

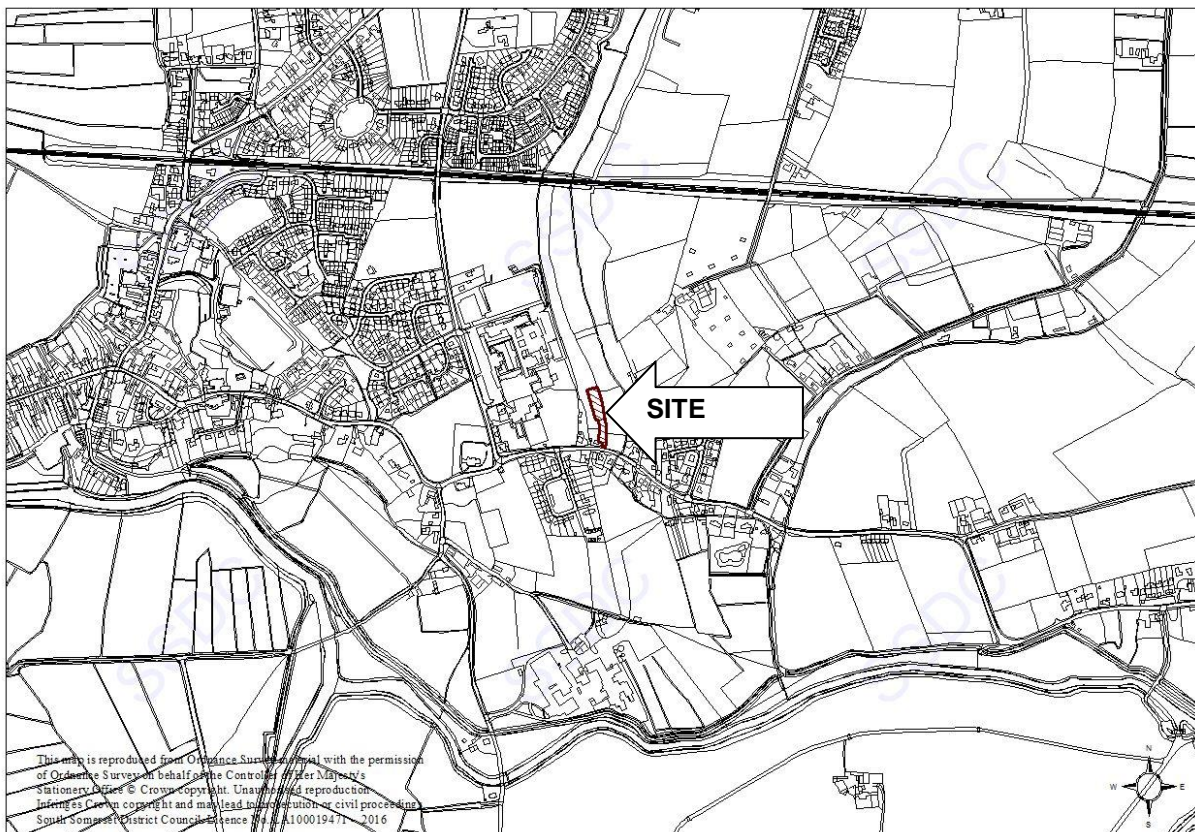
## Officer Report On Planning Application: 15/02894/FUL

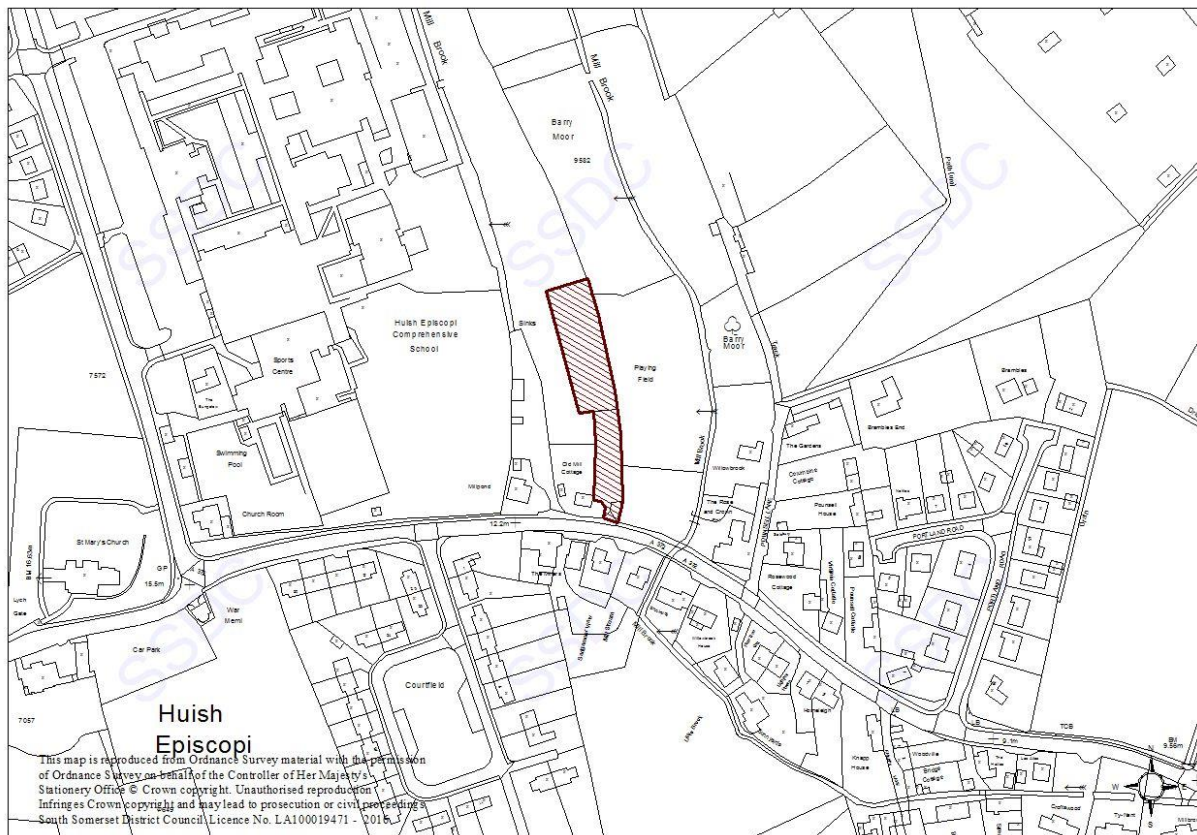
<b>Proposal :</b>	Erection of a mixed use shed building to house historic tractors and business storage. Change of use from agricultural land to commercial use. Replacement of some sheds, and the erection of an open-fronted car port for mixed use of B8 (Storage or Distribution) and domestic storage (GR 342956/126663)
<b>Site Address:</b>	Old Mill Cottage, Langport Road, Huish Episcopi.
<b>Parish:</b>	Huish Episcopi
<b>LANGPORT AND HUISH Ward (SSDC Member)</b>	Cllr Clare Aparicio Paul
<b>Recommending Case Officer:</b>	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
<b>Target date :</b>	24th August 2015
<b>Applicant :</b>	Mr Chris Macklin
<b>Agent: (no agent if blank)</b>	Nicholas Beddoe, Smiths Gore, York House, Blackbrook Business Park, Taunton TA1 2PX
<b>Application Type :</b>	Minor Other less than 1,000 sq.m or 1ha

### REASON FOR REFERRAL TO COMMITTEE

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

### SITE DESCRIPTION AND PROPOSAL





The application relates to agricultural land to the rear of Old Mill Cottage, which is located to the north of Langport Road (A372), in the centre of the village of Huish Episcopi. The land in question is a long, relatively narrow strip of land that extends beyond the existing garden area. A compacted stone track and turning area has already extended onto the land, which contains two sheds. There is also a duck pond to the north of the application site, which has previously been granted planning permission. The site is located in between Huish Episcopi Academy and the Rose and Crown public house (Eli's Inn), which is a grade II listed building. There are two dwellings immediately to the west of the site, on raised land, with the public house parking and field immediately to the east of the site. There are several residential properties nearby, to the south of Langport Road. The land immediately adjoining the application site, to the east is designated as flood zone 2 and 3.

The application is made to erect two buildings on site, one for the storage of the applicant's cars, and the other for the storage of historic tractors and use for commercial purposes in relation to an online 'hobby' business run by the applicant from the property. It is also proposed to change the use of the land from agricultural use to domestic and commercial. The proposed buildings are to be of timber clad finish with Juniper Green steel box profile sheet roofing.

## HISTORY

- 14/03844/FUL: Creation of a duck pond - Permitted with conditions.
- 14/03845/FUL: Erection of 2 agricultural buildings and area of hardstanding - Application withdrawn.
- 98/01620/COU: Extension of residential curtilage and erection of garage - Permitted with conditions.

96/00274/FUL: Erection of a conservatory and two storey extension - Permitted with conditions.

## **POLICY**

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

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

SD1 - Sustainable Development  
TA5 - Transport Impact of New Development  
EQ1 - Addressing Climate Change in South Somerset  
EQ2 - General Development  
EQ3 - Historic Environment  
EQ7 - Pollution Control

### **National Planning Policy Framework**

Core Planning Principles - Paragraph 17  
Chapter 1 - Building a Strong Competitive Economy  
Chapter 3 - Supporting a Prosperous Rural Economy  
Chapter 4 - Promoting Sustainable Transport  
Chapter 7 - Requiring Good Design  
Chapter 11 - Conserving and Enhancing the Natural Environment  
Chapter 12 - Conserving and Enhancing the Historic Environment

### **National Planning Practice Guidance**

Conserving and Enhancing the Historic Environment  
Design  
Natural Environment

### **Policy-related Material Considerations**

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

## **CONSULTATIONS**

**Parish Council:** The site lies in close proximity to a Grade 2 Listed Building, the Rose and Crown, and Councillors again found the No answers in Q12 Assessment of Flood Risk incomprehensible in the light of the severe flooding sustained by The Rose and Crown comparatively recently. The likelihood of further flooding into the Rose and Crown field and the pub has been exacerbated mainly by the infilling of the ditch alongside the boundary hedge, levelling off the ground and extended hard standing at Old Mill Cottage, as well as further development at Huish Episcopi Academy. These actions have already seriously increased the volume of water flowing into the mill stream and threaten a repeat major flooding incident.

Huish Episcopi Parish Council has serious reservations about the intended use of such large buildings, which is distinctly vague. The proposed buildings' total area would dwarf the original domestic dwelling, originally built on an agricultural tie, and extends well outside the domestic curtilage. It seems likely that a large scale commercial reclamation and/or second hand car business is planned.

The Council believes it would be inappropriate to allow change of use from agricultural to commercial for all or any part of the extensive land beside and behind Old Mill Cottage. The Council recommends refusal and that any decision should be determined at Area North Committee level.

**County Highway Authority:** Standing Advice applies.

**SSDC Highway Consultant:** Concerns with increase in use of the access(es) onto the A372. Applicant should be invited to show the extent of existing visibility splays at the access(es) to be used by the development (along with any improvements), and to provide details of the likely traffic movements generated by the proposal, the method of transporting historic cars/tractors to and from the site and confirmation that sufficient space within the site is available to turn all vehicles associated with the scheme, including any transporters (tracking plans).

**County Archaeology:** No objections on archaeological grounds.

**SSDC Environmental Protection:** No objections, on the basis that the applicant is prepared to accept a condition requiring the buildings to be used for ancillary domestic purposes in association with the main house.

**SSDC Ecologist:** No comments or recommendations to make.

**SSDC Conservation Officer:** The Conservation Officer raised no objection in principle with regard to impact on the setting of the adjoining listed building, subject to retention and reinforcement of existing boundary planting and appropriate colour and finish. It was also noted that no finished floor levels had been provided and a suggestion was made that the proposal would be improved by providing a dual-pitch roof, rather than originally proposed mono-pitch roof. The application has been amended to address these suggestions, which have resulted in the ridge height of the tractor storage building dropping from 4120mm to 3800mm.

**SSDC Drainage Engineer:** No objections to the proposed drainage details, which are considered to improve the existing situation. It has also been suggested that a high level overflow pipe could be laid from one of the swales to the adjacent pond, which could further improve the situation and allow the pond to act as additional storage capacity.

## REPRESENTATIONS

Twenty five letters of objection has been received twenty local residents of Huish Episcopi. These include a solicitor's letter on behalf of the owners of the adjoining public house. A petition with 42 signatories has also been received, objecting to the proposal. The main points raised are summarised below:

- The proposed buildings will have an adverse impact on character and appearance of this pleasant rural area, due to their size and scale. TI will be visible from the road and a footpath running alongside the adjoining public house.
- The proposed buildings will adversely affect the setting of the adjoining listed building.

- The provision of a commercial building is unacceptable as it will increase vehicle movements onto the A372, resulting in increased risk to the safety of road users and pedestrians.
- The access is sub-standard and is also shared with the Rose and Crown's car park.
- Commercial activity will increase the likelihood of noise and disturbance, which will detrimentally impact on the residential amenity of local residents.
- There are already unauthorised buildings and commercial activity taking place on the application site, including what appears to be the sale of cars.
- The provision of buildings, and associated loss of permeable surfacing, will increase the risk of flooding within an area that is prone to flash flooding. An event in 2008 caused severe flooding of local homes and businesses. This risk is already increased by works that the applicant has done to the land, including the filling of boundary ditches.
- If consent is granted for the proposed use for ancillary domestic purposes and for a small-scale hobby business, it will likely evolve into something very different.
- There is a risk of contamination from the numerous cars and tractors stored on site.
- An assessment of local ecology should be required to consider impact on local fauna and flora.
- There have been several breaches of conditions imposed on planning application 98/01620/COU, relating to a previous extension of residential curtilage and erection of a garage. These include altering the position of the site gate and adding another building behind the approved garage.
- Any supplementary planting would take place on land owned by the Rose and Crown, as the existing boundary hedgerow is within the same ownership. The existing boundary hedge and trees are deciduous so offer no screening over winter. Part of the hedge-ditch- hedge boundary, which forms the boundary between the Old Mill site and Rose and Crown site, has been obstructed by new raised land and the presence of shed on part of its original location.
- It is not considered that the proposed drainage scheme would work, as there is likely to be insufficient depth above the water table to accommodate soakaways.
- What controls will be in place to ensure that the proposed drainage scheme will be properly maintained and monitored. Concerns are also raised about the location of the proposed drainage swales in such close proximity to neighbouring boundary and hedgerow.
- A recommendation of the Council's Drainage Engineer, to include an overflow to the adjoining pond will not be viable as the pond is often at capacity and overflowing normal weather conditions.

## **CONSIDERATIONS**

### **Principle of Development**

The application proposes the erection of two buildings, one specifically for the storage of the applicant's private car collection, and another for the storage of a private tractor collection and use for storage of items sold in relation to a modest online 'hobby' business that the applicant has operated from the site. The application also includes the removal of two existing sheds and the change of use of the associated land from agricultural use to allow the proposed use for commercial and domestic purposes.

The existing agricultural land is located immediately behind the main dwelling and associated garden area, therefore change of use and provision of additional domestic buildings may be acceptable in principle, however consideration will of course need to be given to the impact of

this change on the visual character of the area. Additionally there are other constraints locally, such as the presence of a listed building (Rose and Crown public house), to the east and adjoining land being flood zone 2 and 3. Consideration will therefore be given to these issues, as well as other relevant considerations, such as impact on residential amenity and highway safety. There is a commercial element proposed, however this is identified as being a small-scale, almost ancillary level of activity. The application follows an enforcement investigation, and is intended to regularise this small-scale business use and allow for the provision of buildings, primarily for the storage of the applicant's private car and classic tractor collection, which is currently site in the open throughout the site. Generally, a small-scale business operation related to the occupation of the dwelling is not considered to be unacceptable in principle, however the impact of such a use will need to be given consideration.

### **Scale, Appearance and Historic Context**

The site is located to the rear of the Old Mill Cottage and alongside a hedgerow boundary with the field to the west of the Rose and Crown public house. The site is not readily visible from the east, however is visible from public vantage points to the east, as well as forming part of the general street scene, again as viewed from the east.

The proposal includes the provision of a four bay open fronted carport measuring 10.9m by 6.1m, with a ridge height of 3.15m, and a large enclosed storage building, which is approximately 27m in length. This building is proposed to be constructed at two levels, with a larger element with a depth of 6.1m and ridge height of 3.8m, and a shallower element, with a depth of just under 4.3m and ridge height of 3.65m. Both structures are proposed to be timber clad with green sheet roofing, and partially cover the footprint of two existing buildings.

In consideration of visual impact, it is acknowledged that the proposal will lead to a significant increase in the number of outbuildings on site, as well as further projection northwards into open land, however it is not felt that this will have an adverse impact on the character and appearance of the area in general. While it is noted that the site adjoins open countryside to the north, and there is undeveloped land to both the east and west (beyond, the immediately adjoining properties), the immediate area is well-developed. The proposed buildings will be relatively discreet due to the presence of raised land to the west, an existing garage to the front of the wider site, and the presence of some existing planting on the eastern boundary, which would assist in softening its appearance when viewed from the west. Furthermore, the northward projection would not impact on the existing green gaps at the heart of the settlement, which includes the adjoining field, attached to the neighbouring public house.

Concerns have been raised in respect to the impact on the public house, which is a grade II listed building, however there is a significant gap between the listed building and the site. The Council's Conservation Officer has raised no objections in principle, however has requested that material finish be conditioned and that existing planting is retained and improved, to further reduce impact. It was also suggested that the design of the buildings be altered to substitute originally submitted mono-pitch roofs with dual pitched roofs. This has been done and has consequently seen a reduction in the height of the carport by 450mm and the two elements of the larger building by 320mm and 250mm respectively. While there were no objections to the originally submitted scheme, the revisions further improve the scheme, lessening impact on the setting of the listed building and surroundings. As such, there is considered to be no adverse impact on the character and appearance of the area or to the setting of the nearby heritage asset.

It is noted that the proposed landscaping improvements are likely to require co-operation with the owners of the adjoining pub, as it has been advised that the boundary is within the Rose

and Crown's ownership, however should this not be forthcoming, the proposed buildings are stepped off the boundary, in which case a planting scheme may be incorporated within the site. An landscaping condition is suggested should permission be granted.

### **Highway Safety**

In considering the proposal, the Highway Authority has advised that Standing Advice should be applied, which includes providing appropriate levels of visibility, width of access, surfacing of access and ensuring positive drainage arrangements to prevent discharge of surface water runoff onto highway land, where necessary.

The Council's Highway Consultant has also commented, in which concerns were identified in relation to increased use of the access. It has been suggested that visibility splays be shown, with any improvements identified, and that more information is provided in respect to likely traffic generation and vehicle movements, including how cars and tractors will be transported to site.

The applicant does not propose to make any improvements to existing visibility, however on-site inspection does show current views to be reasonable, with good visibility in each direction. In terms of current lawful usage of the access, it is noted that it is shared with the adjoining public house car park, with access onto the applicant's land to the residential curtilage, and onto the agricultural land beyond. In considering the proposed use, it should be noted that the commercial element is anticipated to be a modest on-line based business, which is advised to be the applicant's hobby, generating only a very small turnover. Products being sold include general household items only, with some items collected and some posted. It is advised that vehicle movements are expected to be only between 5 to 10 movements per week, all of which would usually be by car. Otherwise, the primary use of the buildings would be for the extended domestic use of the site, principally the storage of the applicant's private car and tractor collection, which does not form part of the business and which are not for sale. Despite assertions that a care sales business is taking place, there has been no positive identification of such activity during previous enforcement activities, with the applicant confirming that all cars form part of his own private collection. On the basis of the information supplied, it is not considered that the increased domestic use of the site, or the small-scale anticipated commercial use would generate a significant increase in vehicle movements to object on highway safety grounds. It is however important to ensure that the use of land and buildings are adequately controlled to ensure that the likelihood of increased commercial activity is limited. The imposition of conditions relating to number of vehicle movements, etc are unlikely to be easily enforceable, however conditions tying the use of the buildings and land to the occupier of the main dwelling, defining the parts of the site that can be used for domestic or commercial purposes, and preventing external storage of commercial should offer reassurance and enable the Local Planning Authority to take future enforcement action, if necessary. It is also felt appropriate to impose a condition to prohibit the sale of cars or tractors from the site.

Overall, on the basis that adequate controls can be put in place to prevent the intensification of what is proposed to be a modest business use connected to the occupation of the site, it is not considered that the proposal will lead to a severe impact on highway safety so as to warrant a recommendation of refusal.

### **Flood Risk**

The site is not within a designated flood risk area (EA Flood Zones 2 and 3), however it is adjacent to land within such an area, which is known to be susceptible to surface water flooding, which in the case of an extreme event in 2008, caused significant flooding to the

adjoining public house and several local residences. As such, there is significant local concern that the any additional development on the site, in addition to works that have previously taken place, would further exacerbate existing problems and lead to an increased risk of flooding. The applicant has been required by the Planning Officers and the Council's Engineers to carry out further work to demonstrate that the development will not increase the risk of flooding, and in particular that proposed drainage arrangements are feasible. In this case, it is clear that the cause of the localised flooding does not originate from the site, but from further to the north, with surface water having previously passed over the application site. While it is not the applicant's responsibility to prevent such flooding, they do need to ensure that the situation isn't made worse.

Following a site visit, the Council's Drainage Engineer did not consider that the proposed development would be likely to lead to increased risk of flooding, however did request that infiltration testing be carried out to demonstrate that soakaways were feasible and to dictate potential capacity. Following the requested infiltration testing, a mitigation scheme has been submitted, which includes the provision of two infiltration swales within the site. Having considered the details provided, the Drainage Engineer is satisfied and has confirmed that this would also lead to an improvement on the existing situation. It was further suggested that an overflow pipe be laid from one of the infiltration swales to the existing pond to further increase storage capacity. This has raised further concerns by local residents concerned that the pond is often already at capacity, however it should be noted that this is not a requirement of the drainage scheme but an additional improvement. Failure to include this additional measure would not be objectionable to the Drainage Engineer, it is simply a suggested improvement. To confirm however, the applicant has agreed to this suggestion. Even though details are provided, it is considered prudent to impose a condition requiring full drainage details to be agreed prior to commencement, in case there is a need to vary the position of the swales or include any other measures.

As such, it is considered that the applicant has adequately demonstrated that the site can be appropriately drained to prevent an increase in risk of local flooding

### **Residential Amenity**

The site is located in a predominantly residential area, however, as discussed in the highway safety considerations above, the proposed commercial use is anticipated to be of limited scale, mainly comprising the storage of household items, awaiting sale online. On this basis, it is not considered that the use will generate a level of disturbance to unacceptable impact on the amenity of local residents. A condition could be imposed to restrict any permitted change from B8 use to B1 use, which would prevent the use of the building for light industrial purposes.

In terms of the physical presence of the buildings, there are relatively low profile and set away from any residential boundary. As discussed earlier, there is a field to the east and the nearest properties to the west, are set a reasonable distance away from the proposed buildings.

### **Other Issues**

Several of the contributors have identified that there are works that have taken place that breach conditions imposed on planning permission 98/01620/COU, which was granted for the provision of the existing garage to the front of the site and associated change of use of land to residential use. Particularly these relate to the provision of a shed, despite permitted development rights being removed for the provision of any new buildings, structures, fences, etc, and the alleged movement of the access gate forward, even though a condition required its position to be maintained in an approved position. These matters have not been addressed within this application, however the grant of this consent does not legitimise any other



breaches of planning control, which the Local Planning Authority are able to take action against, as considered appropriate. Ultimately however, this is not considered to impact on the ability of the Local Planning Authority to determine this application.

## **Conclusion**

Despite the concerns raised by the Parish Council and local residents, the proposal is considered to be an acceptable form of development of an appropriate scale and appearance that does not adversely impact on the character of the area, setting of nearby heritage assets or residential amenity. It is further considered that it would not lead to an increase in the risk of flooding and would not have a severe impact on highway safety.

## **RECOMMENDATION**

Approve with conditions

01. Notwithstanding the concerns raised the proposed development, by reason of siting, size, scale and materials, is considered to have no adverse impact on local character, the setting of the nearby listed building and it is not considered that there will be any unacceptable harm to residential amenity and highway safety or lead to an increased risk of flooding, in accordance with policies EQ1, EQ2, EQ3 and EQ7 of the South Somerset Local Plan (2006-2028) and the provisions of chapters 7, 10, 12 and the core planning principles of the National Planning Policy Framework.

## **SUBJECT TO THE FOLLOWING:**

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans: '15010.P.01 Rev C', received 17th September 2015, 'AB5258-2/3', 'AB5258-2/4' and 'AB5258-3', received 30th September 2015.

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

03. The particulars of materials to be used for the external surfaces of the development hereby permitted shall match those indicated on the approved plans and as listed within the submitted application form.

Reason: In the interests of visual amenity and to safeguard the setting of the nearby listed building, in accordance with policy EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of chapters 7 and 12 of the National Planning Policy Framework.

04. The finished floor levels and ridge heights of the buildings hereby permitted shall be carried out in accordance with the details submitted on approved plans '15010.P.01 Rev C', 'AB5258-2/3', 'AB5258-2/4' and 'AB5258-3'. Such approved details, shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to safeguard the setting of the nearby listed building, in accordance with policy EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of chapters 7 and 12 of the National Planning Policy Framework.

05. Details of surface water drainage to serve the development shall be submitted to and approved in writing by the Local Planning Authority. Such approved drainage details shall be completed and become fully operational prior to either of the buildings hereby approved being brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: In the interest of flood prevention, in accordance with policy EQ1 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 10 of the National Planning Policy Framework.

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

Reason: In the interests of visual amenity and to safeguard the setting of the nearby listed building, in accordance with policy EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of chapters 7 and 12 of the National Planning Policy Framework.

07. The commercial use (B8) hereby permitted shall be restricted to the occupier of the main dwellinghouse known as 'Old Mill Cottage'.

Reason: In the interests of residential amenity and highway safety in accordance with policies TA5 and EQ2 of the South Somerset Local Plan and the provisions of chapter 4 and the core planning principles of the National Planning Policy Framework.

08. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the buildings/part of buildings proposed for the storage of tractors and cars, as identified on approved plan '15010.P.01 Rev C', shall not be used other than for the domestic and private needs of the occupier, and shall not be used in relation to the commercial use hereby permitted.

Reason: In the interests of residential amenity and highway safety in accordance with policies TA5 and EQ2 of the South Somerset Local Plan and the provisions of chapter 4 and the core planning principles of the National Planning Policy Framework.

09. No car or tractor sales shall be carried out on any part of the subject land including within any buildings thereon.

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

10. The commercial element of the development hereby permitted shall be used for the purposes of storage and distribution only and for no other purpose (including any other purpose in Class B1 or B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In the interests of residential amenity and highway safety in accordance with policies TA5 and EQ2 of the South Somerset Local Plan and the provisions of chapter 4 and the core planning principles of the National Planning Policy Framework.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional openings (including doors, windows and roof lights) shall be formed in the buildings, or other external alteration made without the prior express grant of planning permission.

Reason: In the interests of visual amenity and to safeguard the setting of the nearby listed building, in accordance with policy EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of chapters 7 and 12 of the National Planning Policy Framework.

12. No raw materials, products of any description, scrap or waste materials whatsoever, in connection with the commercial element hereby permitted shall be stored in the open on any part of the subject land unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual and residential amenity, to safeguard the setting of the nearby listed building and in the interests of highway safety, in accordance with policies TA5, EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of chapters 4, 7, 12 and the core planning principles of the National Planning Policy Framework.

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