
Area East Committee

Wednesday 13th November 2019

9.00 am

**Council Offices, Churchfield,
Wincanton BA9 9AG**

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



The following members are requested to attend this meeting:

Robin Bastable
Hayward Burt
Tony Capozzoli
Nick Colbert
Sarah Dyke

Henry Hobhouse
Charlie Hull
Mike Lewis
Kevin Messenger
Paul Rowsell

Lucy Trimnell
William Wallace
Colin Winder

Consideration of planning applications will commence no earlier than **9.00am**.

For further information on the items to be discussed, please contact the Case Officer on 01935 462148 or democracy@southsomerset.gov.uk

This Agenda was issued on Monday 4 November 2019.

Alex Parmley, *Chief Executive Officer*



This information is also available on our website
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 East Committee are held monthly, usually at 9.00am, on the second Wednesday of the month in the Council Offices, Churchfield, Wincanton (unless specified otherwise).

Agendas and minutes of meetings are published on the council’s website
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%200council%20meetings.pdf>

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Area East Committee

Wednesday 13 November 2019

Agenda

Preliminary Items

1. Minutes of Previous Meeting

To approve as a correct record the minutes of the previous meeting held on 9th October 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 Tony Capozzoli, Henry Hobhouse, Paul Rowsell, William Wallace and Colin Winder.

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 of Next Meeting

Members are asked to note that the next scheduled meeting of the committee will be at the Council Offices, Churchfield, Wincanton on Wednesday 11th December 2019 at 9.00 am.

5. Public Question Time

6. Chairman Announcements

7. Reports from Members

8. Planning Appeals (for information only) (Pages 6 - 10)

Items for Discussion

9. Area East Committee Forward Plan (Pages 11 - 12)

10. Schedule of Planning Applications to be Determined by Committee (Pages 13 - 14)

11. 19/01133/FUL - Land North of Stoke Farm, Barrow Water Lane, Charlton Musgrove (Pages 15 - 34)

12. 19/01462/FUL - 11 Balsam Fields, Wincanton BA9 9HF (Pages 35 - 42)

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 8

Planning Appeals

Director: Martin Woods (Service Delivery)
Service Manager: Simon Fox, Lead Specialist - Planning
Lead Officer: Simon Fox, Lead Specialist - Planning
Contact Details: 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

19/00620/HOU – Alterations to form vehicular access/hardstanding (part retrospective)
Gauntlet Cottage, 13 Sherborne Road, Milborne Port, DT9 5AT
(Officer decision)

18/03523/OUT – Outline application for residential development of up to 4 dwellings
Land South Of Shatterwell Villas, Shadwell Lane, Wincanton, Somerset
(Officer decision)

Appeals Allowed

18/02992/FUL - Change of use of an existing timber stable block to a boarding cattery of up to six pens.
The Old Cider House, Alford Well Farm Lane, Alford, Castle Cary, BA7 7PW
(Committee decision)

Background Papers: None

Appeal Decision

Site visit made on 9 September 2019

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 October 2019

Appeal Ref: APP/R3325/W/19/3225177

The Old Cider House, Alford Well Farm Lane, Alford, Castle Cary BA7 7PW

- 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 Mrs Petra Hughes against the decision of South Somerset District Council.
 - The application Ref 18/02992/FUL, dated 19 September 2018, was refused by notice dated 13 February 2019.
 - The development proposed is described as being to: *"change the internal structure of an existing timber stable block (no existing internal structures) to a small boarding cattery of up to 6 pens. Concrete floor, water and electricity already connected."*
-

Decision

1. The appeal is allowed and planning permission is granted to change the internal structure of an existing timber stable block (no existing internal structures) to a small boarding cattery of up to 6 pens - concrete floor, water and electricity already connected, in accordance with the terms of the application Ref 18/02992/FUL, dated 19 September 2018, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: (i) drawing labelled Location Plan Revision B showing the site outlined in red; (ii) drawing labelled Location Plan Revision B showing access and parking areas; and (iii) drawing of typical cat pen details.
 - 3) The opening hours of the cattery for drop offs and pick ups of cats shall be limited to between 9.00 hours to 17.30 hours Mondays to Saturdays and between 9.00 hours and 10.30 hours Sundays, except in emergencies.
 - 4) The building hereby approved for use as a cattery shall not contain more than 6 cat pens and shall not house more than 12 cats at any one time.

Procedural matters

2. The National Planning Policy Framework (the Framework) was amended after the Council refused the appeal application. I have taken the amended Framework into account as a material planning consideration.

Main issues

3. The main issues are the effects of the proposal on:
 - i) the safety of public highway users; and
 - ii) living conditions at neighbouring properties, in terms of any noise and disturbance caused by traffic and parking.

Reasons

Highway safety

4. The Old Cider House is 1 of 4 live/work units situated on the edge of a cluster of buildings in the countryside near to the village of Alford, accessed via Alford Well Farm Lane - a narrow single track no-through lane leading off the B3153 and subject to a 30 mph speed limit. The proposal is to convert a timber stables building in a paddock next to the live-work unit to form a boarding cattery, with internal alterations only. Additional parking would be provided next to an existing parking area.
5. The first section of the lane has several places where vehicles may pass, but after that passing places are restricted within the section leading up to and past a humped back railway bridge, until the road opens up a bit for gateways near to the appeal site. When vehicles meet, therefore, one will often have to reverse some distance down the lane to find a passing place.
6. The lane is also no doubt used by walkers, horseriders and cyclists. One public right of way crosses the lane and another joins it near the bridge.
7. Traffic speeds should generally be low because of the lane's narrow width and poor surfacing, plus its restricted forward visibility due to the bridge and a bend. As the lane serves only a limited number of properties, I would also expect traffic volumes to be very low. This was borne out at my site visit when I parked on the lane for 20 minutes without any vehicles, walkers, horseriders or cyclists passing. I note that there have been some accidents on the lane, but no record of recent injury accidents. Despite its restrictions, the lane is not substantially different from many other rural lanes in Somerset, some of which will carry much higher levels of traffic including pedestrians, horseriders and cyclists.
8. The junction of Alford Well Farm Lane with the B3153 appears to be reasonably safe, with sufficient width and visibility along this section of road which is also subject to a 30mph speed limit. My attention has been drawn to a Technical Note that was submitted in connection with an appeal for a motor vehicle storage site near Alford¹. The Inspector for that case found that the B3153 was dangerous as existing and dismissed the appeal in part due to those highway safety concerns. Unlike that appeal proposal, however, this proposal should not

¹ APP/R3325/W/17/3186158

generate heavy goods vehicle traffic. It should not significantly increase traffic using the B3153.

9. Business use has already been accepted in this location in general and at The Old Cider House in particular. Live/work units are not the same as residential dwellings with home offices - they encompass a mix of residential and business uses. In this case a condition of the original planning permission for the units limits that business use to Class B1(a) offices in order to maintain employment on the site and reduce the need to travel. The business uses could nevertheless be expected to generate a level of traffic that could potentially be significantly more than a residential dwelling would generate. As with office use, deliveries of materials and other goods for the cattery could be expected to be fairly minimal. I accept the appellant's submission that most supplies would be brought in as part of normal domestic journeys.
10. The proposal is for 6 pens for up to 12 cats only, which means that traffic movements from customers should be relatively infrequent, even allowing for some extra journeys to inspect the premises and other reasons. Subject to a limitation on the number of pens and cats to the proposed numbers, I find that the level of traffic would not be significant in terms of the overall use of the lane. I recognise that some cattery customers would not be familiar with the lane, but most should be familiar with lanes of this general type and configuration. Finally, I note that the Council's highways advisors have not raised any objection to this application.
11. I conclude that the proposal would not significantly or unduly affect the safety of public highway users including drivers, walkers, horse riders and cyclists. The proposal therefore accords with the aims of South Somerset Local Plan 2006-2028 (LP) Policy TA5, to ensure that developments have safe access.

Neighbours' living conditions

12. Traffic to the cattery would pass close to the front of the other 3 live/work units. These properties are not, however, significantly closer to this section of shared drive than many houses are to public roads. The amount of traffic generated by the cattery use would be relatively minor. Parking and manoeuvring areas are somewhat farther away from the residential premises, limiting their impact. The Council has suggested a condition limiting customer traffic to specified periods of the day. I see no reason why this condition should impose a limit within the middle daytime period, but otherwise find it reasonably necessary in order to preclude most night-time and early morning traffic.
13. Subject to this amended condition, I conclude that the proposed cattery use would not harm living conditions at neighbouring properties due to noise and disturbance from traffic and parking. The proposal therefore also accords with the aim of LP Policy EQ2, to protect neighbours' residential amenity.

Other matters

14. I have also considered the other points raised by neighbours and others. I am satisfied that there is sufficient space for the storage and collection of waste at the site and note that there is no proposal for advertising hoardings. Although some local objectors have expressed surprise that previous conditions limiting the use of the appeal site are not necessarily permanent, I must consider the

appeal on the basis of current circumstances and assess the proposal on its own merits. I understand that the shared drive leading to the appeal site is private and leave any private legal issues regarding the use of this drive to the owners. Finally, although the submitted evidence of need for this facility is not strong, the Council has raised no objection in principle to this business use which would benefit the rural economy and provide a local service in a general location where a degree of business use is already accepted. Taking all of these matters into account, I find nothing to override my conclusions in regard to the main issues.

Conditions

15. I impose a condition specifying the relevant plans to provide certainty. As set out above, a limit to the number of cats is necessary in the interest of highway safety and limits to the timing of pick ups and drop offs are needed to protect neighbours' living conditions. In this respect, I have incorporated the Council's suggestion that there can be exceptions to the stated hours for pick ups and drop offs in emergencies. Although 'emergencies' are not easy to define, they would need to involve exceptional circumstances and should be comparatively infrequent in practice.

Conclusion

16. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed.

Les Greenwood

INSPECTOR

Agenda Item 9

Area East Forward Plan

Service Manager: Tim Cook, Area Development Lead (East)
Lead Officer: Jo Boucher, Case Services Officer (Support Services)
Contact Details: Jo.boucher@southsomerset.gov.uk or 01935 462011

Purpose of the Report

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

Recommendation

Members are asked to:-

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

Area East Committee Forward Plan

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

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

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

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

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

Background Papers: None

Appendix A

Area East Committee Forward Plan

Meeting Date	Agenda Item	Background and Purpose	Lead Officer
11 December 19	Churchfields Office	To consider options for meeting location	Tim Cook
11 December 19	Council Plan	To consider/agree the Area Chapter	Anna-Maria Lenz
11 December 19	Community Grant Applications	To consider Community Grant Applications	Tim Cook
11 December 19	Heart of Wessex Rail Partnership	Update report	Lynda Pincombe

Agenda Item 10

Schedule of Planning Applications to be Determined by Committee

Director: Martin Woods, Service Delivery
Service Manager: Simon Fox, Lead Officer (Development Management)
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 East Committee at this meeting.

Recommendation

Members are asked to note the schedule of planning applications.

Planning Applications will be considered no earlier than 9.00am.

Members of the public who wish to speak about a particular planning item are recommended to arrive for 8.45am.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
11	TOWER	19/01133/FUL	The erection of a single dwelling, access, landscaping and ancillary works.	Land North Of Stoke Farm, Barrow Water Lane, Charlton Musgrove	Mr & Mrs G. Swift & S. Beeny
12	WINCANTON	19/01462/FUL	The erection of an attached dwelling and formation of associated parking.	11 Balsam Fields, Wincanton BA9 9HF	M & Mrs J Boulter

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

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

Referral to the Regulation Committee

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

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

Human Rights Act Statement

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

Agenda Item 11

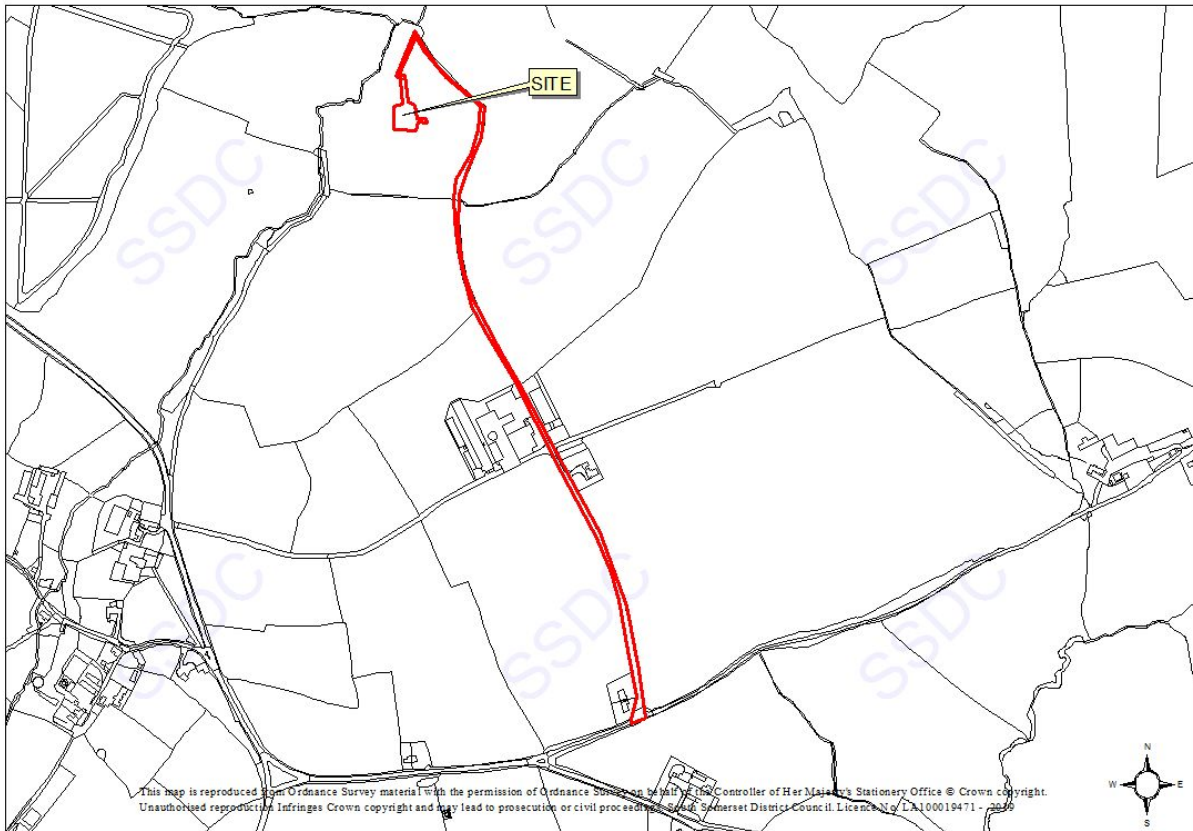
Officer Report on Planning Application: 19/01133/FUL

Proposal:	The erection of a single dwelling, access, landscaping and ancillary works.
Site Address:	Land North Of Stoke Farm, Barrow Water Lane, Charlton Musgrove
Parish:	Shepton Montague
TOWER Ward (SSDC Member)	Cllr R Bastable
Recommending Case Officer:	David Kenyon Tel: 01935 462091 Email: david.kenyon@southsomerset.gov.uk
Target date:	12th June 2019
Applicant:	Mr & Mrs G. Swift & S. Beeny
Agent: (no agent if blank)	Grass Roots Planning Ltd Unit 106, 86-88 Colston Street Bristol BS1 5BB
Application Type:	Minor Dwellings 1-9 site less than 1ha

REASON FOR COMMITTEE REFERRAL

This application is referred to Area East Committee for determination at the request of the Ward Member, and with the subsequent agreement of the Chair, on grounds that this is an application for a dwelling in open countryside and it is felt that the design of the proposed house does not in any way mitigate its positioning on a greenfield site a long way away from the existing farm buildings. A grant of permission for this proposal would, in the opinion of the Ward Member, set an unacceptable precedent for building in the open countryside.

SITE DESCRIPTION AND PROPOSAL





This is a detailed application seeking full planning permission for the demolition of an existing dwelling and the erection of a replacement dwelling, access, landscaping and ancillary works, at land to the north of Stoke Farm House, Stoney Stoke, Charlton Musgrove (within the Parish of Shepton Montague). The site lies within the boundaries of Stoke Farm and to the north of the existing farm house which has an extant permission for a replacement dwelling and replacement agricultural building (ref: 07/05533/FUL) and amended in 2015 (ref: 14/04839/FUL).

The existing farm complex comprises the farm house and garage and a large number of steel-framed portal agricultural barns and buildings lie to the north-west of the house. Some of these agricultural buildings are to be demolished as they are no longer required by the farm business (which is rented out to a farmer with plant and buildings elsewhere).

The farm house was built in the mid 1970's and comprises a 4 bedroom detached house with attached double garage - it is currently occupied. A high screen of conifer trees stand between the house and the group of farm buildings to the north-west. The existing dwelling has a domestic floor space of 297m².

The application site itself measures 0.55 hectare in area and lies within an existing farm holding known as Stoke Farm (approximately 90 hectares) and is currently agricultural land. The farm holding is bordered by Barrow Water Lane to the south, the B3081 to the west, and to the north and east by neighbouring agricultural land and woodland. In essence, the surrounding context is rural in character and appearance comprised of agricultural fields and woodland in an undulating landscape with sporadic dwellings and farm buildings with lanes bounded by established hedgerows either side.

The proposed relocation of the dwelling lies approximately 400 metres to the north of the existing farm house on land that is at a lower level (approximately 8 metres) within the overall landscape than the land on which the existing dwelling and agricultural buildings are situated.

Access to the site itself is gained by a single width track running, from its junction with Barrow Water Lane to the south, in a northerly direction and past the existing farmhouse to the east of the track and through the complex of agricultural buildings further north west until it descends to the field in which the application site is located.

As originally submitted, the proposal sought approval for the new dwelling to be served by a new access point off the B3081 and driveway enclosed with electric gates which would be formally planted. That part of the proposal has been removed from the application submission. Instead, the proposed new dwelling would be served by the existing access off Barrow Water Lane and the existing track currently serving the farmhouse and other buildings, with the creation of a new access drive bounding the eastern boundary of the field in which the dwelling is proposed with a formal driveway approaching the dwelling from the north.

The proposed new dwelling seeks to adopt a neo-Georgian design approach (with Jacobean/Victorian elements) with a wide entrance hall and grand staircase, inner hall, separate dining and living room space, and utility / boots room. The upper floors contain solely bedrooms and bathrooms. The design approach includes high floor to ceilings on the ground floor which would reduce in height on the upper floors to a mansard style roof behind a parapet wall. The proposed building would be largely square in shape with a small single storey rectangular shaped utility/boot room addition (measuring approximately 7 metres x 2.7 metres x 3.5 metres in height). The square element of the dwelling would measure approximately 16 metres x 15 metres with maximum roof height of approximately 8.8 metres. The ground floor layout would comprise the main entrance hall, kitchen / breakfast room, dining room, living room, office, WC and coats room. The first floor would contain 5 bedrooms (all en-suite), with a further 3 bedrooms (two en-suite), a bathroom and a play room accommodated at second floor level within the roof area.

In terms of design and appearance, there would be an emphasis on vertical fenestration utilising classical French doors on the ground floor, sash windows on the middle floor and rooflights and dormer windows on the upper floor. Other features reflecting traditional architecture would include circular windows, decorative ashlar lintels and quoins, dormer windows, external cornices, large chimney breasts and a canopy / veranda. Materials would be of a high quality, utilising building stone (Oolithic Limestone) dressed with ashlar stone, timber frames for the windows (painted with Mylands "Shoreditch"), and a natural slate roof.

One of the applicants' stated aims is to demonstrate how traditional architecture can be delivered in an energy efficient and sustainable way using modern high-performance building products and practices. The chosen product for the walls would be the Nudura insulated concrete form (ICF) due to its thermal performance and durability. In addition it proposed to use a Ground Source Heat pump system to provide space heating & hot water.

The proposed ancillary works include further landscaping to restore the historic field patterns in this location through new hedgerows, native planting and new woodland blocks, together with formal gardens in the area surrounding the property, and consolidated parking in the form of a car port.

The site is not subject to any specific protective designations, such as SSSI, SAC, Wildlife Site, Green Belt, AONB, Flood Zone, Conservation Area, Special Landscape Area, nor are there any listed buildings in close proximity. A public right of way runs in a north easterly direction further to the west of the application site. To the north-west of the site lies a Historic Park and Garden (Redlynch Park, Stoney Stoke) which is a Grade II Registered Park and Garden (Somerset Historic Environment Record 55171).

Included within the application submission are:

- a Planning Statement prepared by Grassroots Planning Ltd,

- an Outline landscape and Visual Appraisal prepared by Greenbook Landscape Design,
- Planting Management Notes and Planting Plans nos. PP01 and PP02,
- Ecological Survey results in a letter dated 20th May 2019 prepared by Grass Roots Ecology Ltd,
- a Sustainability Summary report dated 2nd August 2019 prepared by AADNunn Energy Assessors,
- SAP Report Submission for Building Regulations Compliance dated 2nd August 2019 prepared by AADNunn Energy Assessors, and
- various Highways Technical Notes.

In addition, following the request by the Ward Member for the application proposal to be determined by the Committee, the applicant has submitted a letter of support which has been copied in full on the website for the Committee's consideration prior to any decision being taken. This refers to precedent, benefits of the proposed siting of the dwelling, ecological benefits, design of the proposed dwelling and a summary.

HISTORY

07/05533/FUL. The erection of a replacement dwelling and a replacement agricultural building. Refused 28.02.2008 on the grounds that the proposed dwelling, for which an essential need had not been established would not benefit economic activity and would constitute an unwarranted and undesirable intrusion into an area of open countryside to the detriment of the visual amenities of the area.

Appeal allowed and planning permission granted 14.01.2009 subject to a specific condition requiring the demolition of the existing dwelling and all associated garaging/outbuildings within three months of occupation of the new dwelling.

14/04839/FUL. The erection of a replacement dwelling (amended siting) and realignment of access track.

Application permitted with conditions 20.02.2015. Conditions included submission of external finishing materials, details of internal ground floor levels, landscaping, details of foul and surface water disposal and demolition of existing dwelling and garage/outbuildings within three months from occupation of the new replacement dwelling.

To be read in association with this grant of planning permission is a S106 Planning Agreement dated 12th February 2015 which requires:

- (a) prior to the implementation of the 2014 permission the owner will cease the erection of the replacement dwelling and any such residential elements of the 2007 permission.
- (b) The replacement dwelling element of the 2007 permission will be rescinded.
- (c) The 2007 permission will only continue to be used in respect of the erection of the replacement agricultural buildings with a single agricultural building.

18/03114/AGN. Excavation for an irrigation/drinking pond.
Prior approval not required 26.10.2018.

18/03969/AGN. Excavation for an irrigation/livestock drinking pond.
Prior approval not required 07.01.2019.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and paragraphs 2, 11 and 12 of the NPPF state that applications are to be determined in accordance with the

development plan unless material considerations indicate otherwise.

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

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

SD1 - Sustainable Development
SS1 - Settlement Strategy
SS2 - Development in Rural Settlements
HG8 - Replacement Dwellings in the Countryside
TA1 - Low Carbon Travel
TA5 - Transport Impact of New Development
TA6 - Parking Standards
EQ1 - Addressing Climate Change in South Somerset
EQ2 - General development
EQ3 - Historic Environment
EQ4 - Biodiversity
EQ5 - Green Infrastructure
EQ7 - Pollution Control

National Planning Policy Framework - February 2019

Chapter 2 - Achieving sustainable development
Chapter 4 - Decision-making
Chapter 5 - Delivering a sufficient supply of homes
Chapter 8 - Promoting healthy and safe communities
Chapter 9 - Promoting sustainable transport
Chapter 11 - Making effective use of land
Chapter 12 - Achieving well-designed places
Chapter 14 - Meeting the challenge of climate change, flooding and coastal change
Chapter 15 - Conserving and enhancing the natural environment

National Planning Practice Guidance

Other Material Considerations

Somerset County Council Parking Strategy (September 2013)
Somerset County Council Highways Development Control - Standing Advice (June 2017)

CONSULTATIONS

Shepton Montague Parish Council

The Parish Council noted that the house plan replaces an existing permission to build a substantial house close to the existing farmhouse and buildings and raised no objections to the proposed house as it is sited further north and on a lower site making it less intrusive and visible. However, the Parish Council did raise road safety concerns about the proposal to provide a separate entrance onto the B3081 and driveway. However, following the withdrawal of that part of the proposal, the Parish Council has stated that the proposal addresses its concerns and is entirely in keeping with its initial recommendations. The Parish Council has confirmed its full support for the development.

Charlton Musgrove Parish Council

The Parish Council recommended refusal on the grounds that this proposed development is for an unsustainable dwelling in open countryside in contravention of local planning policy and without any historical context. In addition it is considered that the proposed new access points

would have potential to increase the risk of accidents on the B3081.

Following the withdrawal of that part of the proposal to create the new access and driveway off the B3081, the Parish Council acknowledged this revision but, regardless of that, the issue of constructing a large dwelling on a greenfield site in open countryside that is not contiguous with the main farm buildings and without any historical context remains.

SCC Highway Authority

Standing Advice applies.

SSDC Highway Consultant

Initially raised detailed and technical comments about the proposed new access and drive off the B3081. Further to the deletion of the proposed new access and route to the dwelling, he notes the intention to access the new dwelling from an existing entrance and driveway off a minor road. On this basis, no objection is raised. Any improvements to the existing entrance, such as improvements to visibility splays and the surface of the access for the first initial length would be welcomed but cannot be insisted upon.

County Public Rights of Way Team

There is a public right of way (PROW) recorded on the Definitive Map that runs adjacent to the site at the present time (public footpath WN 24/7). The PROW Team has no objections to the proposal.

SSDC Trees Officer

No objections subject to tree/hedge protection and landscape conditions.

SCC Ecologist

No objection subject to conditions to protect biodiversity interests, including submission of a copy of a natural England licence, a Bat Mitigation Strategy, a lighting scheme and timings of demolition works and any vegetation removal in relation to nesting birds.

SSDC Environmental Protection

No comments to make.

The Gardens Trust

The Gardens Trust has replied in its role as Statutory Consultee as the proposed development affects the setting of Redlynch Park, a historic designed landscape of national importance which is included by Historic England on the Register of Parks and Gardens of Special Historic Interest at Grade II. The Gardens Trust has considered the information provided in support of the application and liaised with colleagues in Somerset Gardens Trust. On the basis of this the Gardens Trust confirms that it does not wish to comment on the proposals at this stage but does wish to emphasise that this does not in any way signify either its approval or disapproval of the proposals.

REPRESENTATIONS

Ten representations have been received from third parties. Nine of the objections specifically raised objections to the initial proposal to create the new access and driveway off the B3081 on road safety and visual impact grounds. That element of the proposal has now been withdrawn, thus these objections are no longer overriding material considerations.

Several of those objections stated that there were no objections to the proposed re-siting of the new dwelling.

One objection concurs with the comments made by Charlton Musgrove Parish Council, in that

the construction of a large dwelling with no historical context, on a greenfield site in open countryside and not contiguous with the main farm buildings is an issue. There is plenty of scope to create a new property where the existing one is using the driveway already in place and thus not creating another driveway winding around the fields.

CONSIDERATIONS

The main issues to assess as part of this application are the principle of permitting a replacement dwelling on this rural site, the impact on visual amenity in general, impact on residential amenity, flood risk and drainage, biodiversity and highway safety.

Principle of Development

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

The site lies in the heart of the countryside outside of any development area as identified in the Local Plan. When considering development proposals, the Council takes a proactive approach to reflect the presumption in favour of sustainable development and seeks to secure development that improves the economic, social and environmental conditions within the District. Planning applications that accord with the policies in the Local Plan shall be approved without delay, unless material considerations indicate otherwise. This reflects Local Plan Policy SD1 and the general thrust of policy guidance within the NPPF.

In terms of principle, the site is located in an open countryside location, where residential development is normally strictly controlled by local and national planning policies. In this case however, the proposal is for the replacement of an existing dwellinghouse.

Policy HG8 of the South Somerset Local Plan supports the principle of replacement dwellings, as follows:

The replacement of existing dwellings in the countryside will only be permitted where:

- *The scale of the replacement would not result in an unacceptably large increase in the height or size of the original dwelling; and*
- *The development is compatible with and sympathetic in scale, design, materials, layout and siting to the character and setting of adjoining buildings, and to the landscape character of the location; and*
- *The replacement is on a one for one basis and evidence is provided that the use of the existing dwelling has not been abandoned.*

Considering each of these three criteria in turn:

a) The scale of the replacement would not result in an unacceptably large increase in the height or size of the original dwelling

A material planning consideration when determining this current application is the recent planning history of Stoke Farm.

Planning permission has been granted, on appeal in January 2009, for the demolition of the existing dwelling and the erection of a replacement dwelling. The proposed replacement farmhouse allowed on appeal would occupy a position some 10m forward of the existing farm house orientated to face onto the access track (as the existing farm house). The approved plans indicate that it would have a domestic floor space of some 571 square metres (compared to the existing farm house's domestic floor space of 297 square metres) and would be of single

storey, two storey and two and a half storey appearance finished in stone and clay tiles. The ground floor accommodation/layout would include a double garage and barn, a laundry room, orangery, kitchen and breakfast room, dining room, large hall, a drawing room and a study. On the first floor would be 5 bedrooms, a study and a large dressing room with en-suite. Stairs would lead to attic rooms above.

This appeal permission granted in 2009 was commenced in 2011 and therefore remains extant.

Subsequently, an application to revise the siting of the proposed dwelling and realignment of the access track was approved in February 2015. This permission amended the location of the dwelling on the opposite side of the existing access track. As the proposed dwelling would be in a slightly different position from the already approved dwelling, to avoid the possibility of an applicant attempting to implement both permissions and erect two dwellings, or at least argue that any approval set a precedent for two dwellings to be allowed on site, a S106 Agreement was completed rescinding the residential element of the 2009 approval should the 2015 approved scheme be implemented.

As such the principle of a replacement dwelling in close proximity to the existing farm house is established.

The overall volume of the approved dwellinghouse is 2,162m³. In comparison the proposed dwelling, the subject of this current application, would have a volume of 2,160m³. This is a very small reduction but in reality is a very similar volume to the approved replacement dwelling. Nevertheless there would not be a significant increase in volume of the proposed dwelling compared to the approved replacement dwelling.

In terms of heights, the proposed dwelling would be approximately 0.5m higher than the approved replacement dwelling when measured from their respective ground levels to highest parts of the respective roofs. This is not considered to be 'an unacceptably large increase' in height.

In addition, it should be noted that the proposed dwelling would be more 'compact' and 'less spread out' than the approved replacement dwelling which is considered to be a benefit. This would not involve an 'unacceptably large increase' in the size of the development.

Another significant benefit is considered to include the re-siting of the dwelling to lower level land (circa below 8m lower in AOD terms) on a more contained, less prominent site which is surrounded by tree / hedgerow planting, resulting in a reduction in overall landscape impact compared to the approved scheme.

Mindful of these benefits, the scale of the proposed dwelling is considered acceptable in terms of design when compared to the extant permission and there is considered to be no unacceptable conflict with criterion (a) of Policy HG8.

b) The development is compatible with and sympathetic in scale, design, materials, layout and siting to the character and setting of adjoining buildings, and to the landscape character of the location

It is acknowledged that the proposed dwelling would be sited approximately 400 metres to the north of the existing farm house and agricultural buildings. Nevertheless, as stated above, the scale of the current proposal has been slightly reduced compared to the extant scheme and the proposed re-siting is considered to be a benefit in terms of impact on the character of the immediate landscape and visual amenity in general, being on lower level land and located

within a well-contained part of the holding.

In terms of design, this is a subjective matter. The submitted Planning Statement offers the following assessment:

With respect to design, the previous scheme comprised a 'super-sized' farm cottage which, although referenced the local context, was not wholly appropriate for a dwelling of that scale. In comparison, the proposed design of the current scheme exhibits a neo-Georgian style of architecture, with a Jacobean/Victorian west wing, and examples of this can be found on grander properties in the local area, including Shanks House in Cucklington, Redlynch Park in Bruton, Marston House near Frome, and other buildings.

The materials used will be high quality and comprise building stone (Oolithic Limestone) dressed with ashlar stone and lintels, timber frame windows (painted in "Shoreditch" Maylands) and a slate roof.

The re-siting of the property to a location which is more visually contained is appropriate to the landscape character of the area and a Landscape and Visual Impact Assessment (LVIA) has been prepared in support of the application. This demonstrates the positive benefits associated with the dwelling's relocation and assesses key views of the site from the local area.

It is noted that the proposed re-siting of the dwelling would separate the main agricultural buildings from this residential element, however, a significant proportion of the agricultural buildings will be demolished as they are no longer required by the farm business and / or are unfit for purpose following a structural survey undertaken. Traditionally the primary residence would also be separated from the agricultural buildings in order to emphasise the perception of grandeur and formality.

Proposed landscaping will soften the built form and a landscaping plan has been prepared, both on a strategic scale to show the holistic approach being taken to the farm holding and a detailed landscaping plan for the curtilage of the property.

Officers concur with such an assessment. It is considered that the proposed development is sympathetic in scale, design, materials, layout and siting to the landscape character of the location and there is no overriding conflict with criterion b) of Policy HG8.

c) The replacement is on a one for one basis and evidence is provided that the use of the existing dwelling has not been abandoned

It is evident from site inspections carried out by SSDC officers that the use of the existing dwelling has not been abandoned given that the applicants are currently living there. The property is in good physical condition and it was not apparent from any site inspections that it had been used for any purposes other than Class C3 residential use.

It is considered that a S106 Planning Obligation be entered into with the applicants rescinding the 2009 permission and ensuring the demolition of the existing dwelling within three months from occupation of the new replacement dwelling. This latter point would be reinforced by the imposition of a planning condition. This would allow the applicants to have a home on the site for the duration of the construction works but would ensure that the proposed development is indeed on a one-for-one basis requiring the demolition of the existing dwelling at an appropriate stage of proceedings.

As such, the proposal would not result in any unacceptable conflict with criterion (c) of Policy HG8.

As well as relevant Local Plan policy, due regard must be given to guidance within the NPPF, in particular paragraph 79 of the NPPF which states:

Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;*
- d) the development would involve the subdivision of an existing residential dwelling; or*
- e) the design is of exceptional quality, in that it:*
 - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.*

Of relevance is criteria e). As already stated, the proposal is considered to be of a high quality design and would significantly enhance the immediate rural setting and would be sensitive to nearby landscape characteristics, such as the setting of Redlynch Park. As such, there would be no unacceptable conflict with the aims and objectives of the NPPF in terms of the development of isolated new homes in the countryside, having regard also to the planning history set out above and the fact that this proposal is, in effect, for a replacement dwelling albeit on a site some 400 metres away from the existing property.

On the basis that this comprises a one for one replacement, the proposal is considered to be acceptable in principle and accords with Local Plan Policies SD1, HG8 and EQ2.

Landscape Character and Visual Amenity

Policy EQ2 states that development needs to preserve or enhance the character and appearance of the district. Development proposals, extensions and alterations to existing buildings will be considered against various criteria, including conserving and enhancing the landscape character of the area, reinforcing local distinctiveness and addressing local context. In addition, infrastructure, service availability and accessibility are material considerations to be taken into account, together with the protection of the residential amenity of neighbouring properties.

A Landscape and Visual Appraisal (LVA) has been undertaken by Green Book Landscape. It identifies key viewpoints from the surrounding area and recommends suitable mitigation in the form of additional planting and landscaping across the site. Key issues identified are as follows:

- The overall effect on on-site landscape features and elements is assessed as beneficial. There would be no direct effect on off-site landscape features and elements;
- The proposed new site has benefits in visual terms to the consented location resulting from its lower level and greater visual enclosure;
- The landscape character of the area, while attractive, is not specifically designated or unique; and
- The reintroduction of historic hedgerows and new tree planting would greatly enhance the landscape character of the area.

Whilst the proposed dwelling will be sited further away from the existing dwelling and from the

two locations where the approved replacement dwelling has been permitted, nevertheless the replacement dwelling, as currently proposed, would be located in the same general area and would be of an appropriate siting, scale, design and materials. Whilst the current proposal would be visible in the local landscape setting, such resultant visual impact would be less than that which exists in respect of the existing dwelling or the alternative locations of the approved replacement dwelling. As such, it is considered that the proposed development would not result in demonstrable and unacceptable harm to the appearance and rural character of the locality and is in accordance with Policy EQ2.

In order to safeguard the character and appearance of, not only the development itself, but that of the wider locality, a condition is recommended removing various 'permitted development' rights, including those relating to extensions and alterations to the building (including roof alterations), outbuildings and means of enclosure.

Highway Safety

Local Plan Policy TA5 requires all new development to securing inclusive, safe and convenient access on foot, cycle, and by public and private transport that addresses the needs of all, and to ensure that the expected nature and volume of traffic and parked vehicles generated by the development would not have a detrimental impact on the character or amenity of the area and would not compromise the safety and/or function of the local or strategic road networks in terms of both volume and type of traffic generated.

Policy TA6 states that parking provision in new development should be design-led and based upon site characteristic, location and accessibility. The parking arrangements within SCC's parking Strategy will be applied within the District.

Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 106 of the NPPF advises that maximum parking standards for residential and non-residential development should only be set where there is clear and compelling justification that they are necessary for managing the local road network.

The proposed replacement dwelling would be served via the existing access track from Barrow Water Lane (which is currently used to access the existing farm house and agricultural buildings) and a new access and driveway constructed in the field in which the new dwelling would be erected. No objections to this means of access have been raised by the County Highway Authority or by SSDC's Highway Consultant and is the preferred means of access expressed by a majority of third parties who have commented on access issues.

In effect, the highway impacts will be the same as the extant scheme. Traffic generation to and from the site for one dwelling would not be 'severe' (to use the terminology in the NPPF) and thus a refusal of permission for this proposal would be unreasonable.

Mindful of the comments and recommendation from the Highway Authority and the Highway Consultant, it is considered that there would be no significant adverse impact on highway safety. As such, the proposed development is in accordance with Policies TA5 and TA6 of the South Somerset Local Plan and relevant guidance within the NPPF.

Residential Amenity

The proposed dwelling would be sited in an isolated location well away from any nearby residential properties outside of the application site so as to have no unacceptable significant impact on residential amenity in terms of dominance, overbearing impact, overlooking, loss of privacy, overshadowing, unacceptable noise and odour pollution and loss of outlook. As such,

the development is in accordance with the relevant parts of Policy EQ2 of the Local Plan and the aims and provisions of the NPPF.

Flooding and Drainage

The site lies within Flood Zone 1. The current proposal does not conflict with Policy EQ1 and relevant guidance within the NPPF.

Biodiversity

Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017). Policy EQ4 of the Local Plan also requires proposals to pay consideration to the impact of development on wildlife and to provide mitigation measures where appropriate.

The existing farm house to be demolished was surveyed for roosting bats by Grass Roots Ecology in May 2019. This found evidence that the house was being used by roosting serotine and probably pipistrelle bats. Three activity surveys will be required to determine the status of the roost. It is planned that the replacement roost would be constructed in the form of a roof space in the proposed garage of the replacement dwelling.

The application red line does not include the farm house to be demolished but the Planning Statement clarifies that the application includes the demolition of the farm house. The demolition of the farm house will require a Natural England European protected species licence. The County Ecologist recommends the imposition of such a condition in order that the LPA fulfils its legal obligation of strict protection of European protected species in accordance with the Habitats Regulations 2017, together with the requirement for an appropriate bat mitigation strategy.

In addition, the County Ecologist recommends the imposition of conditions in respect of a proposed lighting scheme and timing of demolition and vegetation removal works.

The various conditions recommended by the County Ecologist will be reflected in conditions and informatives (using more appropriate wording) forming part of the formal officer recommendation.

With the incorporation of such conditions, it is considered that the proposed development would not conflict with the aims and aspirations of Policy EQ4 of the South Somerset Local Plan and relevant guidance within the NPPF.

Planning Obligations and CIL

As this proposal is for less than 10 units the LPA will not be seeking any contributions towards leisure and recreational facilities or other local or district wide obligations, in accordance with the High Court of Appeal decision (SoS CLG vs West Berks/Reading) made in May 2016, which clarifies that Local Authorities should not be seeking contributions from schemes of 10 units or less. For the same reason the LPA does not seek any affordable housing obligation.

The scheme will be liable for the Community Infrastructure Levy (CIL) at £40 per m² and it is noted that the applicant has submitted a completed Form. It must be for the developer to establish, at the appropriate juncture, whether any exemptions or relief applies. An appropriate informative will be added to any permission, advising the applicant of their further obligations in this respect.

In order to make this proposal acceptable from a visual impact perspective and to ensure the proposed dwelling is provided on a "one for one basis", a Planning Obligation under Section

106 of the 1990 Act needs to be entered into to rescind the extant 2009 permission for, not only the erection of that approved dwelling, but also in respect of the single large replacement agricultural building that formed part of that permission.

Second, it has been suggested by the applicants that several of the existing agricultural buildings are no longer required and are to be removed. The S106 Obligation should ensure the removal of such buildings, identified on a plan to be submitted to the LPA, within 3 months of the date of occupation of the new replacement dwelling, such date of occupation having been previously notified in writing to the LPA by the applicants prior to said occupation commencing.

Thirdly, from a highways safety perspective and to ensure all traffic serving the farm holding (identified by the land edged blue on the submitted Site Location Plan no. 13127/001 Rev A) is directed away from existing entrances onto the holding from the B3081, the S106 Obligation is to require the permanent closure of all existing accesses onto the holding from the B3081 within 3 months of the date of occupation of the new replacement dwelling, such date of occupation having been previously notified in writing to the LPA by the applicants prior to said occupation commencing. The means of such permanent enclosure shall be by means of hedgerows and/or copses of trees to match existing boundary hedges and woodland in the locality, the details of which shall be previously submitted to and approved in writing by the LPA, including the timetable for the carrying out of such planting and means of future management and maintenance.

Fourth, all proposed planting of woodland, trees, hedges and wildflower meadows on the farm holding as a whole shall be carried out in accordance with the approved Planting Plans nos. PP01 and PP02 and, together with retained hedgerows and trees, subsequently managed and maintained in accordance with the details indicated on the drawing and document 'Stoke Farm - Management Notes' dated 2nd August 2019 prepared by Greenbook Landscape Design, unless any variations to this landscaping scheme are subsequently agreed in writing by the LPA. 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 first occupation of the dwelling or the completion of the development, whichever is the sooner.

If within a period of ten years from the date of the completion of the dwelling or completion of the approved landscaping scheme (whichever is the later), any retained tree, hedge or shrubs are felled, removed, uprooted, destroyed or die, or become in the opinion of the Local Planning Authority seriously damaged, diseased or defective, it/they shall be replaced by planting as originally approved, unless the Local Planning Authority gives its written approval to any variation. This replacement planting shall be undertaken before the end of the first available planting season (October to March inclusive for bare root plants), following the removal, uprooting, destruction or death of the original trees or plants.

Finally, current planning policy permits in principle the provision of isolated new dwellings in the countryside if there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work. Mindful that the proposed replacement dwelling is to be sited approximately 400 metres away from retained agricultural buildings, the LPA is concerned that there may be a future desire from the applicants or future owner(s) of the land to provide an additional dwelling closer to the existing buildings within "sight and sound" of such buildings. The LPA seeks legal provision to ensure that no planning application is submitted to the LPA seeking planning permission for the erection of an agricultural dwelling on any part of the farm holding (identified by the land edged blue on the submitted Site Location Plan no. 13127/001 Rev A).

Conclusion

The proposed replacement dwelling in this rural location outside the development limits of any

settlement, by reason of its size, scale, design and materials, would cause no demonstrable harm to the setting of any designated heritage asset (Redlynch Park) and would cause no significant or demonstrable adverse impact on the general character and appearance of the area, residential amenity, highway safety, flood risk or biodiversity. Due regard is also given to the extant 2009 appeal decision which has allowed the erection of a replacement dwelling and large agricultural building elsewhere on the Stoke farm agricultural holding. As such the proposal accords with Policies SD1, SS1, SS2, HG8, EQ1, EQ2, EQ3, EQ4, TA1, TA5 and TA6 of the South Somerset Local Plan and relevant guidance in the NPPF and is recommended for approval.

RECOMMENDATION

Permission be granted subject to the prior completion of a section 106 agreement (in a form acceptable to the Council's Solicitor) before the decision notice granting planning permission is issued to secure:

a) the rescinding / revocation of the extant 2009 permission for, not only the erection of that approved dwelling, but also in respect of the single large replacement agricultural building that formed part of that permission.

b) within 3 months from the date of occupation of the new replacement dwelling (such date of occupation having been previously notified in writing to the Local Planning Authority by the applicants prior to said occupation commencing), the demolition of the existing farm house (and all associated garaging/outbuildings) and those existing agricultural buildings on the farm holding as identified for removal on the submitted Plan ref: 409_A4_001_Demolition Plan_Rev A, together with the removal of all materials from the farm holding resulting from said demolitions, other than those materials to be crushed and used for recycling purposes such as hardcore/aggregate as part of the sub-base of the new dwelling, for hardsurfacing of new trackways, new gates or fencing, or for other recycling purposes the details of which shall be notified to and agreed in writing by the Local Planning Authority.

c) the permanent closure of all existing accesses onto the farm holding (identified by the land edged blue on the submitted Site Location Plan no. 13127/001 Rev A) from the B3081 within 3 months of the date of occupation of the new replacement dwelling, such date of occupation having been previously notified in writing to the Local Planning Authority by the applicants prior to said occupation commencing. The means of such permanent enclosure shall be by means of hedgerows and tree planting to match existing boundary hedges and woodland in the locality, the details of which shall be previously submitted to and approved in writing by the Local Planning Authority, including the timetable for the carrying out of such planting and means of future management and maintenance.

d) the carrying out of all proposed planting of woodland, trees, hedges and wildflower meadows on the farm holding as a whole in accordance with the approved Planting Plans nos. PP01 and PP02 and, together with retained hedgerows and trees, their subsequent management and maintenance in accordance with the details indicated on the drawing and document 'Stoke Farm - Management Notes' dated 2nd August 2019 prepared by Greenbook Landscape Design, or alternatively any proposed amended new landscaping, management and/or maintenance schemes to be carried out on the farm holding the details of which shall be previously submitted to and approved in writing by the Local Planning Authority by means of applications submitted under Section 73 or Section 96A of the Town and Country Planning Act 1990 (as amended), whichever form of application is deemed appropriate by the Local Planning Authority.

If within a period of ten years from the date of the completion of the dwelling or completion of

the approved landscaping scheme (whichever is the later), any retained tree, hedge or shrubs are felled, removed, uprooted, destroyed or die, or become in the opinion of the Local Planning Authority seriously damaged, diseased or defective, it/they shall be replaced by planting as originally approved, unless the Local Planning Authority gives its written approval to any variation. This replacement planting shall be undertaken before the end of the first available planting season (October to March inclusive for bare root plants), following the removal, uprooting, destruction or death of the original trees or plants.

e) no planning application being submitted to the Local Planning Authority seeking planning permission for the erection of an agricultural dwelling on any part of the farm holding (identified by the land edged blue on the submitted Site Location Plan no. 13127/001 Rev A).

And for the following reason:

01. The proposed replacement dwelling in this rural location outside the development limits of any settlement, by reason of its size, scale, design and materials, would cause no demonstrable harm to the setting of any designated heritage asset (Redlynch Park) and would cause no significant or demonstrable adverse impact on the general character and appearance of the area, residential amenity, highway safety, flood risk or biodiversity. Due regard is also given to the extant 2009 appeal decision which has allowed the erection of a replacement dwelling and large agricultural building elsewhere on the Stoke Farm agricultural holding. As such the proposal accords with Policies SD1, SS1, SS2, HG8, EQ1, EQ2, EQ3, EQ4, TA1, TA5 and TA6 of the South Somerset Local Plan and relevant guidance in the NPPF.

SUBJECT TO THE FOLLOWING:

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

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

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

- o Drawing no. 13127/001 Rev A: Site Location Plan
- o Drawing no. 13127/003 Rev A: Proposed North Elevation
- o Drawing no. 13127/004 Rev A: Proposed West Elevation
- o Drawing no. 13127/005 Rev A: Proposed South Elevation
- o Drawing no. 13127/006 Rev A: Proposed East Elevation
- o Drawing no. 13127/007 Rev B: Proposed Ground Floor Plan
- o Drawing no. 13127/008 Rev B: Proposed First Floor Plan
- o Drawing no. 13127/009 Rev A: Proposed Second Floor Plan
- o Drawing no. 13127/010 Rev A: Proposed Roof Plan
- o Drawing no. 13127/011 Rev A: Proposed Site Plan
- o Drawing no. 13127/012: Car Port Plans and Elevations
- o Drawing no. 13127/013: Proposed Section A-A
- o Drawing no. 13127/014: Building Overlay
- o Drawing no. 409_A4_001_Demolition Plan_Rev A: Buildings to be demolished
- o Drawing no. MP01 Rev C: Masterplan
- o Drawing no. MP02 Rev C: Masterplan
- o Drawing no. PP01: Planting Plan
- o Drawing no. PP02: Planting Plan
- o Planting Management document entitled "Stoke Farm - Management Notes" dated 2nd August 2019 prepared by Greenbook Landscape Design

- o Ecological Survey results in a Letter dated 20th May 2019 prepared by Grass Roots Ecology Ltd - ecological considerations,
- o Sustainability Summary report dated 2nd August 2019 prepared by AADNunn Energy Assessors
- o SAP Report Submission for Building Regulations Compliance dated 2nd August 2019 prepared by AADNunn Energy Assessors.

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

03. 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, barrier tape shall be tied to/fixed along the whole length of the existing field boundary fencing alongside the proposed new access driveway to be used during the phase(s) of construction. Such barrier tape shall remain tied to/fixed to said boundary fencing in its entirety for the duration of the construction of the development and shall only be moved, removed or dismantled prior to completion of the development with the prior written consent of the Local Planning Authority.

Reason: To preserve existing landscape features (trees and hedgerows) in accordance with Policies EQ2 and EQ4 of the South Somerset Local Plan and relevant guidance within the NPPF.

04. No removal of potential bird nesting habitats, comprised of hedgerows, trees, scrub, shrubs and ruderal vegetation, or works to or demolition of any buildings or structures, shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of buildings and vegetation for active birds' nests immediately before works proceed and vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority and written agreement from the Local Planning Authority so obtained.

Under no circumstances should blocking bird access to certain areas and features in using plastic bird netting hung over the gaps and apertures be carried out, as this can lead to entrapment from birds caught in netting.

Reason: To provide adequate safeguards for nesting birds, which are afforded protection under the Wildlife and Countryside Act 1981 (as amended), having regard to Policy EQ4 of the South Somerset Local Plan and relevant guidance within the NPPF.

05. Notwithstanding the details indicated on the submitted drawings, prior to construction of any part of the dwelling hereby permitted above slab level/ground floor level, a schedule of materials and (colour) finishes (including samples and trade descriptions/brochure details where appropriate) of materials to be used in the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. Such a schedule shall include:

(a) details of all materials to be fixed to the roofs of the dwelling and car port, including the type, size, colour and profile of natural slate, together with type, colour and profile of ridge tiles;

(b) a sample panel of the type of stonework, type of pointing and the mortar to be used, measuring not less than two square metres, shall be provided for inspection and written approval by the Local Planning Authority prior to the construction of any new walls and

thereafter kept on site for reference until the stonework is completed. Machine cut faces shall not be used in the walls or for quoin stones;

(c) the colour and finish of the timber cladding/weatherboarding to be used on the car port and a drawn section to show its profile, lapping and finish;

(d) elevational, plan and vertical sectional drawings at an appropriate scale of all external windows (including dormer windows) and doors indicating details of their design, appearance (including thresholds), profiles, position in wall reveals, opening lights (if any), materials, finish and colour, including their method of opening, and materials and finish of all lintels and sills;

(e) constructional details at an appropriate scale of all eaves, verges and barge boards. Unless otherwise agreed in writing by the Local Planning Authority, all new (and any subsequent replacement) fascia boards shall be fitted tight to the wall face and the barge shall be finished either with a close fitting timber board or the wall finish taken directly up to the underside of the roof covering;

(f) the locations, heights, sizes, materials of construction and colour finishes of all flues, ducts, rainwater goods, external vents, extracts, meters and any other external attachments;

(g) the type, size, siting and method of fixing of all rooflights to be used. All rooflights shall be fitted flush to the roof plane wherever possible; and

(g) materials, design, appearance and (colour) finish of all railings, decorative metalwork and other decorative features.

The development shall be constructed in accordance with the approved details and completed before the development is first occupied (or completed to a stage previously agreed in writing by the Local Planning Authority) and thereafter shall be retained and maintained in that form, unless the Local Planning Authority gives prior written approval to any subsequent variation.

Reason: To enable the Local Planning Authority to consider the details of all external finishing materials prior to their installation/construction at an appropriate stage in the course of the development to ensure that the development displays good design practise and reflects local distinctiveness, having due regard to safeguarding visual and residential amenity and designated historic assets and in accordance with Policy EQ2 of the South Somerset Local Plan and relevant guidance within the NPPF.

06. Prior to the commencement of any works to demolish the existing farm house, a 'Bat Mitigation Strategy' shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall include, but not exclusively, a copy of the Natural England European protected species licence for the existing farm house and details of the proposed roost construction within the car port hereby permitted.

The car port shall be constructed in strict accordance with the approved 'Bat Mitigation Strategy' unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the strict protection of European protected species and in accordance with Policy EQ4 of the South Somerset Local Plan and relevant guidance within the NPPF.

07. Prior to occupation of the dwelling hereby permitted, a 'lighting design for bats' shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting, including any amenity or security lighting, will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent in writing from the Local Planning Authority.

Reason: In the interests of the Favourable Conservation Status of populations of European protected species and in accordance with policy EQ4 of the South Somerset Local Plan.

08. Prior to occupation of the dwelling hereby permitted, a scheme of foul drainage and effluent disposal shall be implemented in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be retained and maintained thereafter.

Reason: in order to safeguard against pollution, having regard to Policies EQ2 and EQ7 of the South Somerset Local Plan and relevant guidance within the NPPF.

09. Prior to occupation of the dwelling hereby permitted, a scheme of surface water disposal from all new buildings and hardened areas shall be implemented in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be retained and maintained thereafter.

Reason: in order to safeguard against pollution and flooding, having regard to Policies EQ1, EQ2 and EQ7 of the South Somerset Local Plan and relevant guidance within the NPPF.

10. The dwelling hereby permitted shall not be occupied until an electric vehicle charging point (EVCP) rated at a minimum of 16 amps has been provided for within its associated garage / parking space. Such provision shall be in accordance with details indicating the siting, design, rating and appearance of the EVCP which shall be previously submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure provision of an EVCP for low emission vehicles as part of the transition to a low carbon economy, having regard to Policy TA1 of the South Somerset Local Plan and relevant guidance within the NPPF.

11. The landscape planting scheme set out on the submitted drawings nos. PP01 and PP02, both titled "Planting Plan", prepared by Greenbook Landscape Design shall be fully implemented and thereafter retained and maintained. 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 first occupation of any dwelling or the completion of the development, whichever is the sooner.

Reason: To safeguard the character and appearance of the area, and to accord with Policies EQ2 and EQ4 of the South Somerset Local Plan and relevant guidance within the NPPF.

12. For a period of ten years after the completion of the landscaping scheme pursuant to condition 11, the newly planted trees, hedges and shrubs, together with retained trees and hedges, shall be protected and maintained in a healthy weed free condition and in accordance with details set out in the document "Stoke Farm - Management Notes" dated 2nd August 2019 prepared by Greenbook Landscape Design.

Any new or retained trees, hedges or shrubs that cease to grow or are felled, removed, uprooted, destroyed or die, or become in the opinion of the Local Planning Authority seriously damaged, diseased or defective, shall be replaced by trees, hedges or shrubs of similar size and species, or other appropriate trees, hedges or shrubs as may be approved in writing by the Local Planning Authority. This replacement planting shall be undertaken before the end of the first available planting season (October to March inclusive for bare root plants), following the removal, uprooting, destruction or death of the original trees or plants.

Reason: To safeguard and enhance the landscape character and visual amenity of the area; to help assimilate the development into its immediate surrounds; and to provide ecological, environmental and biodiversity benefits, having regard to Policies EQ2 and EQ4 of the South Somerset Local Plan and relevant guidance within the NPPF.

13. Within three months from the date of first occupation of the new dwelling hereby permitted (such date of occupation having been previously notified in writing to the Local Planning Authority by the applicants/developer prior to said occupation commencing), the existing dwelling (and all associated garaging/outbuildings) and those agricultural buildings to be demolished as indicated on the submitted Plan ref: 409_A4_001_Demolition Plan_Rev A shall be demolished and the site reinstated to form part of the agricultural land within the Stoke Farm agricultural holding.

Reason: In the interests of visual amenity and sustainable development in accordance with Policies Hg8 and EQ2 of the South Somerset Local Plan and relevant guidance within the NPPF.

14. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking, re-enacting or modifying that Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express grant of planning permission, other than that expressly authorised by this permission:

- (a) Part 1, Class A (enlargements, improvements or other alterations);
- (b) Part 1, Class B (additions etc to the roof of a dwellinghouse);
- (c) Part 1, Class C (other roof alterations);
- (d) Part 1, Class D (porches)
- (e) Part 1, Class E (incidental buildings, enclosures, swimming or other pools);
- (f) Part 1, Class F (hardsurfaces);
- (g) Part 1, Class G (chimney, flues, soil or vent pipes);
- (h) Part 1, Class H (microwave antenna);
- (i) Part 2, Class A (gates, fences, walls or other means of enclosure);
- (j) Part 2, Class B (means of access to a highway);
- (k) Part 2, Class C (exterior painting);
- (l) Part 14, Classes H and I (wind turbine for microgeneration).

Reason: To enable the Local Planning Authority to exercise control over development in order to safeguard the character and appearance of the development itself and the locality in general, by ensuring there are no inappropriate extensions to the dwelling, to ensure there is no resultant detriment to ecological, environmental and biodiversity interests and to safeguard on-site parking and circulation areas; having regard to Policies EQ2, EQ4, TA5 and TA6 of the South Somerset Local Plan and relevant guidance within the NPPF.

Informatives:

01. CIL

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

02. Bats and Roosts

The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the unlikely event that bats are encountered during implementation of this permission it is recommended that works stop and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity.

Development should not commence (including any site clearance and demolition works) until demolition/construction operatives have been inducted by a licensed bat ecologist to make them aware of the possible presence of bats, their legal protection and of working practices to avoid harming bats by a licensed bat ecologist.

03. Lighting

In respect of condition 07, light could cause nuisance to ecological interests. Any lighting should be screened to minimise direct illumination falling on land outside of the development. Appropriate shields, baffles, louvres or diffusers should be installed prior to their use to ensure that nuisance to nearby properties is minimised. As well as giving consideration to direct glare, any lighting scheme shall also take into account upward reflection. Any lighting scheme should be designed in accordance with the Institute of Lighting Engineers "Guidance Notes" for the Reduction of Light Pollution (2011) or similar guidance recognised by the Council, and also Guidance Note 08/18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

Agenda Item 12

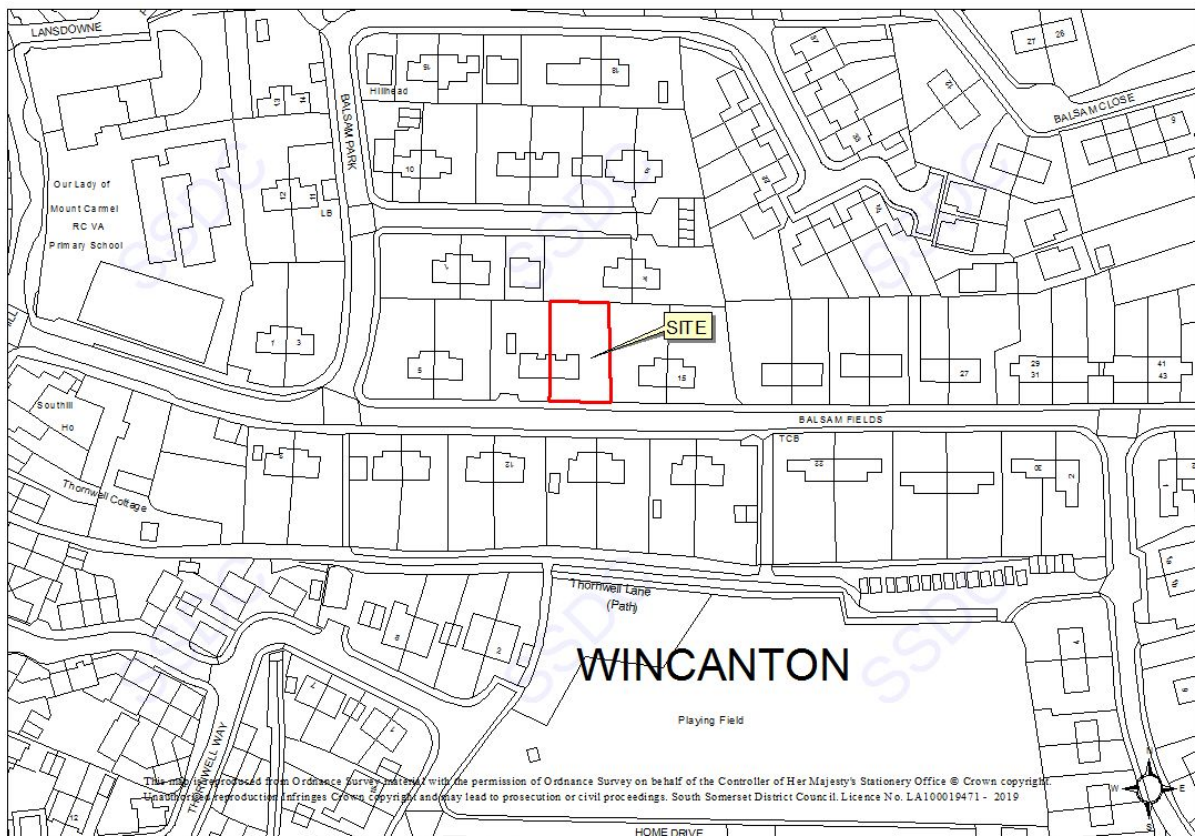
Officer Report on Planning Application: 19/01462/FUL

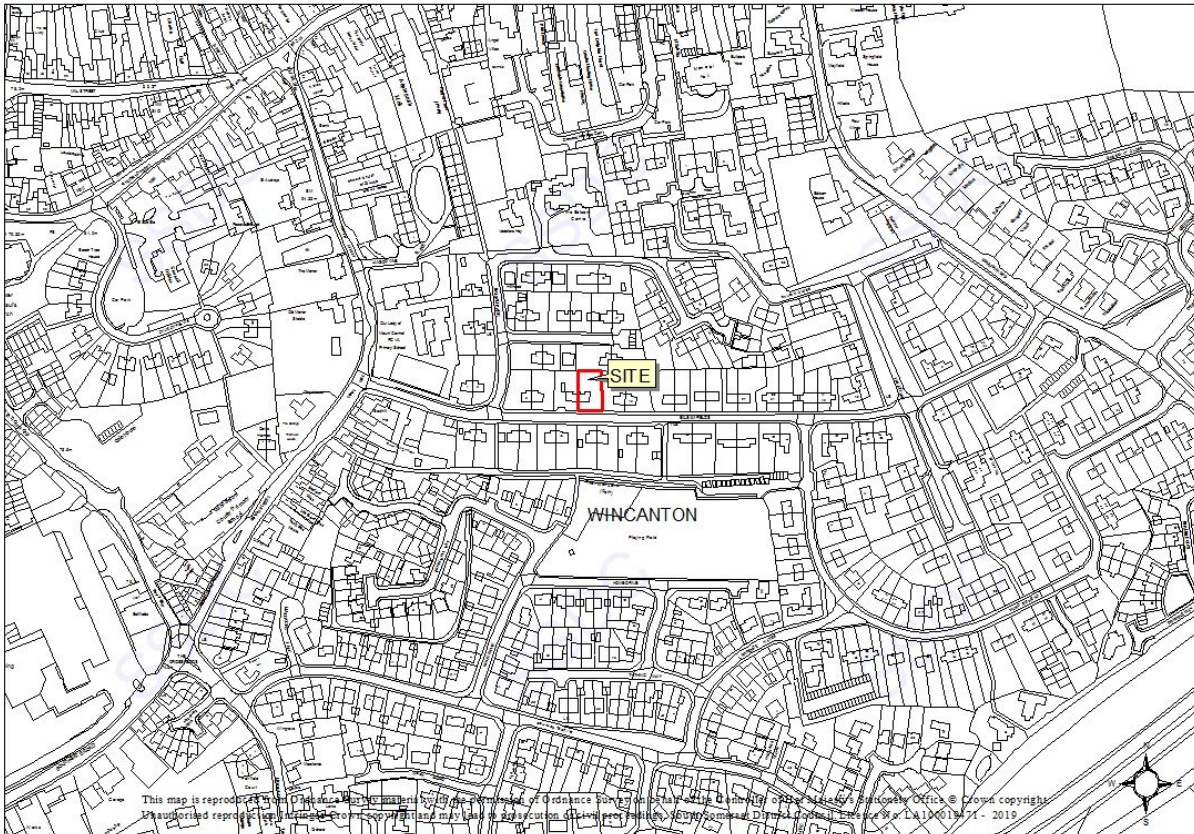
Proposal:	The erection of an attached dwelling and formation of associated parking.
Site Address:	11 Balsam Fields, Wincanton BA9 9HF
Parish:	Wincanton
WINCANTON Ward (SSDC Member)	Cllr N Colbert and Cllr C Winder
Recommending Case Officer:	David Kenyon Tel: 01935 462091 Email: david.kenyon@southsomerset.gov.uk
Target date:	15th August 2019
Applicant:	Mr & Mrs J Boulter
Agent: (no agent if blank)	Mr Daniel Foster 5 Stirling Way FROME BA11 2XQ
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

This application is referred for Committee consideration at the request of one of the Ward Members, with the agreement of the Area Chair, in order to allow the planning issues to be debated. It should be noted that the other ward member agrees with the officer's recommendation.

SITE DESCRIPTION AND PROPOSAL





This is a detailed application seeking full planning permission for the erection of an attached dwelling and associated parking.

The site comprises a 2 storey semi-detached dwelling, no. 11 Balsam Fields, and its side and rear garden areas, situated within the heart of a residential area with dwellings on all sides.

The proposal seeks to erect a 3-bedroomed attached dwelling with parking for two vehicles, plus three new parking spaces for No. 11. The proposed dwelling would have the same ridge and eaves heights as no. 11 and would be constructed of brick and rendered walls and clay roof tiles all to match the existing dwelling.

HISTORY

None

POLICY

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

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

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

- SD1 - Sustainable Development
- SS1 - Settlement Strategy
- TA1 - Low Carbon Travel
- TA5 - Transport Impact of New Development
- TA6 - Parking Standards

EQ1 - Addressing Climate Change in South Somerset
EQ2 - General development

Wincanton Neighbourhood Plan 2018-2028

Policy 7 - Housing Types

National Planning Policy Framework - February 2019

Chapter 5 - Delivering a sufficient supply of homes

Chapter 9 - Promoting sustainable transport

Chapter 12 - Achieving well - designed places

Chapter 14 - Meeting the challenge of climate change, flooding and coastal change

National Planning Practise Guidance

Other material considerations

Somerset County Council Parking Strategy (SPS) (September 2013) and Standing Advice (June 2017)

CONSULTATIONS

Wincanton Town Council

Application recommended for refusal due to the lack of amenity to neighbouring properties. The Town Council raises concerns about the traffic problems in that area and are satisfied the housing requirements in the town have been met.

County Highways

Refers to Standing Advice.

SSDC Highway Consultant

No significant highways issues with this scheme provided the proposed parking spaces have minimum dimensions of 4.8m x 2.4m per space. If this is the case, I recommend the following conditions are imposed if permission is granted: (a) a 2.4m back and parallel visibility splay across the whole site frontage with no obstruction greater than 600mm within the splay, (b) the proper consolidation and surfacing of the parking spaces (not loose stone or gravel), (c) the installation of drainage measures to the rear of the pavement (such as an ACO drain leading to a private soakaway) to ensure that surface water from the parking spaces does not discharge onto the highway, (d) a maximum gradient of 1:10 for the parking spaces, and (e) a Note to Applicant informing of the need to apply for a S.184 license from SCC for the dropping of the kerb-line and the re-profiling of the pavement.

REPRESENTATIONS

Six neighbouring properties and other third parties have been notified and a site notice displayed.

Two objections have been received which are on the website in full for information. The objections can be summarised as follows in no particular order:

- The proposed new dwelling would be a complete eyesore and invasion of space.
- Overdevelopment. Character of semi-detached properties would be changed to an unacceptable degree.
- The new build would impinge on views and result in unacceptable overshadowing of neighbouring gardens and houses.
- The road is very busy as it is popular for the school run and regularly used as a cut

through for lots of road users. Increased congestion and detrimental impact on pedestrian and road users.

- Reduction in on-street parking for those properties that do not have driveways.
 - Inadequate proposed parking.
 - Detriment to residential amenity, congestion and inconvenience during the construction period.
 - Devaluation of neighbouring properties.
-
- One representation of support has been received which is also on the website for consideration.
-
- Reference has been made to similar proposals for attached dwellings having been granted planning permission in the vicinity of the site so a precedent has been set.
 - The proposal would be sympathetic to the character of the area.
 - It is an infill plot and will add to the housing supply.
 - It will take existing vehicles off the road from the existing house and will have off road parking for the new one.
 - The road already has houses in front and behind so there would be no problem with any overlooking.
 - The position in the town is convenient as the shops are a short walk and the schools are just along the road so a family home would be ideal.

CONSIDERATIONS

Principle of Development

The site lies within the Development Area of Wincanton in a sustainable location where new residential development is acceptable in principle subject to compliance with other adopted planning policies and lack of demonstrable harm. On this basis it is considered to be in keeping with the surrounding area.

Other dwellings have been erected within Balsam Fields / Balsam Park area in recent years and the proposed site is comparable to those. For example:

Balsam Fields

05/03230/FUL. Erect single two storey dwelling. 9 Balsam Fields.
Approved 23.03.2006.

13/01236/FUL. Erection of an attached dwellinghouse and provision of off street parking for both existing and new dwelling. 5 Balsam Fields.
Approved 15.05.2013.

Balsam Park

02/03089/FUL. The erection of an attached dwelling. 10 Balsam Park.
Approved 09.01.2003.

04/02490/FUL. The erection of a dwelling with internal garage and a separate single garage to serve 16 Balsam Park.
Approved 19.10.2004.

07/00831/FUL. Erection of 1 no. dwelling with vehicular access and provision of separate access for existing dwelling. 2 Balsam Park.
Approved 17.05.2007.

10/00195/FUL. The erection of a dwellinghouse. 15 Balsam Park.

Approved 04.06.2010.

10/01426/FUL. The erection of a detached dwellinghouse. 18 Balsam Park.
Appeal allowed 02.02.2011.

11/00409/FUL. The erection of a 3 bedroom dwellinghouse with associated parking and access. 3 Balsam Park.
Approved 22.03.2011.

Whilst each application must be considered on its merits, nevertheless there is a requirement for consistency in decision-making. The principle of 'infill' development has been established by virtue of these various grants of planning permission for new dwellings in the general vicinity of the application site. Thus it is considered that the principle of the current proposal must also be considered to be acceptable.

Amenity

The design of the proposed dwelling as an 'extension' to No.11 is acceptable as it incorporates the same key features and replicates the same form and materials. All windows and doors are to be installed in the front and rear elevations. No windows or doors would be installed in the side (east) elevation.

It is not considered that demonstrable harm would result from the blocking of light to neighbouring properties or significant overlooking would be created. Nor would the proposed dwelling have an unacceptable dominant impact. Nevertheless, in order to safeguard the future residential amenities of neighbouring properties, certain 'permitted development' rights will be removed.

The proposal would retain a decent sized useable amenity space for the host property.

Highways

5 car parking spaces are proposed on site, with 3 being allocated to the existing dwelling and 2 to the proposed dwelling. SSDC Highway Consultant has not raised any concerns over the provision of these parking spaces on this site and has recommended the imposition of various conditions.

Planning obligations and CIL

As this proposal is for less than 10 units the LPA will not be seeking any contributions towards leisure and recreational facilities or other local or district wide obligations, in accordance with the High Court of Appeal decision (SoS CLG vs West Berks/Reading) made in May 2016, which clarifies that Local Authorities should not be seeking contributions from schemes of 10 units or less. For the same reason the LPA does not seek any affordable housing obligation.

The scheme will be liable for the Community Infrastructure Levy (CIL) at £40 per m² and it is noted that the applicant has submitted a completed Form. It must be for the developer to establish, at the appropriate juncture, whether any exemptions or relief applies.

Conclusion

The proposal reflects the character of the area and does not cause any demonstrable harm to residential amenity. Parking for both dwellings, existing and proposed, has been detailed. The proposal therefore complies with Policies SD1, SS1, EQ2, TA5 and TA6 of the South Somerset Local Plan and the aims and objectives of the National Planning Policy Framework.

RECOMMENDATION

Permission be granted for the following reason:

01. The proposal, by reason of its design and layout, represents appropriate infill that is responsive to the established built form and character of the area, and does not cause demonstrable harm to visual amenity or residential amenity and is therefore in accordance with Policies SD1, SS1, EQ2, TA5 and TA6 of the South Somerset Local Plan and the aims and objectives 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 drawings:

- Drawing no. PL4109/1 - Location Plan.
- Drawing no. PL4109/2 - Existing Block Plan.
- Drawing no. PL4109/3 - Existing Plans.
- Drawing no. PL4109/4A - Existing Elevations.
- Drawing no. PL4109/5 - Proposed Block Plan.
- Drawing no. PL4109/6 - Modifications in Existing Dwelling.
- Drawing no. PL4109/7 - Proposed New Dwelling Plans
- Drawing no. PL4109/8A - Proposed Elevations.
- Drawing no. PL4109/9A - Proposed Section.

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

03. Notwithstanding the details indicated on the submitted drawings, prior to construction/progression of any part of the development hereby permitted above slab level/ground floor level, particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be constructed in accordance with the approved details and completed before the development is first occupied (or completed to a stage previously agreed in writing by the Local Planning Authority) and thereafter shall be retained and maintained in that form, unless the Local Planning Authority gives prior written approval to any subsequent variation.

Reason: In the interests of visual amenity to accord with Policy EQ2 of the South Somerset Local Plan and relevant guidance in the NPPF.

04. Prior to construction/progression of any part of the development hereby permitted above slab level/ground floor level, a scheme of hard and soft landscaping, as well as details of any changes proposed in existing ground levels, shall be submitted to and approved in writing by the Local Planning Authority.

All planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the

development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity to accord with Policy EQ2 of the South Somerset Local Plan and relevant guidance within the NPPF.

05. Prior to occupation of the dwelling hereby permitted, a scheme of foul drainage and effluent disposal shall be implemented in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be retained and maintained thereafter.

Reason: in order to safeguard against pollution, having regard to Policies EQ2 and EQ7 of the South Somerset Local Plan and relevant guidance within the NPPF.

06. Prior to occupation of the dwelling hereby permitted, a scheme of surface water disposal from the new dwelling and all hardened areas shall be implemented in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be retained and maintained thereafter.

Reason: in order to safeguard against pollution and flooding, having regard to Policies EQ1, EQ2 and EQ7 of the South Somerset Local Plan and relevant guidance within the NPPF.

07. Prior to any vehicular use of the new parking spaces hereby permitted, the parking spaces and vehicular accesses thereto shall be constructed and completed in accordance with details previously submitted to and approved in writing by the Local Planning Authority. Such details shall include and confirm the following:

- a) Each parking space to measure 4.8 metres x 2.4 metres;
- b) Each parking space to be properly consolidated and surfaced (not loose stone or gravel) and delineated, the details of such hardsurfacing materials and methods of delineation to be submitted to and approved in writing by the Local Planning Authority;
- c) The installation of drainage measures to the rear of the pavement (such as an ACO drain leading to a private soakaway) to ensure that surface water from the parking spaces does not discharge onto the highway;
- d) The gradients of the proposed parking spaces shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times;
- e) The provision of a 2.4m back and parallel visibility splay across the whole site frontage with no obstruction greater than 600mm within the splay; and
- f) The creation of dropped kerbs installed at the carriageway edge and a vehicle crossover constructed across the footway fronting the site for the width of the parking spaces as a whole.

Thereafter such approved details shall be retained and maintained in perpetuity.

Reason: In the interests of highway safety further to Policies TA5 and EQ2 of the South Somerset Local Plan and relevant guidance within the NPPF.

08. The parking spaces hereby permitted shall be maintained and retained for such purposes of parking and turning of vehicles (including motorcycles and bicycles) incidental to the occupation and enjoyment of the particular dwelling to which they serve, and kept permanently free from any other forms of obstruction.

Reason: To protect the visual and residential amenities of the site and surrounds and to ensure that adequate on-site parking and turning spaces are provided and thereafter retained, in the interests of and for the safety of persons and vehicles using the development

and the adjoining road, having regard to Policies EQ2 and TA5 of the South Somerset Local Plan and relevant guidance within the NPPF.

09. The dwelling hereby permitted shall not be occupied until electric vehicle charging points (EVCP) rated at a minimum of 16 amps have been provided for within one of its associated parking spaces and within one of the parking spaces to be used by no. 11 Balsam Fields. Such provision shall be in accordance with details indicating the siting, design, rating and appearance of the EVCP's which shall be previously submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure provision of EVCP's for low emission vehicles as part of the transition to a low carbon economy, having regard to Policy TA1 of the South Somerset Local Plan and relevant guidance within the NPPF.

10. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking, re-enacting or modifying that Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express grant of planning permission, other than that expressly authorised by this permission:

- (a) Part 1, Class A (enlargements, improvements or other alterations);
- (b) Part 1, Class B (additions etc to the roof of a dwellinghouse);
- (c) Part 1, Class C (other roof alterations);
- (d) Part 2, Class A (gates, fences, walls or other means of enclosure);
- (e) Part 2, Class B (means of access to a highway).

Reason: To enable the Local Planning Authority to exercise control over development in order to safeguard the character and appearance of the development itself and the locality in general, by ensuring there are no inappropriate extensions or roof alterations to the dwelling that would cause unacceptable detriment to the residential amenities of neighbouring properties, and to safeguard on-site parking and circulation areas; having regard to Policies EQ2, TA5 and TA6 of the South Somerset Local Plan and relevant guidance within the NPPF.

Informatives:

01. CIL

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

02. Highway Works

The applicant will be required to secure a licence from the Highway Authority for works on or adjacent to the highway necessary as part of this development, and the applicant is advised to contact Somerset County Council at least four weeks before starting such works.