC Highway Consultant's comments)- *I would anticipate pedestrians walking from Western Way to the shop crossing the road at the above location, directly into the bell-mouth of the Back Lane junction*

For pedestrians crossing to the western side of Church Street it is likely that they will stand in the region of the kerb edge on the southern corner of The George especially if the proposed planters are granted a licence

From this location vehicles approaching from the north are positioned such that at least some of the vehicle is visible almost on the centre line of the carriageway. In this regard the centre line is visible in a northerly direction for over 100m; (SSDC Highway Consultant's comments)- *I do not agree with this statement at all. Pedestrians exiting the shop and walking in the direction of Western Way or the recreation field would have zero visibility if crossing the road at the corner of the building and about 6m if crossing the road immediately adjacent to the Cross. National guidance indicates that the set-back distance for pedestrians when crossing a road should be 1.5m back from the edge of the highway. This takes account of people pushing prams, wheelchair/buggy users, etc. From such a distance but even from a standing position, the visibility in the northerly direction is extremely substandard.*

Due to the fact that vehicles will be in the process of negotiating this junction their traffic speeds will be very low and this Authority considers the aforementioned visibility splays to be acceptable. (SSDC Highway Consultant's comments)- *The existing northerly visibility splay at the junction is significantly below the required standard.*

#### Planters in the Highway

This plan shows the area of land outside The George to be covered by highway rights  
As such the proposed planters will require licencing by this Authority.

If the highways legislation contains provision whereby an appropriate licence can be granted, the terms of the licence can take positioning and future growth of plants into account thereby removing the issue of vegetation growth hindering vision further.

If no such provision exists, the licence cannot be granted and the planters will not be allowed.

In either case the suggested hindrance to pedestrian vision will not occur. (SSDC Highway Consultant's comments)- *I am not convinced that if the planters are licensed they will prevent pedestrians from seeking to cross the road at that point but in any event as indicated above even if pedestrians cross the road immediately to the south of the war memorial visibility is extremely substandard in the northerly direction.*

#### Refusal of Permission

As has been stated previously, if permission is refused and the current shop becomes financially unviable, the closure of the shop will mean local residents will have to travel further afield for groceries. The limitations of the public transport system through the village will mean the vast majority of people will use their private cars which will increase the amount of vehicles negotiating the aforementioned junction which will increase the risk of collisions. (SSDC highway consultants comments)- *In my view, highway safety is more important than any potential likelihood of additional trips being made further afield. The highway authority's concern that the closure of the shop may increase the risk of collisions suggests that it does consider the junction to be substandard.*

*I have assessed the details of this matter and, in this case, the Highway Authority's finds we are unable to support the comments made below. The Inspector will need to assess any relevant details presented and make their decision accordingly.*

#### SSDC Highway Consultant:

Second response (In response to amended plans).

I note the alterations that are now being proposed. If planters are to be located within the highway extents, the necessary approvals and a licence would be required from SCC. It would be useful to know whether or not an approach has been made to SCC for this purpose. The plans indicate that there would be gaps between the planters and I am mindful that any vegetation growing within the planter may exacerbate the restricted visibility, but in any event I remain very concerned that the location of the shop at The George building would result in a significant increase in use of the substandard Back Street/B3162 junction which for the reasons given previously, I am unable to support.

First response:

I acknowledge that there is an existing shop in the village but it is the location of the proposed shop at the Back Lane/Church Street junction and the additional uses (café and commercial offices) that are of significant concern. The junction visibility in the northerly direction measures just 2.4m x 11m (see attached photograph IMG5539) and while I acknowledge that vehicles are decelerating as they approach the village from the north, the extent of the sightline is well below the standard required. Even from Fore Street junction visibility to the right is deficient (see attached photograph IMG5541). Given the increase in vehicular movements that would occur as a result of this development around the two junctions, I am concerned that the safety of all road users would be compromised.

I believe it is highly likely that delivery vehicles for the proposed shop would enter Back Lane from Church Street, park in front of the proposed shop (in the vicinity of the area shown on the attached photograph IMG5545, block the highway, and then reverse back out onto Church Street. I note the statements that the parking of customer vehicles and delivery vehicles associated with the current shop already takes place in this area; however, I believe it is likely to occur on a much more regular basis with the shop being located on the east side of Church Street.

Pedestrians exiting the proposed shop heading towards Western Way would have virtually no visibility

to the north when crossing the road - see attached photograph IMG5550. I am mindful of children walking between the proposed shop and the recreation field, but also of other pedestrian movements to residences along Western Way from the proposed shop. I note the statements referring to the possibility of positioning planters to prevent crossing movements taking place in this location but there does not appear to be any firm proposals in this respect, fully supported by the highway authority (the County Council would need to consider the highways safety implications and licensing issues related to such a scheme) and in any event, the planters may not have the desired effect of discouraging movements on that blind corner. The traffic survey recorded some 39 pedestrian movements in the area in an hour which I consider to be a significant number.

Given the growing popularity of cycling, the proposed café element of the scheme could attract cyclists yet it is not clear where cycles would be safely and securely parked, and when leaving the premises to re-join the B3162, cyclists would be faced with the substandard visibility splay mentioned above. The provision of a café could lead to additional parking demand in the immediate area, particularly for the travelling public.

The proposed commercial units would also generate additional vehicular traffic and a demand for parking, yet there appears to be no off-road dedicated parking spaces for this element of the scheme.

In light of the above concerns which have remained since I was first approached about this development proposal, I am unable to support the application on the grounds that the development scheme would lead to a significant increase in use of a substandard junction arrangement by all traffic, and that insufficient parking provision has been proposed potentially leading to indiscriminate on-road parking and an exacerbation of the highway safety issues previously mentioned.

## **REPRESENTATIONS**

Following consultation, representations have been received from 191 households, 169 in support and 18 objecting to the application. The following comments are made:

### **Support:**

- The village needs a shop. The loss of the shop would be detrimental to the village residents.
- The village needs a post office
- Social benefits for residents
- Benefit to elderly
- Highways situation of the proposed site is no worse/better than the existing.
- Shop provides employment
- Sustainability benefits of not generating additional car trips to shops in Chard

### **Objection:**

#### **Highway Safety:**

- Location on 5 way junction
- Limited visibility
- Unsafe for pedestrians and vehicles.
- Increased use of junction is not safe
- Proposed planters are unsuitable to prevent pedestrians crossing the road in-between the building and the village cross.
- No dedicated parking
- Difficulty/unsafe site for delivery vehicles
- Excess speed of vehicles passing the site

#### **Other issues:**

- Lack of compliance with building regulations- means of escape, disabled ramp, lobby, opening of rear wall.

- Harm to the amenities of adjoining residents in relation to noise and disturbance.
- The proposal is unviable financially. Cost of purchase, cost of alterations required etc. .
- This site is not the only option in the village for the relocation of the shop.
- The village already has a public house providing a community facility.
- Competition for the public house
- Difficult disabled access despite proposed ramp.
- Relocation will not solve the current problems with chillers
- Lack of space for bin storage.

## **CONSIDERATIONS**

### **Principle of Development**

There are a number of Local Plan policies and sections within the NPPF that are relevant to this proposal. As stated above, development proposals must be determined in accordance with the development plan unless material considerations indicate otherwise.

Policy EP 15; 'Protection and provision of local shops, community facilities and services', states:

Provision of new community facilities and services will be supported. Proposals that would result in a significant or total loss of site and/or premises currently or last used for a local shop, post office, public house, community or cultural facility or other service that contributes towards the sustainability of a local settlement will not be permitted except where the applicant demonstrates that:

- alternative provision of equivalent or better quality, that is accessible to that local community is available within the settlement or will be provided and made available prior to commencement of redevelopment; or
- there is no reasonable prospect of retention of the existing use as it is unviable as demonstrated by a viability assessment, and all reasonable efforts to secure suitable alternative business or community re-use or social enterprise have been made for a maximum of 18 months or a period agreed by the Local Planning Authority prior to application submission.

Policy SS2 states (inter alia) that development in Rural Settlements will be strictly controlled and limited to that which creates or enhances community facilities and services to serve the settlement.

Having regard to the above, there is general compliance with the relevant policies EP15 and SS2 in that the proposal involves the provision of a new community facility. However the proposal is for a new premises to replace the existing shop and concerns are raised over the new site, particularly over the impact on highway safety and this issue is discussed in the relevant section of the report below.

The applicant has stated that the business in its current location is not financially sustainable due to the level of rent, other business costs and the requirement for investment to refurbish various aspects of the premises. The applicant further states that the additional space within the George would allow diversification into the café to provide an additional income stream. There has been a debate within the village as evidenced by some of the neighbour comments over whether the proposal is likely to be financially sustainable and questions over whether remaining in the existing premises or seeking an alternative site would represent a better long term and sustainable solution for the village. The applicant has submitted a statement which runs through the various other sites that were considered within the village with reasons why these other sites were discounted. It is not the role of the planning system necessarily to arbitrate in this debate or to consider in detail the financial viability of the proposal. As with any commercial proposal, the onus is on the applicant to have due diligence in order to ensure that a proposal has a good prospect of survival. In terms of whether or not other options are available in the village in the future, it is considered unlikely that in the event of this proposal failing, the village would have absolutely no other options open to them, however it is accepted that this proposal is the route

that the existing shop committee have chosen to pursue at the current time.

Having regard to the above, it is considered that the acceptability of the proposal would depend on site specific material considerations such as highway safety, residential amenity and the impact on heritage assets. These considerations are discussed in the report below.

### **Character and appearance/impact on the listed building**

The proposal would necessitate a range of internal and external alterations to the listed building. These are also subject to a concurrent application for listed building consent. The most noticeable external alteration would be the provision of signage. This is subject to a concurrent application for advertisement consent.

The Conservation Officer has been consulted and does not raise objection to the proposal. The most significant alteration is the reinstatement and enlargement of the blocked up former opening in the original rear wall of the building to create access for customers into the 'covered area' and post office pod. This is considered to result in a minor degree of harm, however it is understood that the rationale is to provide disabled access into the post office and toilet area rather than altering the existing opening at the rear of the central passage. On balance, considering the proposed public use of the building and the need to provide adequate accessibility and circulation space it is considered that the proposed doorway is not sufficient to warrant refusal of the application.

Other alterations relate to the need to upgrade existing internal doors to be considered as adequate fire breaks. The applicant has confirmed that the fully panelled doors would be treated with a fire retardant paint. The glazed doors would be adapted with timber inserts and then treated accordingly.

The provision of a domestic specification extractor in the rear wall of the building is considered to be acceptable in relation to the impact on the listed building.

Having regard to the above it is considered that the proposal would respect the historic character of the Listed building and the setting of the church in accordance with Policy EQ3 of the South Somerset Local Plan (2006-2028)

### **Residential amenity**

Concerns have been raised by local residents about the impact on amenity by way of noise and general disturbance, in particular the proximity to the adjoining attached dwelling, Dragon House and the dwelling to the rear, Paddock House.

The applicant has confirmed the opening hours for the shop and café as 07.00 to 06.00 Monday to Friday and, 8am to 1pm Saturday 09.00-12.00 Sunday. These opening hours are considered to be acceptable in relation to the impact on surrounding occupiers given that the nature of operating a shop is a quiet operation and there have been no recorded noise complains resulting from the existing premises.

Concern has been raised by the Councils Environmental Protection Department over the tables and chairs that were proposed in the covered area at the rear of the premises and the potential for noise and disturbance. It is considered that these concerns are valid given the proximity to the adjoining occupier. It is considered that a planning condition would be necessary to remove this detail from the scheme.

Concerns have been raised over the impact of the café element on the amenities of adjoining occupiers in relation to noise and odour.

The applicant has stated in the application that no deep frying would take place within the café. The Councils Environmental Health department have commented that the regulations around ventilation and extraction require that such equipment is of sufficient standard for the required task and that basic reheating would not require anything more than domestic extraction. In the event of planning permission

being granted, a condition could be imposed that restricts the type and specification of extraction to be installed. This would provide some limitation on the type of cooking that takes place in the café kitchen.

Having regard to the above, it is considered that the proposal would have an acceptable impact on neighbour amenity and would therefore comply with Policy EQ2 of the South Somerset Local Plan (2006-2028).

## **Highway Safety**

Concern has been raised by some local residents about the impact of the development scheme on highway safety and the lack of parking. The Council's Highway Consultant has considered the application in detail and has carried out an assessment on site. The Highway Consultant has commented that the impact on highway safety would be unacceptable. The County Highway Authority have commented that they cannot support the proposed recommendation for refusal. Their comments are included in the relevant section of the report above with the Council's Highway Consultants response to each section in italics. In summary, the issues mainly relate to the location of the site on a substandard five-way junction and the associated impact on the safe functioning of the highway network around the junction for vehicles, cyclists and pedestrians.

There is a significant lack of visibility for vehicles exiting Back Street onto the B3162 Church Street - this measures just 11 metres to the north of the junction. It is considered likely that delivery vehicles and customers would turn into Back Street and park in front of or close to the shop, and then when departing, reverse onto the B3162 without being able to see on-coming traffic from the Chard direction due to the severely substandard visibility to the north. An increase in parked vehicles around this junction would further compromise the safe functioning of the junction.

The other concern relates to pedestrian movements, especially to and from the western side of Church Street and Western Way, and particularly children walking to and from the recreation ground. There is no visibility for pedestrians crossing Church Street (east to west) from in front of the shop. The applicant has proposed planters along the carriageway edge; however, it is considered that there is no guarantee that such provision would prevent pedestrian movement and it has not been demonstrated that the necessary license and approvals would be issued by the Highway Authority. Shrubs growing within the planters may exacerbate the substandard visibility available when exiting from Back Street. In any event, if the aforementioned pedestrian movement occurred adjacent to (immediately south of) the war memorial, there is still a lack of adequate visibility in the northerly direction as mentioned above.

Furthermore, the application site contains no dedicated parking provision for vehicles or cycles and the increase in ad-hoc parking in and around the junction would compromise the safety of highway users.

While it is accepted that some deliveries and parking may occur in and around the Back Street junction at present with the shop located in its current position, the establishment of a shop in the location proposed would concentrate and intensify those activities and operations at the junction such that a significant increase in use of the substandard junction would occur.

Accordingly it is considered that the proposal would not accord with Policies TA5 and TA6 of the South Somerset Local Plan (2006-2028) and paragraphs 108 and 109 of the National Planning Policy Framework (2018)

## **RECOMMENDATION:**

Refuse permission for the following reason:

01. The location of the development proposal and the traffic generated by the scheme (including pedestrians, cyclists, private vehicles, and delivery/service vehicles) would lead to an increase in use of the existing Back Lane/B3162 Church Street/Western Way/Fore Street junction such that safe and suitable access to and from the site cannot be achieved for all users, and the impact



on highway safety would be unacceptable. In addition, the development fails to provide any off-road parking leading to additional on-road parking in and around the aforementioned junction to the detriment of highway safety. Therefore, the proposal would not accord with Policies TA5 and TA6 of the South Somerset Local Plan (2006-2028) and would be contrary to paragraphs 108 and 109 of the National Planning Policy Framework (2018).

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# Agenda Item 16

## Officer Report On Planning Application: 18/00002/LBC

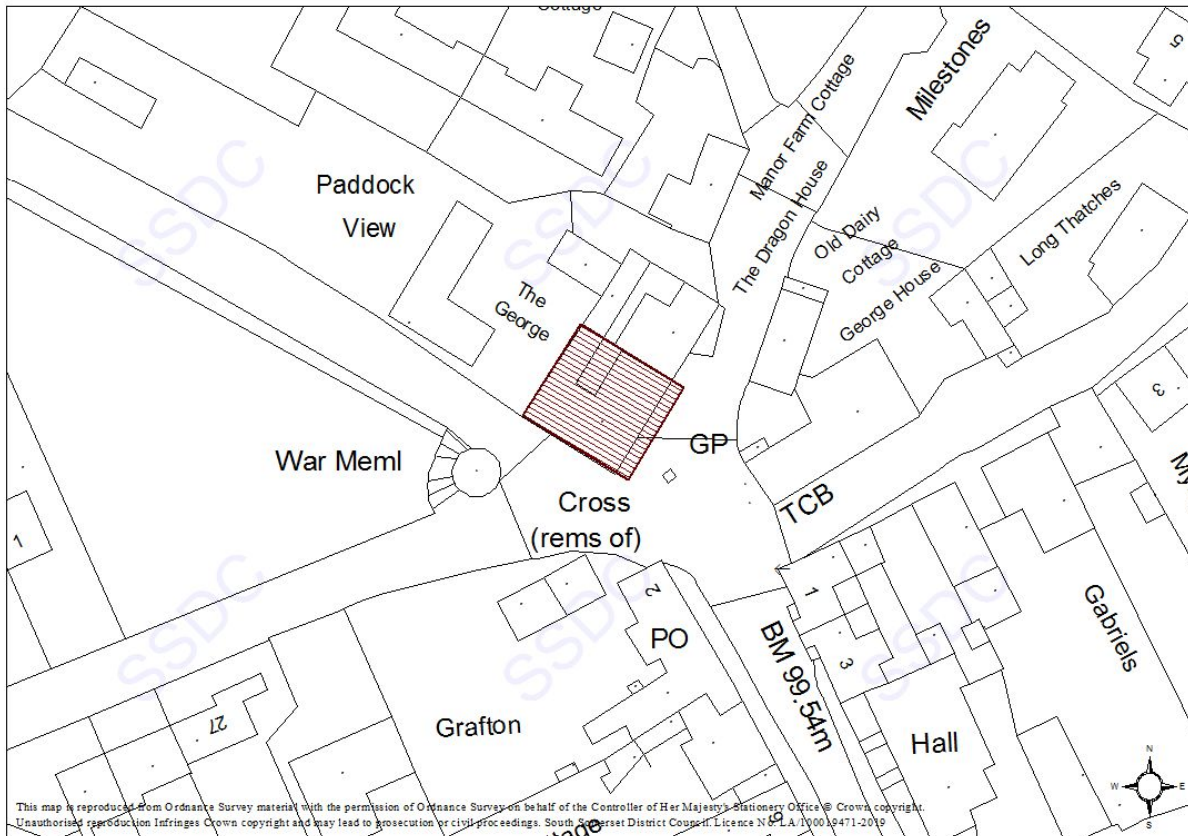
<b>Proposal :</b>	Internal and External alterations associated to the change of use of ground floor of dwelling to a shop and café. First floor to be ancillary to shop and cafe use.
<b>Site Address:</b>	The George Back Street Winsham
<b>Parish:</b>	Winsham
<b>WINDWHISTLE Ward (SSDC Member)</b>	Cllr Sue Osborne
<b>Recommending Case Officer:</b>	Mike Hicks Tel: 01935 462015 Email: mike.hicks@southsomerset.gov.uk.
<b>Target date :</b>	19th July 2018
<b>Applicant :</b>	Winsham Shop Limited
<b>Agent: (no agent if blank)</b>	
<b>Application Type :</b>	Other LBC Alteration

### REASON FOR REFERRAL TO COMMITTEE

The application is referred to the planning committee due to the high level of public interest.

### SITE DESCRIPTION AND PROPOSAL





The site consists of a link attached Grade II listed dwelling. The dwelling is located within the centre of Winsham at the cross road junction of the B3162, an unclassified road (Back Street) to the North and an unnumbered classified road (Western Way) to the West. There is a Grade II listed village cross located to the front of the site within the adopted highway. There are other Grade II listed buildings in the near vicinity including Old Dairy Cottage and Old Manor farm to the eastern side of Back Lane and the war memorial to the opposite side of the B3162.

The existing dwelling contains 4 bedrooms to the first floor. There is a small yard and ancillary outbuildings to the rear of the dwelling. The existing shop and post office premises are located approximately 30 metres to the South of the site.

The proposal involves the change of use of the dwelling to provide a shop and café. The first floor would remain as ancillary to this use and accordingly could provide storage and an office to service the proposed use on the ground floor.

Various minor alterations are proposed to the floor plan and to the fabric of the building. These include alterations such as:

- Reinstatement of opening in rear wall to provide customer access to post office.
- Reconfiguration of stud partitions within outbuilding.
- Insertion of post office counter
- Upgrading of existing glass roof to rear passage
- Installation of extraction equipment

Amended plans were received which amended the proposal to delete the change of use of the first floor to 4 self contained office units from the proposal.

There is a concurrent application for full planning permission under reference 18/00001/FUL.

## **HISTORY**

There is no history of relevance to the proposal.

## **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'

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

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

South Somerset Local Plan (2006):  
Policy EQ2- General Development  
Policy EQ3- Historic Environment

National Planning Policy Framework (March 2012):  
Chapter 12 - Conserving and enhancing the historic environment

## **CONSULTATIONS**

### **Winsham Parish Council:**

Second response (in response to amended description):

The Parish Council noted the amended description.

The Parish Council's original response still stands, Recommend Approval.

### **SSDC Conservation Officer:**

No objections

## **REPRESENTATION**

Following consultation, most representations received have quoted the listed building consent application along with the full application. The comments received have not specifically addressed listed building issues. The following comments were made:

Support:

- The village needs a shop. The loss of the shop would be detrimental to the village residents.
- The village needs a post office
- Social benefits for residents

- Benefit to elderly
- Highways situation of the proposed site is no worse/better than the existing.
- Shop provides employment
- Sustainability benefits of not generating additional car trips to shops in Chard

Objection:

Highway Safety:

- Location on 5 way junction
- Limited visibility
- Unsafe for pedestrians and vehicles.
- Increased use of junction is not safe
- Proposed planters are unsuitable to prevent pedestrians crossing the road in-between the building and the village cross.
- No dedicated parking
- Difficulty/unsafe site for delivery vehicles
- Excess speed of vehicles passing the site

Other issues:

- Lack of compliance with building regulations- means of escape, disabled ramp, lobby, opening of rear wall.
- Harm to the amenities of adjoining residents in relation to noise and disturbance.
- The proposal is unviable financially. Cost of purchase, cost of alterations required etc.
- This site is not the only option in the village for the relocation of the shop.
- The village already has a public house providing a community facility.
- Competition for the public house
- Difficult disabled access despite proposed ramp.
- Relocation will not solve the current problems with chillers
- Lack of space for bin storage.

## **CONSIDERATIONS**

### **Impact on the listed building**

The proposal would necessitate a range of internal and external alterations to the listed building. The most noticeable external alteration would be the provision of signage. This is subject to a concurrent application for advertisement consent.

The Conservation Officer has been consulted and does not raise objection to the proposal. The most significant alteration is the reinstatement and enlargement of the blocked up former opening in the original rear wall of the building to create access for customers into the 'covered area' and post office pod. This is considered to result in a minor degree of harm, however it is understood that the rationale is to provide disabled access into the post office and toilet area rather than altering the existing opening at the rear of the central passage. On balance, considering the proposed public use of the building and the need to provide adequate accessibility and circulation space it is considered that the proposed doorway is not sufficient to warrant refusal of the application.

Other alterations relate to the need to upgrade existing internal doors to be considered as adequate fire breaks. The applicant has confirmed that the fully panelled doors would be treated with a fire retardant paint. The glazed doors would be adapted with timber inserts and then treated accordingly.

The provision of a domestic specification extractor in the rear wall of the building is considered to be acceptable in relation to the impact on the listed building.

Having regard to the above it is considered that the proposal would respect the historic character of the Listed building and the setting of the church in accordance with Policy EQ3 of the South Somerset Local Plan (2006-2028)

## **RECOMMENDATION**

Grant permission subject to conditions.

01. The proposed works, by reason of their materials, scale and design would respect the character of the area, would preserve the character of the Listed Building and the Conservation Area and would not harm residential amenity in accordance with Policies EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and Chapter 12 of the National Planning Policy Framework (2018).

## **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. There shall be no alterations to existing internal doors until details of any alteration have been submitted and approved in writing by the Local Planning Authority.

Reason: In order to preserve the historic and architectural interest of the listed building to accord with Policy EQ3 of the South Somerset Local Plan (20056-2028).

03. Prior to works commencing on the formation of the new opening to the rear elevation, details of a method statement for the proposed works and details of making good of any structure abutting any of those to be demolished, 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: In order to preserve the historic and architectural interest of the listed building to accord with Policy EQ3 of the South Somerset Local Plan (20056-2028).

04. Prior to its construction, details of the new extraction equipment, including drawings showing appearance, any boxing in of the flue, method statement and external flue shall be 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: In order to preserve the historic and architectural interest of the listed building to accord with Policy EQ3 of the South Somerset Local Plan (2006-2028).

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# Agenda Item 17

## Officer Report On Planning Application: 18/01902/REM

<b>Proposal :</b>	Reserved Matters application for the erection of up to 200 dwellings including access, layout, scale and appearance, landscaping and associated ancillary works.
<b>Site Address:</b>	Land North Of Tatworth Road And Adjacent To Forton Road Chard
<b>Parish:</b>	Chard
<b>HOLYROOD (CHARD) Ward (SSDC Member)</b>	Cllr Jason Baker
<b>Recommending Case Officer:</b>	Andrew Gunn Tel: (01935) 462192 Email: andrew.gunn@southsomerset.gov.uk
<b>Target date :</b>	17th September 2018
<b>Applicant :</b>	Kier Living South West
<b>Agent: (no agent if blank)</b>	
<b>Application Type :</b>	Major Dwlg 10 or more or site 0.5ha+

### Application Update

Members will recall that at the January 2019 meeting of the Area West Committee, it was resolved to defer the decision on this application to enable a meeting to be held to discuss a number of concerns/issued raised by local residents and members. A meeting was subsequently arranged and held with the case officer, applicant, Cllr Baker (local ward member), Cllr Bulmer (a Chard member) and Cllr Turpin, member for Tatworth and Forton. The meeting enabled members to outline their concerns and for the applicant to outline how those concerns can be satisfactorily addressed.

The various issues discussed, proposals and agreed actions are as follows:

### Layout/Density

Concern had been raised at the density of development specifically along the north west boundary adjacent to Wessex Close, plus concern about loss of privacy. The applicant explained that the number of new dwellings along this boundary would be similar to those that currently exist in Wessex Close. There are 16 existing 2 storey dwellings along this boundary with 5 semi-detached, 1 detached and a terrace of 4 dwellings, with 1 semi-detached dwelling facing gable end onto the site on King Ine Close. The proposed development would result in a total of 19 two storey dwellings along this boundary with 9 detached units, 3 pairs of semi-detached dwellings and a terrace of 4 units.

The applicant further explained that there would be an acceptable distance between the properties, plus with boundary fencing, retention of the hedgerow and a landscape buffer, this would provide privacy and an acceptable relationship between existing and new properties. On the matter of providing some bungalows along this boundary, bungalows were being provided elsewhere within the scheme where they adjoined existing bungalows. However, as the existing properties in Wessex Close are 2 storey units, with the measures proposed to protect privacy, it was not considered reasonable to require bungalows along this boundary.

It was agreed that the applicant submit cross section plans to show the relationship between the existing properties in Wessex Close and the proposed dwellings. These plans will be presented at the Area West Committee meeting.

### Bus Stops/shelters and pedestrian/cycle provision.

The need to improve public transport provision and pedestrian/cycling pavements was raised at the committee meeting. During the subsequent developer/member meeting, the applicant outlined that the scheme would provide a number of off-site improvements. In regard to Tatworth Road, this includes a

new bus shelter on the southern side and a new bus shelter/bus stop on the northern (application site) side. The latter would be relocated at the south west corner of the site which would provide a better location than the current bus stop. New and enhanced pavement provision would also be undertaken along Tatworth Road linking the site to the bus stops. In regard to Forton Road, a new pavement would be provided across the whole site frontage, bus shelters, crossing points and new lining for the bus stops.

Plans showing these improvements will be submitted and shown at committee. The applicant also agreed to confirm if the internal pavements would be 3 metres in width to allow for both pedestrian and cycling provision.

### **Play Area/Education**

The scheme proposes a new play area in the central southern part of the site. Members outlined their preference for an enlarged/enhanced play area at the current play area at Ashcroft. The applicant outlined that the proposed play area would be policy compliant and be well linked to the existing play area via the green corridor and cycle link. Discussion focused on using some of previously agreed financial contributions towards play facilities to improve facilities at the existing play area.

It was agreed that this was a positive proposal and that the case officer would discuss spending some of the monies at Ashcroft with the play officer. An oral update will be given to members at the committee meeting.

On the matter of financial contributions, the case officer was asked by members to ask County Education about their reasoning behind the distribution of education monies. It was agreed that the case officer would ask the relevant County Education officer. An oral update would be given at committee.

### **Garages**

Concern was raised that with 130 garages proposed within the development, many of these would not be used resulting in more on street parking. The applicant was asked if a reduction in the number of garages would be considered. The applicant outlined the lack of national or local policy that specified that there should be a deduction in the number of car parking spaces if a proportion of those are provided within garaging. Moreover, that many customers seek garaging when purchasing a property and that it adds value both to a developer initially and then the householder. Furthermore, the proposed garaging meets the policy requirement for garages sizes of 6 metres x 3 metres. It was agreed that the applicant would submit plans showing the scale of the proposed garages and that they met the policy requirement.

### **Phasing of development**

A request was made of the developer that the phasing of the development was undertaken with development commencing at the Tatworth Road end first. This was particularly to enable construction traffic to use Tatworth road, an A class road which is preferable to the B class Forton Road. The developer explained that due to the drainage installation requirements, the Forton Road side would be commenced first. However, when asked, the developer agreed that a temporary access from Tatworth Road would be installed at an early stage to provide access to construction traffic. A Construction Management Plan would need to be agreed with the case officer which would include routes for construction traffic along with parking on site of construction related traffic.

In regard to concern about rat running within the town, the developer advised that whilst this is out of their control, and that the traffic impact of the development had been previously agreed at the outline planning stage, they would give an indication to the Council about when the road through the scheme would be fully available.

The original committee report is included below.



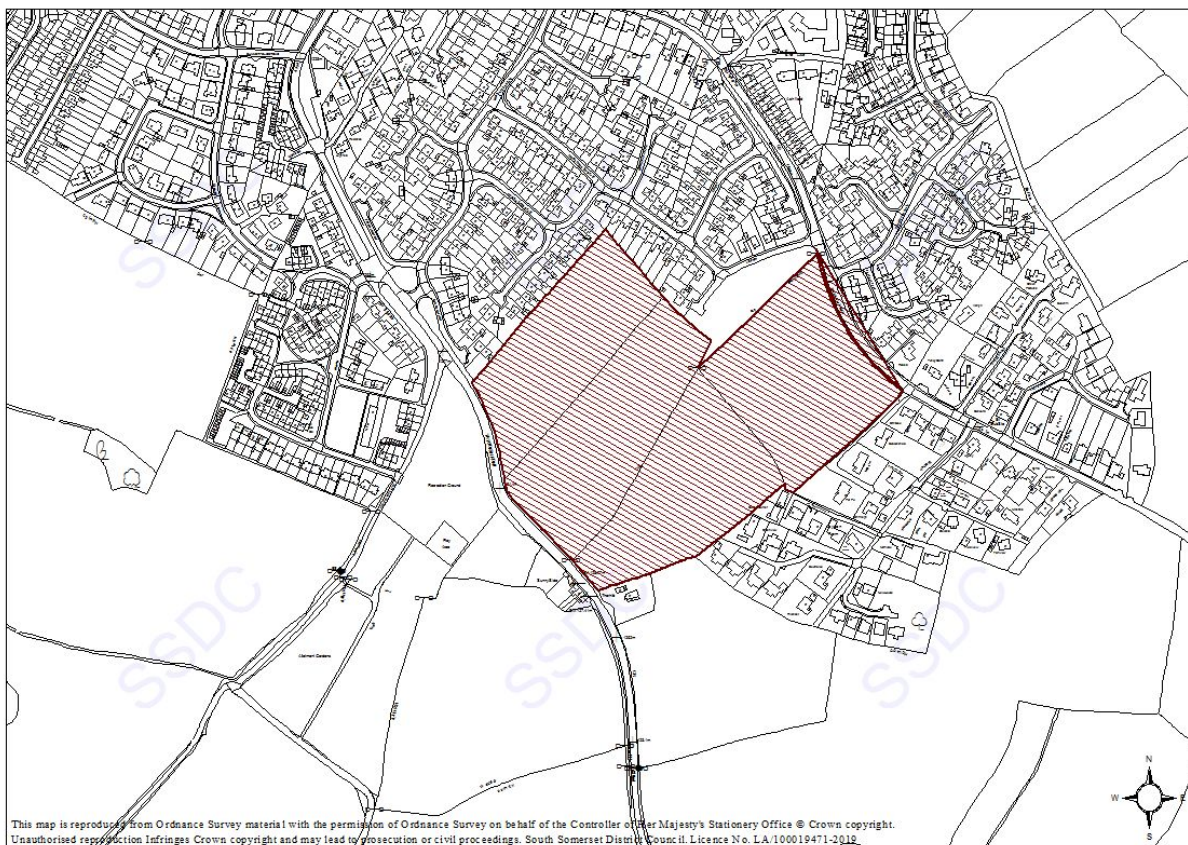
## REASON(S) FOR REFERRAL TO COMMITTEE

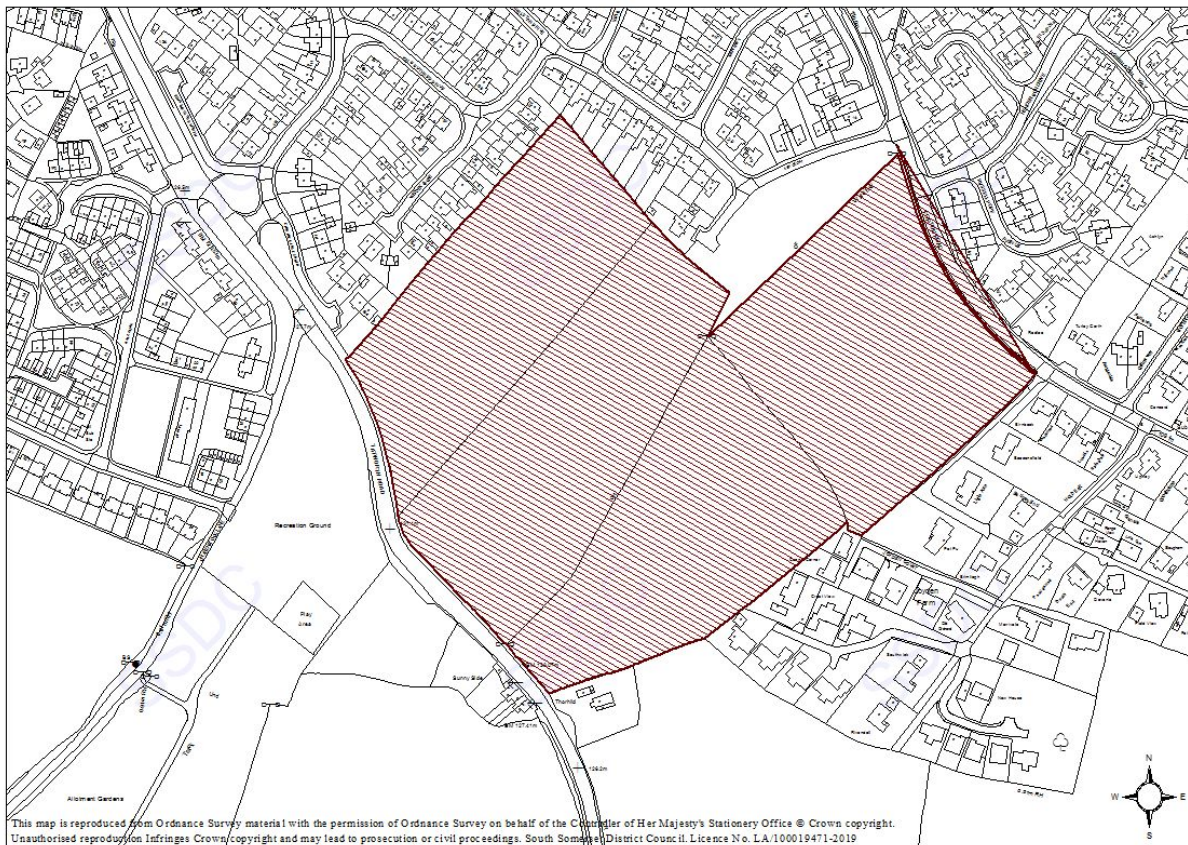
This application is referred automatically to Area West Committee as it is a proposal for up to 200 homes and therefore constitutes a major-major application.

This application has also been 2-starred under the Scheme of Delegation - referral of applications to the Regulation Committee for determination. In collective agreement with the Leader, Portfolio Holder, Area Chairs, Director (Service Delivery), Monitoring Officer, and Lead Specialist (Planning) all major applications will be 2 starred for the immediate future to safeguard the Council's performance, pending a more substantive review.

The Area Committees will still be able to approve and condition major applications. However, if a committee is minded to refuse a major application, whilst it will be able to debate the issues and indicate grounds for refusal, the final determination will be made by the Regulation Committee.

## SITE DESCRIPTION AND PROPOSAL





The site is located along the southern edge of Chard, between the A358 (Tatworth Road) and the B3162 (Forton Road). The majority of the site adjoins residential properties with the exception of most of Tatworth Road and a small section of the southern boundary, where fields adjoin the site. The Ashcroft play area is located to the west of Forton Road along part of the northern boundary of the application site.

The land is currently grassed and used for agriculture, covering an area totalling 8.31 hectares. The majority of the site is bounded by mature hedgerows with further hedgerows forming the individual field boundaries. The rest is a mix of post and rail fencing and wooden panel fencing. The land slopes down from Tatworth Road to Forton Road, with an approximate 20 metre fall in the land levels from south to north.

This is an application seeking approval for detailed reserved matters following the grant of an outline consent in 2017. All detailed matters were reserved at the outline stage for future approval except for the means of access. The principle of residential development for up to 200 dwellings was approved along with the means of access. Two vehicular access points have been approved, with one from Forton Road and the second onto Tatworth Road. A subsequent application (18/01531/S73A) was submitted and approved to relocate the location of the access 65 metres to the south of the approved location, along Forton Road.

## HISTORY

18/01531/S73 - Application to vary condition 4 (approved plans) of planning approval 15/04772/OUT in relation to access (Approved 2018).

15/04772/OUT - Development of up to 200 residential dwellings (including upto 35% affordable housing), introduction of structural planting and landscaping, informal public open space and children's

play area, surface water attenuation, access points from Forton Road and Tatworth Road and associated ancillary works.

Application approved 2017.

15/04845/EIASS - Development of up to 200 residential dwellings (including upto 35% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water attenuation, access points from Forton Road and Tatworth Road and associated ancillary works.

EIA not required.

## **POLICY**

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

Relevant Development Plan Documents

SD1 - Sustainable Development

SS1 - Settlement Policy

SS4 - District Wide Housing provision.

SS5 - Delivering New Housing Growth

SS6 - Infrastructure Delivery

PMT1 - Chard Strategic Growth Area

PMT2 - Chard Phasing

HG3 - Provision of Affordable Housing.

TA3 - Sustainable Travel at Chard and Yeovil.

TA4 - Travel Plans

TA5 - Transport Impact of New Development

TA6 - Parking Standards

HW1 - Provision of Open Space, Outdoor Playing space, Sports, cultural and Community Facilities in new Development.

EQ2 - General Development

EQ4 - Biodiversity

Relevant material considerations:

Chard Regeneration Framework

National Planning Policy Framework.

Somerset County Council Parking Standards

## **CONSULTATIONS**

### **Chard Town Council**

Resolved that the application should be refused with a recommendation that a different phased start re road/access should be implemented and that officers at SSDC give careful consideration to the amenity impact on adjacent properties.

### **Highway Authority: (Summary of first response)**

The Highway Authority considered that the proposed parking provision and estate road layout is not acceptable. The current scheme would compromise the ability of the main vehicular route through the estate to form part of an eastern link road as set out in the Chard Regeneration Strategy. Revision of the estate design is recommended.



Estate road - The Chard Plan includes this site and requires a link between the A358 and the B3162. The Highway Authority accept a width of 5.5metres for this road rather than 7.3m as shown in the Chard Plan. However, the current layout shows a large number of direct access points from the main road serving parking areas creating a highway hazard. A revised layout is recommended. Tree planting will be undertaken to provide an attractive green pedestrian/cycling avenue through the site. No specific facilities have been provided ie shared cycle/pedestrian paths. These should be provided.

The government have advised Local Highway Authorities to pause development of shared space schemes, whilst the HA do not object to the principle of shared surfaces, these areas are unlikely to be adopted.

Parking - The provision of 383 spaces plus 23 visitor spaces (total of 406 spaces) is significantly short of the optimum parking figure of 524 spaces. Cycle parking provision at the rate of one space per bedroom is noted. Provision for electric charging points should also be provided.

In regard to the traffic impact of this development, this has previously been accepted at the outline stage. A Travel Plan is required as part of the agreed legal agreement.

Access - The scheme proposes an alternative point of access from Forton Road which is subject to a separate application (18/01531/S73). A staggered junction arrangement as now proposed is fundamentally safer than the cross roads previously approved and is supported by the Highway Authority. Plans showing acceptable visibility splays should be submitted.

Clarification sought by the HA in terms of the ownership and maintenance of the attenuation basins. Design of the two new accesses should ensure that the existing highway drainage infrastructure is not compromised.

Off site highway works will need to be controlled by a suitable legal agreement.

Officer comment:

Following receipt of the Highway Authority's comments, the applicant reviewed those comments and submitted an initial response. A subsequent formal response was received on behalf of the applicant from PCL Planning which was forwarded to the HA. This included a Highway Technical note, prepared by Ashley Helme Associates, which assesses the suitability of the proposed link road through the scheme.

A meeting was also subsequently held with the Highway Authority, case officer, applicant and their highway consultant. The key points raised was that the main road running through the scheme is not intended to provide the main link for the east link road as part of the wider Chard Plan. With agreement of the Highway Authority, the spine road has been reduced to 5.5 metre, thus discouraging use as the main link road.

The applicant states that whilst additional vehicles will use the main road, other connections and future connection will be the primary choice for road users. Their highway advisors Ashley Helme do not agree that the provision of direct driveway access from the main road would be hazardous. There is evidence in manual for Streets which concludes that frontage access can be considered on roads carrying up to 10,000 vehicles per day. It is unlikely that this level of traffic flow would be exceed within this site.

In regard to cycling routes, a shared footpath/cycleway runs through the development from the NE corner, via the public open space to the SW corner, linking Forton Road to Tatworth Road.

Clarification is provided in regard to the ownership and maintenance of the attenuation basins. These shall be privately owned and maintained by the management company, with access rights granted to the County to discharge into the basins.

Existing highway drainage infrastructure within Tatworth Road will not be affected. In regard to Forton Road, runoff will be drained, attenuated and discharged at a controlled rate direct to Wessex Water infrastructure at Henderson Drive, rather than discharging onto Forton road, thus freeing up highway drainage capacity.

In regard to parking provision, the applicant states that the HA did not include spaces being provided within garages or car ports. This brings the total number of spaces to 513 ie toward the higher end of the optimum range referred to by the HA.

Visibility splays have been provided in accord with Manual for Streets and shown on submitted drawings.

The formal response to the HA comments from PCL Planning state that the Chard Regeneration Framework is not an adopted Supplementary Planning Document and is also now dated. Thus, it can only be afforded limited weight in the decision making process. Their response outlines that to achieve a good quality streetscene, dwellings should address the main public thoroughfare. It also stresses the point raised by the applicant where Manual for Streets advises that road links with direct frontage access can be designed for up to 10,000 vehicles per day - a figure which is much higher than has been used in the past.

It concludes that there is no particular problem with a residential road accommodating a flow of traffic between Tatworth and Forton Roads, although this is not the primary purpose for constructing the road, rather linkage flow is an ancillary benefit, and as such, traffic flow should respect the residential neighbourhood through which it passes. The design of the proposed road is safe and designed for low traffic speeds. There are also numerous precedents for treating the spine road in a similar manner to that proposed. Examples provided include Swallow Way in Cullompton and Peverell Way, Poundbury.

Highway Authority: (summary of updated response following receipt of additional highway information from the applicant and agent).

The HA did not object to the outline application on the basis that the link road through the site would mitigate the severe impact of the development on the junctions within the Transport Assessment. The HA state that the proposed road is not suitable as part of the wider link road infrastructure. The Chard Plan outlines an outer link road to the south east and an inner link roads to the south west, both linking to Tatworth and Forton Roads. The road as proposed has not been designed as a link road.

The HA refer to the additional information provided by the applicant and the Technical Note which seeks to demonstrate that the proposed spine road is fit for purpose. This information has been fully assessed by the HA. Notwithstanding the position of the applicant, the HA position remains that the proposed road would not be able to form part of the link road infrastructure outlined in the Chard Plan and used to mitigate the severe impacts of the development. Issues to address would be the high number of direct private accesses. The road taken as a whole would not be able to safely and appropriately provide the link road infrastructure. The HA does not accept that the only alternative would be a large soulless corridor. The nearby Persimmon scheme is given as an example of how this can be achieved.

The HA has given weight to the Chard Plan in assessing the proposal and others in Chard. The applicant has stated that the Chard Plan is not an adopted Supplementary Planning Document and it is therefore a matter for the LPA to determine the amount of weight to be attached to this document. The HA conclude that the design of the spine road is not suitable as a link road but as a non strategic link road the road would be suitable for providing residential access and would cope with some additional through traffic, although it has been designed to discourage use. The LPA will need to consider the dis-benefits of this and also the need for other developments to provide links into existing and proposed development within eastern Chard that would have been served by the inner link road.

Parking - The HA note that the applicant states that a large number of spaces will be provided in garages.

The adopted County parking guidance confirms that parking can be provided within garages. However, refers to Manual for Streets which refers to research evidence that shows only 44% of garages are used for car parking. The HA assessment is that the inclusion of all garages as available for parking is contrary to Manual for Streets. A new parking matrix is recommended to comply with the guidance in Manual for Streets and adopted standards.

### **Ecologist**

I've checked and I'm satisfied with the following documents:

- Landscape and Ecology Management Plan (Green Ecology)
- Ecology update assessment letter (Green Ecology, March 2018)
- Dormouse Method Statement (Green Ecology, June 2018)
- Landscape planting plan (Kier).

I recommend condition 14 on the outline consent can be discharged.

I have no further comments nor recommendations.

### **Natural England: (summary)**

NE have no comments to make on this application. They signpost their own standing advice which can be viewed to assess impacts on protected species or to consult with our own ecologist for advice.

### **Arborist: (summary)**

No objection raised but has sought additional planting within garden areas. Planting advice also given in regard to the larger trees, hedge planting and native thicket planting.

Officer comment: Following receipt of this advice, the Council's arborist discussed the points with the applicant's design manager who is happy with the arborist's advice. A condition shall be attached to secure the agreed planting scheme.

### **Local Lead Flood Authority: (summary)**

No objection raised subject to imposition of a condition in regard to the submission of surface water drainage scheme based on sustainable drainage principles along with a programme for implementation and maintenance for the lifetime of the development.

### **Designing out Crime Officer:**

- Hit & Miss fencing. Please ensure that the gaps are not wide enough to permit climbing allowing easy access to the rear of properties
- Post & rail, units 183 to 186. Please reconsider this and replace with Hit & Miss
- Access control to ecological buffer zones. My concern is that these are too low and allow easy access to these areas. A very high proportion of domestic dwelling burglaries occur through the rear. This could also lead to access to youths with a risk of Anti-Social Behaviour, criminal damage and substance abuse. Please reconsider and replace with more robust gates and fencing to a height of 1.8 metres
- Please ensure that if privacy bunds are used in the play areas, they are not higher than 1 metre to allow for natural surveillance

Officer comment: The applicant has agreed to the above advice and made those changes.

## **REPRESENTATIONS**

5 letters/emails have been received from local residents raising the following objections/concerns:

- Development will have a negative impact on the area
- Increase in traffic particularly at the junction of the B3162 and A358.
- Highway safety concerns

- Local roads will not be able to cope with additional traffic.
- Traffic surveys carried out in February - should have been between April and October.
- Chard Plan proposes a bypass, this should be provided first followed by housing
- The through road will become a rat run.
- Tatworth road is very busy and requires an assessment
- Local services and facilities are struggling to cope and additional residents would exacerbate the situation, particularly local schools and health services.
- Lack of employment
- No provision is being made for additional services and facilities.
- Too many houses proposed
- Overlooking and loss of privacy
- Object to 3 storey development and ask for removal of permitted development rights.
- Wish to see the 5 metre wide tree planting screen secured by design and adopted by the Council

1 letter was received not raising an objection to the proposal but concerned about rainwater running from the fields creating a pond on the field close to their property. Would like assurance that this development would not cause flooding to their property.

An email and documents was also received querying the ownership of part of the southern boundary adjacent to the site at The Orchard. The developer has been in contact with the adjacent occupier. The developer confirms that the ownership boundary is correct. However, this is a civil rather than a planning matter.

## **CONSIDERATIONS**

### **Principle of development**

Chard is identified as a Primary Market Town within the South Somerset Local Plan and as such plays a significant role in delivering the district's required growth through until 2028 and beyond. Historically, the growth of Chard has been problematic, due primarily to a requirement to provide a distributor road in its entirety from the Tatworth Road through to the northern section of the Furnham Road in the area of the Chard Business Park. Due to an historic significant lack of progress the district council worked with relevant bodies and the community to produce the Chard Regeneration Plan. This document identified that the previous requirement to secure a relief road in its entirety right from the outset was unrealistic. In lieu of this requirement the Implementation Plan advocated an approach that would allow different parcels of land to be developed individually provided that they included the required infrastructure for their scheme and didn't prejudice the development of other parcels within the growth area.

This site is located wholly within part of the larger Chard strategic growth area. Moreover, outline planning permission for 200 dwellings, along with the 2 vehicular access points, was granted in 2017. Therefore, the principle of development is acceptable and, other than the previously approved access arrangements, it is the details of the development, including layout, scale, house design / appearance and landscaping that are now being sought for approval.

### **Chard Regeneration Plan**

Members will be aware that delivery of the various sites within the Chard Regeneration Plan is based on 3 broad growth phases over the plan period and beyond. Phasing of the sites is based on the need to incrementally increase the capacity of the highways infrastructure to accommodate the traffic flows as the town grows. The application site is included in phase 2 of the Chard Plan. Therefore, whilst this site was not proposed to be very early phase 1 development, it does form part of a number of employment and residential sites along with new highway infrastructure coming forward in phase 2, albeit to the latter end of this phase of development.

It is important and useful at this stage to set this site in context of other sites and the current position Chard Plan delivery. Phase 1 largely focuses upon town centre regeneration and does not propose much in terms of new highway infrastructure. For economic and other reasons, the town centre regeneration has yet to take place. Importantly, phase 1 does include improvements to the signalling system at the central junction (A30/A358 intersection) in the centre of town. This work has been undertaken.

Phase 2, of which this site is an important part, will deliver around 1360 dwellings and new key highway infrastructure linking the A30 on the eastern side of the town to the A358 to the south. This new highway link will not only open up both new housing and employment land but when complete will remove pressure from the central junction. This application site and its road would provide an inner road in addition to the outer new link road at the southern end of the new strategic highway.

Ideally, development of phase 2 sites, including the crucial highway infrastructure would come forward in a north to south order. However, in reality and based on a number of discussions with developers about the Chard sites, those sites are simply not going to come forward in the desired sequence. Members will be aware, however of the ongoing officer work to engage with the relevant parties to secure the delivery of the highway infrastructure in the southern part of the Chard Plan area.

The assessment undertaken at the outline stage concluded that it was acceptable to allow this site out of sequence and that it would not be detrimental to the delivery of the Chard Plan and Chard as a whole. It is accepted in the Chard Plan and as part of the decision to grant the outline consent, that there will be some short term pain before longer term gain before full completion of the new highway infrastructure.

Notwithstanding the aims and objectives of the Chard plan, from a district wide housing position, the Council is not currently able to demonstrate a deliverable 5 year housing supply. Therefore, from a housing point of view, the grant of full permission and subsequent delivery of this site will make a very valuable contribution towards meeting the Council's housing requirements, including much needed affordable housing. From a Chard perspective, housing delivery has been much slower than anticipated in the Local Plan and, therefore, this scheme would make a positive contribution towards the town's housing needs.

### **Highways**

Members will note from the summary of the Highway Authority comments above that, whilst not objecting, the design of the main road running through the site connecting the Forton and Tatworth Roads has been questioned, particularly if its main purpose is to provide part of the overall link road between the A358(north), the A30 and the A358 (south). In response, the applicant has submitted additional information and also provided a Highway Technical Note to assess the suitability of the proposed road.

In regard to the Chard Plan, it must be stressed that the Chard Plan documents are not adopted Local Plan documents and, whilst are an important material consideration as part of the assessment for any application within those identified Chard sites, can only be afforded limited weight in the decision making process.

The proposed road through the application site follows a similar alignment to that shown in the Chard Regeneration Plan. Moreover, the Highway Authority have agreed that a width of 5.5 metres is acceptable rather than the 7.3 metres shown in the Chard Plan. The proposed road will be 1 of 2 new main roads in close proximity to each other at the southern end of Chard. The other will be provided as part of the pending Persimmon scheme. The Persimmon road is particularly important in terms of assessing the role, function and likely volume of through traffic for the Keir road.

Following major concerns about the layout of the Persimmon scheme, members will be aware of the ongoing officer negotiations with Persimmon to realign the link road along the eastern part of the site with the vast majority of the dwellings to the west of the road. This will provide a clear, important link



road from Forton Road through to Tatworth road. Importantly, in terms of vehicle journeys, it will provide the logical /favoured route at the southern end of the north to south link road. Through trips will clearly be made through the Kier site, but it is not considered that those will be the same volume as those along the Persimmon road, with the latter clearly being the main primary road north to south and vice versa.

The case officer sought the advice of the Council's Highway consultant on this important issue. His clear view was that the Persimmon road/route would be the preferred/main route for future road users. He advised that the applicant look at the likely volume of through traffic. Accordingly, the applicant commissioned an assessment and a Highway technical note was produced which specifically looks at the estimated volume of through traffic to inform the suitability of the design of the new road. Following an analysis of existing and proposed new dwellings in the area between Millfield and Forton Road, it was concluded that the volume of development traffic is likely to exceed through traffic using the road. 823 daily through traffic movements compared with 1029 development traffic. On this basis, the road is clearly able to accommodate both its own development traffic and through traffic.

The key point raised by the Highway Authority is the number of direct access points off the main road, in this case 60 direct driveways. The Highway Authority advice is that no direct access points should be provided. However, this is clearly contrary to Manual For Streets advice which says that frontage access can be considered on roads carrying up to 10,000 vehicles per day. With speed limit control of no more than 30mph, this type of road design can safely accommodate volumes of traffic far in excess of the likely volume of traffic using this road. It is also considered that the provision of convenient direct access points will reduce the likelihood of car owners parking on the road. Moreover, a relevant point is that Henderson Drive, to the north of this site, which will form part of the wider link road arrangement serving current and new development in the future, has direct access points.

On the basis of the above, it is considered that the proposed road has been designed to be safe and given the likely level of overall traffic using the road, falls well below the 10,000 vehicles per day that guidance in Manual For Streets advises is appropriate for roads with direct access points. Given this evidence and the advice of the Council's Highway consultant, it is concluded that the road will be able to properly function and provide an important part of Chard's new highway infrastructure without causing a severe highway impact which would otherwise warrant a refusal.

### **Parking**

In regard to parking provision, the scheme proposes a total of 513 parking spaces, of which 130 are to be provided within garaging. This figure is well within the range of 484-524 spaces as outlined by the Highway Authority. The Highway Authority have not objected to the scheme but have raised concern that based on research evidence, only 44% of garage spaces are used for off road parking. On this basis, the Highway Authority's position is that many of those future occupants will not use their garaging and park on the highway causing potential highway related issues.

The applicant's case is that the County Council's own adopted parking standards, which the Local Planning Authority has adopted for its parking policy, states that 'car parking standards includes any garages or car ports provided'. Whilst it is accepted that occupiers may not wish to use their garages for parking, in the absence of any local or national policy that states that either all, or a proportion of garage spaces should not count towards the overall off road parking provision, it is considered unreasonable to refuse the scheme on the basis of inadequate parking provision. Sufficient spaces, including 40 visitor spaces, have been provided. Moreover, if the issue concerning use of garage spaces is such a concern, then the parking standards within the adopted parking strategy should be revised to take account of average garage usage.

Clearly there can be various reasons why occupiers do not use their garage spaces for their vehicles, but it is usually to provide additional internal storage/domestic spaces, garages being physically too small to park and open a family car and the lack of planning control, via conditions, to control the future use of those garage spaces. In this case, the proposed garages are to be the recommended size ie 6m

x 3m and a condition shall be imposed on any consent to control the approved garage spaces so that they can't be converted into domestic storage or other non-parking uses.

### **Layout**

In regard to the layout of the development, the scheme will be served by 2 primary vehicular accesses, with one each from Tatworth and Forton Roads. These access points have previously been agreed at the outline stage and, as previously mentioned, a subsequent revised access onto Forton Road was granted in 2018. These are considered to be acceptable from a highway point of view. Indeed, in regard to the revised Forton road access, the Highway Authority prefer the resultant staggered junction arrangement. In regard to the design and layout of the main estate road running through the development, this was discussed above.

The layout of the scheme has been developed to provide a hierarchy of different streets with a number of cul-de-sacs spread across the development. Properties will address corners and junctions, and face onto the streets/roads, with those fronting the main estate road stepped back to provide private space, including tree planting between the houses and along the public street/road. Each of the residential areas will be connected by footpaths and a cycle path link through the site to connect Forton and Tatworth Roads. As recommended by the Council's Arborist, additional planting will be provided across the site - a condition shall be attached to any consent accordingly.

An area of open space providing a green corridor will be established through the centre of the site. This will run north to south linking with on-site play facilities being provided in the central southern section. With pedestrian linkages running through this area, this will provide connectivity and a natural link with the existing play area at Ashcroft. Tree planting will be undertaken within the green corridor as well as in and around the play facilities. Two drainage attenuation basins will be provided, one on the northern side of and adjacent to the Forton road access and the other smaller basin at the western end of the Ashcroft play area.

70 of the units to be provided shall be affordable properties and these are to spread evenly across the site in a number of blocks. This is considered to be an appropriate approach and in accord with the Council's preference to integrate the affordable housing within the market housing.

The overall layout of the scheme is considered to be acceptable providing good connectivity within and through the site and providing opportunities to connect to the future residential site to the east.

### **Scale, Design and appearance**

The 200 dwellings across the site will comprise a range of house types including 16no. 1 beds, 40no. 2 beds, 106no. 3 beds and 38 no. 4 beds with a mix of terraced, semi-detached, detached houses and bungalows. The majority will be 2 storey dwellings with chalet bungalows being provided, mostly next to existing single storey properties. They reflect the scale of surrounding properties with a contemporary design approach.

The external materials will be a mix of tile and slate roofs, with a range of natural stone, render and brick for the walls. These are considered to reflect the materials found in the town, providing a good mixed palette of materials, giving variety and are considered to be acceptable. The scheme will provide for a range of property types and sizes and make a valuable contribution to meeting the housing needs of Chard and beyond.

### **Residential amenity**

Some concern has been raised about the impact on the amenity of existing adjacent properties. Care has been taken in the design and layout of the scheme to respect the relationship between existing and proposed properties. Appropriate distances have been provided between new and existing properties to avoid adverse loss of privacy. No 3 storey properties are proposed. In addition, bungalows are to be located adjacent to existing bungalows to protect amenity. The retention of existing hedgerows/trees

and additional landscape boundary planting will assist in maintaining privacy between properties. Whilst it is accepted that the outlook for those currently living adjacent to the site will change, it is not considered that the layout and design of the scheme would result in adverse harm to the residential amenity of adjoining occupiers.

### **Planting**

The scheme has been supported by a landscaping scheme to include retention of the majority of existing trees and hedgerows and additional planting both in public and private areas of the site. Additional planting has been requested by the arborist, which is agreed by the applicant. Accordingly, a revised landscaping plan has been imposed as part of the planning conditions.

### **Ecology**

Following the grant of outline consent, the application was supported by an updated ecology report and dormouse method statements. The Ecologist raises no objection to the scheme, previously advising that the site can generally be considered of low ecology and nature conservation value.

### **Drainage**

The scheme will be drained in accordance with current Sustainable Urban Drainage practice and incorporate open attenuation basins providing drainage requirements but also wildlife and amenity value. The site is within Flood Zone 1 and therefore not at risk from sea or river flooding. Surface water will be controlled and discharged at an appropriate rate as agreed by the Local Lead Flood Authority. In terms of foul water disposal, new mains pipes shall be laid on site. There is an existing private water main which crosses the site from Ashcroft, on the northern boundary, to properties on the south west corner of Tatworth Road. This will be diverted and included within the new infrastructure on site. A new private connection will be made in the south east corner to serve the existing properties. The applicant has advised that they will liaising closely with those property owners to minimise disruption.

## **SECTION 106 PLANNING OBLIGATION AND COMMUNITY INFRASTRUCTURE LEVY (CIL)**

A Section 106 Planning Agreement was signed as part of the outline planning permission, in respect of the provision of 35% affordable housing, contribution towards the provision of sport, play and strategic facilities, education provision, a Travel Plan and informal open space.

CIL is not being charged on sites located within the Chard Eastern Development Area.

## **RECOMMENDATION**

Grant permission.

01. This proposed sustainable development is located within part of the Council's designated area for growth in the Chard Plan and will provide much needed market and affordable housing. The development will also make contributions towards education provision, sport, play and community facilities and travel planning and provide a section of the new road link between the A30 and the A358. The site is in a sustainable location within reasonable distance of the town centre accessible by foot, cycle or bus. It would provide sufficient parking and would not adversely harm any residential amenity, landscape or ecological interests. The proposal is therefore in accord with Policies SD1, SS1, SS4, SS5, SS6, PMT1, PMT2, HG3, TA4, TA5, TA6, HW1, EQ2, and EQ4 of the South Somerset Local Plan (adopted 2015) and policies within the NPPF.

## **SUBJECT TO THE FOLLOWING:**

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

Drawing numbers:

Site location plan (17144 L01.01 Rev P1)  
Site layout plan (17144 L02.01 Rev P1)  
Illustrative site layout plan (17144 L02.02 Rev P1)  
Boundary treatment plan (17144 L92.01 Rev P1)  
Boundary treatment plan (17144 L92.02 Rev P1)  
Boundary treatment plan (17144 L92.03 Rev P1)  
Boundary details (17144 L92.04 Rev P1)  
Boundary details (17144 L92.05 Rev P1)  
Hardworks plan (17144 L93.01 Rev P1)  
Hardworks plan (17144 L93.02 Rev P1)  
Hardworks plan (17144 L93.03 Rev P1)  
Softworks plan (17144 L94.01 Rev P1)  
Softworks plan (17144 L94.02 Rev P1)  
Softworks plan (17144 L94.03 Rev P1)  
Leap play area plan (17144 L94.04 Rev P1)  
Youth provision plan (17144 L94.05 Rev P1)  
HT1 Provence (17144 HT1.L.02.01 & 17144 HT1.L.04.01 & 02)  
HT2 Rutherford V1 (17144 HT2.L.02.01 & 17144 HT2.L.04.01 & 02)  
HT3A Pinewood (17144 HT3A.L.02.01 & 17144 HT3A L.04.01 - 04)  
HT3B Pinewood (17144 HT3B.L.02.01 & 17144 HT3B.L04.01)  
HT4 Pentire (17144 HT4.L.02.01 & 17144 HT4.L.04.01 - 02)  
HT5 Oakford (17144 HT5.L.02.01 & 17144 HT5.L.04.01 - 02)  
HT6 1-Bed Flat (17144 HT6.L.02.01 & 17144 HT6.L.04.01 - 02)  
HT7 FOG (17144 HT7.L.02.01 & 17144 HT7.L.04.01)  
HT8 HA 2 Bed (17144 HT8.L.02.01 & 17144 HT8.L.04.01)  
HT9 HA 3 Bed (17144 HT9.L.02.01 & 17144 HT8.L04.01 & 02)  
HT10 HA 4 Bed (17144 HT10 L.02.01 & 17144 HT10.L04.01 & 02)  
HT11 HA 3 Bed Wide front (17144 HT11.L.02.01 & 17144 HT11.L.04.01 & 02)  
G01 Garage Pack (17144 G01.L.02.00 - 02)  
Proposed Site Access Arrangements (SK02.01)  
Proposed Site Access Arrangements (SK02.02)  
Proposed Site Access Arrangements - Tracking Plan (SK07.01)  
Proposed Site Access Arrangements - Tracking Plan (SK07.02)  
Location Plan (S98.0)

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

02. The external materials to be used for the dwellings hereby approved shall be in accord with the submitted Materials Schedule unless otherwise approved in writing by the by Local Planning Authority.

Reason: To protect the amenity of the area to accord with Policy EQ2 of the South Somerset Local Plan.

03. No drainage shall be installed 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. Such works shall be carried out in accordance with the approved details. These details shall include: -

- Details of phasing and information regarding the provision and maintenance of any drainage systems (including temporary) in place during construction of this and any other

subsequent phases. Drainage infrastructure should be constructed and implemented during the initial phase of development, to ensure no increase in flood risk through inadequate drainage provision. Where this is not possible, a clear phasing plan should be submitted to show how the drainage scheme will be implemented.

- Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 metres minimum), the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.
- Detailed Construction Drawings with manhole schedule, invert levels, landscaping details, finished floor levels, ground levels and flood storage details.
- Any works required off site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).
- Flood water exceedance routes both on and off site, note, no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100yr (plus 40% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties. Holding areas for flood volumes generated through exceedance of the drainage system must be clearly shown on a flood exceedance plan and the developer must demonstrate the site remains safe.
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development

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, to accord with the NPPF.

04. The garages hereby approved shall be used solely for vehicle parking purposes incidental to the occupation and enjoyment of the dwellinghouse which they serve. They shall not be used for, nor in connection with any commercial, trade or business purposes and shall not be converted into habitable accommodation, including domestic workshop, study, games room and similar uses, without the prior written approval of the Local Planning Authority.

Reason: To ensure the retention of parking provision and highway safety, to accord with Policy TA5 of the South Somerset Local Plan and Somerset County Council's adopted parking standards.

05. None of the dwellings hereby permitted shall be constructed above damp proof course level until a scheme of landscaping to accord with the recommendations and advice of the Council's Arborist (contained within his memo dated 10th September 2018) has been submitted to and approved in writing by the Local Planning Authority. This shall include details of all new tree/shrub/hedge planting and indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels. All planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To protect the amenity of the area to accord with Policy EQ2 of the South Somerset Local Plan.

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