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## Area North Committee

**Wednesday 28th August 2019**

**2.00 pm**

**The Council Chamber  
Council Offices, Brympton Way  
Yeovil BA20 2HT**

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



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The following members are requested to attend this meeting:

Neil Bloomfield  
Malcolm Cavill  
Louise Clarke  
Adam Dance

Mike Hewitson  
Tim Kerley  
Tiffany Osborne  
Clare Paul

Crispin Raikes  
Dean Ruddle  
Mike Stanton  
Gerard Tucker

Consideration of planning applications will commence no earlier than 2.35pm.

For further information on the items to be discussed, please contact the Case Services Officer (Support Services) on 01935 462596 or [democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk)

This Agenda was issued on Friday 16 August 2019.

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



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

## **Information for the Public**

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

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

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

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

Meetings of the Area North Committee are held monthly, usually at 2.00pm, on the fourth Wednesday of the month (except December).

Agendas and minutes of meetings are published on the council’s website

<http://modgov.southsomerset.gov.uk/ieDocHome.aspx?bcr=1>

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**

The meeting will be audio recorded to ensure the accuracy of the minutes.

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

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

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

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

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# Area North Committee

## Wednesday 28 August 2019

### Agenda

#### *Preliminary Items*

#### 1. Minutes

To approve as a correct record the minutes of the previous meeting held on 24 July 2019. The draft minutes of the previous meeting can be viewed at:

<http://modgov.southsomerset.gov.uk/ieListMeetings.aspx?CId=129&Year=0>

#### 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 Neil Bloomfield, Adam Dance and Crispin Raikes.

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

Councillors are requested to note that the next Area North Committee meeting is scheduled to be held at 2.00pm on **Wednesday 25 September 2019** in the Council Chamber, Council Offices, Brympton Way, Yeovil.

5. **Public question time**
6. **Chairman's announcements**
7. **Reports from members**

*Items for Discussion*

8. **Community Grant to Seavington Parish Council (Executive Decision)** (Pages 6 - 10)
9. **Area North - Council Plan Priorities 2020/21** (Pages 11 - 14)
10. **Area North Committee Forward Plan** (Pages 15 - 16)
11. **Planning Appeals** (Pages 17 - 25)
12. **Schedule of Planning Applications to be Determined By Committee** (Pages 26 - 27)
13. **Planning Application 19/00016/FUL - Land OS 9687, Martock Road, Long Sutton**  
(Pages 28 - 44)
14. **Planning Application 18/03416/FUL - Land Rear of the Old Garage, West Street, South Petherton** (Pages 45 - 60)

**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

## Community Grant to Seavington Parish Council (Executive Decision)

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

### Purpose of the Report

Councillors are asked to consider the awarding of a grant of £12,235 towards the refurbishment and extension of the play area and improved youth facilities at Seavington Playing Field.

### Public Interest

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

Seavington Parish Council has applied to the Area North community grants programme for financial assistance with the costs of refurbishing and extending the play area and improving youth facilities. The application has been assessed by the Locality Officer who is submitting this report to enable the Area North Committee to make an informed decision about the application.

### Recommendation

It is recommended that Councillors award a grant of £12,235 to Seavington Parish Council, the grant to be allocated from the Area North capital programme and subject to SSDC standard conditions for community grants (appendix A).

### Application Details

Name of applicant:	Seavington Parish Council
Project:	Seavington Play Together – Play Area refurbishment, extension and improved youth facilities
Total project cost:	£60,454
Amount requested from SSDC:	£12,235
Application assessed by:	Adrian Moore

### Community Grants Assessment Score

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

Category	Actual score	Maximum score possible
A Eligibility	Yes	Y/N
B Equalities Impact	5	7
C Need for project	5	5
D Capacity of organisation	13	15
E Financial need	5	7
F Innovation	2	3
<b>Grand total</b>	<b>30</b>	<b>37</b>

## Background

Seavington is a small rural community comprising two villages – Seavington St Mary and Seavington St Michael with a population of over 500. This is set to rise over the coming years with a new development having just been completed and beginning to be occupied offering 13 homes and an additional site for 20 homes identified in the Local Plan.

The renewed play area and youth facility improvements will provide much needed and wanted facilities for young people in the community who, due to the rural nature of the area have limited access to other amenities and opportunities. It will provide a focal point within the community for children and families who can then also access the playing field and other facilities on the site including the wildlife area, Millennium Hall, Community Shop, café and toilets. It will also support the Seavington Youth Club and the local Home Educating Group who meet frequently in the hall.

Seavington Playing Field Association have recently received news that their grant application to the Peoples Postcode Lottery for the “People’s Pathway Project” for £16,000 to fund an all-weather footpath around the playing field has been successful. This will improve overall access to the playing field and will greatly complement the planned improvements outlined in this application.

## Parish information

Parish*	The Seavingtons: Seavington St Mary Parish Council Seavington St Michael Parish Council
Parish Population	511 Seavington St Mary Parish - 384 Seavington St Michael Parish - 127
No. of dwellings	

*\*Taken from the 2011 census profile*

## The project

The play area improvement project has been developed through a partnership between the Parish Council and Seavington Playing Field Association. The project is managed by a team of local volunteers which is headed by one of the trustees of the Playing Field Association.

Some existing equipment is being retained and refurbished and will include the slide, swings and springers. New equipment will be added in the form of a double zip wire (aerial runway), roundabout, climbing hut, spinner bowls, low ropes trail, multiplay climbing unit, safety matting, Hamstone boulders and football goals on the playing field.

Once the work starts on site, it anticipated that it will take 6-9 weeks to refurbish the existing equipment and install the new equipment. Once the equipment is all installed, Seavington Playing Field Association will cover insurance and maintenance costs supported by the Parish Council. Both the Parish Council and the Playing Field Association will work together to develop a sinking fund for future equipment replacement.

The Playing Field Association are currently placing regular articles in the local free magazine, “The Seavingtons’ News” to update the local community of the progress being made and this will continue until the project is complete.

## Local support / evidence of need

The Parish Council developed a village plan document in 2005 that identified the needs of local people. In 2013 it was agreed that this should be updated and a questionnaire was circulated to all households via The Seavingtons' News asking residents for their thoughts and views on a number of topics, including local facilities. One aspect identified in both the 2005 and 2013 questionnaires was the need to add additional equipment to the play area.

In 2018 Seavington Playing Field Association carried out a specific consultation with local young people about the play area, including the local Youth Club and Home Educating Group. The consultation identified that the number one equipment priority for young people was a zip wire (aerial runway), closely followed by a climbing frame, swinging facilities and spinning facilities. At this point, a group of local people was formed to look specifically at developing the play area to meet the identified needs of young people. The group met with representatives from the SSDC Locality Team to discuss options and has led to the development of plans to refurbish some of the existing equipment and install new equipment.

These plans have been discussed with the Seavington Youth Club, the Home Educating Group and young people within the community to assist in the selection of the preferred equipment and its placement on the site. The Seavington Youth Club have also carried out their own fundraising and have contributed £600 to the project.

To date Seavington Playing Field Association has carried out the feasibility work, consultations and procurement to identify the best equipment for the project in line with community need reporting back to the Parish Council and Playing Field Association at each step. It is planned to have an official opening, inviting the local community to come and try out the new play area and youth facilities, alongside promoting it on the village website, through the local press and again via "The Seavingtons' News".

## Project costs

Project costs	Cost £
Refurbishment of remaining play equipment including VAT	2,791
Supply and installation of new pieces of play equipment including VAT	27,953
Supply and installation of new pieces of play equipment without VAT	32,540
ROSPA Inspection, Football Goals, Boulders, Safety Mating	3,212
Discount from preferred play equipment supplier	- 6,042
<b>Total</b>	<b>60,454</b>

## Funding plan

Funding source	Secured or Pending	Amount £
Own Funds	Secured	2,000
National Lottery Small Grant	Secured	10,000
Seavington Youth Club	Secured	600
Seavington News	Secured	1,000
Section 106 Monies	*Pending	18,619
Bernard Sunley Charitable Trust	Pending	3,000
Clarks	Pending	1,500
Leonard Laity Stoate	Pending	1,500
ASDA Foundation	Pending	5,000
Pebble grant (Rank Foundation)	Pending	5,000
SSDC	Pending	12,235
<b>Total</b>		<b>60,454</b>

\*SSDC has invoiced the developer for the S106 contribution but has not yet received the monies.



## **Conclusion and Recommendation**

It is recommended that a grant of £12,235 is awarded.

## **Financial implications**

The balance in the Area North Capital programme is £166,337. If the recommended grant of £12,235 is awarded, £154,102 will remain.

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

## **Council Plan Implications**

Healthy, Self-reliant Communities - To enable healthy communities which are cohesive, sustainable and enjoy a high quality of life we will:

- Embed social value into all processes and activities to ensure we maximise the support we give to our communities.
- Work with partners to reduce the impact of social isolation and create a feeling of community.
- Work with partners to support people in improving their own physical and mental health and wellbeing.
- Enable quality cultural, leisure and sport activities.

## **Area Chapter implications**

Healthy, Self-reliant Communities - To enable healthy communities which are cohesive, sustainable and enjoy a high quality of life we will:

- Support a range of improvements to community facilities.

## **Equality and Diversity Implications**

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

## **Background Papers**

None

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## Appendix A

### Standard conditions applying to all SSDC Community Grants

#### The applicant agrees to: -

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

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

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

# Agenda Item 9

## **Area North – Council Plan Priorities 2020/21**

*Service Manager: Jan Gamon, Lead Specialist Strategic Planning*  
*Lead Officers: Jan Gamon, Lead Specialist Strategic Planning.*  
*Chereen Scott, Specialist, Strategic Planning (North / West)*  
*Tim Cook, Locality Manager*  
*Contact Details: chereen.scott@southsomerset.gov.uk*  
*tim.cook@southsomerset.gov.uk*

### **Purpose of the Report**

To present the priorities identified by Area North Committee for consideration in the Council Plan 2020/21, as agreed at a workshop in July 2019.

### **Public Interest**

This report gives a summary of the priorities agreed by Members of the Committee at a recent workshop. These priorities will help to inform the development of the Council Plan 2020/21 including corporate strategic priorities and the priorities for the Area North chapter. This report details the next steps of this process.

### **Recommendations**

That Area North Committee:

1. agree the proposed corporate strategic priorities to be presented to District Executive for consideration for inclusion in the Council Plan.
2. agree that the other priorities raised at the workshop will be developed into the Area North Chapter in collaboration with the Chairman of the Committee.

### **Background**

One of the key objectives of the Council Plan is to ensure that the priorities of the Council align to the aspirations of Members and are supported by evidence, such as national policy and community need.

The development process begins with Area Workshops, which include all members, in order to base the development of Council priorities on local knowledge, insight and awareness of issues and challenges faced by our communities.

Draft priorities were identified by members of Area North at a workshop in July.

### **Draft Priorities for Area North**

A number of challenges and issues were identified at the member workshop. Members were asked to give some weighting to identify emerging priorities for the 2020/21 period. The list below provides the outcome of this exercise:

There were four issues that were most highly ranked by members:

- Community Transport: Improve links to address issues of loneliness, isolation and access to youth / community facilities
- Social isolation and loneliness: Take a strategic approach, working with partners to tackle issues around social isolation and loneliness in the Area
- Resilience to Climate Change: Identify ways to mitigate the impacts of climate change in the Area
- Affordable housing: Identify ways to bring forward more options for affordable housing to meet local needs (particularly in smaller settlements)

The following is a list of issues that were ranked moderately:

- Support the delivery of Community/Neighbourhood Plan to address balance of housing and employment land
- Deliver 8 Play days in towns/villages in Area North

The following is a list of issues that had a lower level of ranking to those above:

- Economy: Support local areas in protecting and rejuvenating high streets (particularly with artisan business)
- Attract tourists and increase spend in and visits to the area and wider district
- Continue to support individual businesses including local food and drink producers
- Improve utilisation of community facilities (access to and standard/provision)
- Complete Housing Needs Surveys when requested
- Support the existing youth delivery organisations
- Work with partners to tackle rural crime
- Support a range of improvements to community facilities
- Promote opportunities for enhanced service delivery through SSDC Environmental Services offer including parish warden scheme
- Bring forward suitable land for small business units

Listed below are some of the priorities that were ranked with higher importance and could have a wider potential impact for the District. It is proposed that these are put forward for consideration as a corporate strategic priority in the Council Plan:

- Community Transport: Improve links to address issues of loneliness, isolation and access to youth / community facilities
- Social isolation and loneliness: Take a strategic approach, working with partners to tackle issues around social isolation and loneliness in the Area
- Resilience to Climate Change: Identify ways to mitigate the impacts of climate change in the Area
- Affordable housing: Identify ways to bring forward more options for affordable housing to meet local needs (particularly in smaller settlements)

## **Next Steps**

The process and timescale for the adoption of area priorities as council priorities are as follows:

Further work on developing these priorities will take place in collaboration with the Chair of the committee with a view of bringing the draft Area North Chapter to committee later in the year for adoption.

There will be a period of time between August and November where priorities for consideration in the Council Plan are scoped and assessed against need and reviewed by members of the Senior Leadership Team (SLT) and District Executive as part of priority setting. The outcome of this will form the content of the Council Plan for 20/21 which will be brought to Full Council early in the New Year with a recommendation to agree and adopt.

The SLT sponsor for Area North is Netta Meadows who will be an advocate for the Area through the development process and maintain an overview of progress. The SLT sponsor will provide high-level input into the development of Area Chapters, making sure that they contribute towards the broader aims of the Council and take account of relevant regional and national policy.

## **Resourcing Area Chapters**

Identifying the resources needed to deliver the Area Chapters will be done as an integral part of the planning process.

### **Area+ teams**

Resources will be drawn from across the whole authority to deliver against the agreed priorities. Each project / priority will have a named officer who is responsible for monitoring progress and in some cases delivering a project. The group of individuals linked to priorities in the chapter are referred to as Area+ teams. Communities of Practice have been established for each area of focus and are able to help set direction and support delivery of priorities by problem solving and dealing with blocks.

### **Budgets**

Previous area budgets have been carried forward and will be used alongside other, service specific budgets to support the delivery of area chapters. Other resource (e.g. capital programme, S106) can also be used where appropriate. There needs to be recognition that resources are finite and will be allocated according to need. Any new work that is requested within year will be assessed in order to establish relative priorities.

## **Financial Implications**

There are no new financial implications arising directly from this report.

## **Corporate Priority Implications**

The priorities have been developed taking into account the SSDC Corporate plan priorities.

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

This is considered on an individual project and programme basis as appropriate. The overall priority is to seek to create more balanced communities where people can live, work and get access to the

services and facilities they need on a daily basis. Area working (Area+) helps to improve access to facilities, activities and services, reducing the need to travel.

### **Equality and Diversity Implications**

This is considered on an individual project and programme basis as appropriate. All Area Plans will have an Equality Impact Assessment.

**Background Papers:** *Area+ proposal, Area + Implementation Plan*

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# Agenda Item 10

## **Area North Committee – Forward Plan**

*Director:* Netta Meadows, Strategy and Support Services  
*Officer:* Becky Sanders, Case Services Officer (Support Services)  
*Contact Details:* becky.sanders@southsomerset.gov.uk or (01935) 462596

### **Purpose of the Report**

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

### **Public Interest**

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

### **Recommendation**

Members are asked to note and comment upon the Area North Committee Forward Plan as attached, and to identify priorities for any further reports.

### **Area North Committee Forward Plan**

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

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

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

Further details on these items, or to suggest / request an agenda item for the Area North Committee, please contact one of the officers named above.

***Background Papers:*** None

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## Area North Committee Forward Plan

Further details on these items, or to suggest / request an agenda item for the Area North Committee, please contact the Agenda Co-ordinator; at [democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk)

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

<b>Meeting Date</b>	<b>Agenda Item</b>	<b>Background / Purpose</b>	<b>Lead Officer(s) SSDC unless stated otherwise</b>
Nov '19	Area Chapter in the Council Plan	To consider the Area Chapter for the Council Plan.	Specialists, Strategy & Commissioning
<i>TBC</i>	<i>Somerton Conservation Area</i>	<i>Report regarding the Somerton Conservation Area Appraisal and designation of extensions to the Conservation Area.</i>	<i>TBC</i>
<i>TBC</i>	<i>Community Grants</i>	<i>To consider any requests for funding.</i>	<i>TBC</i>



# Agenda Item 11

## **Planning Appeals**

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

## **Purpose of the Report**

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

## **Public Interest**

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

## **Recommendation**

That members comment upon and note the report.

## **Appeals Lodged**

18/01481/OUT – Land East of Stoodham, South Petherton.  
Outline application for the erection of 6 dwellings.

## **Appeals Dismissed**

18/03055/HOU – 1 Church View, Church Street, Kingsbury Episcopi.  
Erection of a single storey extension (part existing) to the side and front of dwelling.

## **Appeals Allowed**

18/02285/FUL - The Heights, Main Road, High Ham .  
The carrying out of alterations and engineering works to level rear gardens, and formation of a roof terrace. (Part Retrospective).

The Inspector's decision letters are shown on the following pages.

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# Appeal Decision

Site visit made on 6 June 2019

**by Sian Griffiths BSc(Hons) DipTP MScRealEst MRTPI MRICS**

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

**Decision date: 14<sup>th</sup> August 2019**

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**Appeal Ref: APP/R3325/D/19/3224631**

**1 Church View, Church Street, Kingsbury Episcopi, Martock TA12 6AU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr and Mrs Westlake against the decision of South Somerset District Council.
  - The application Ref 18/03055/HOU, dated 24 September 2018, was refused by notice dated 20 December 2018.  
The development proposed is described as proposed single storey extension (part existing) to the side and front of dwelling.
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. The National Planning Policy Framework (the Framework) was revised in February 2019. I have therefore referred to this in the determination of this appeal.

## Main Issue

3. The main issue is the effect on the character and appearance of the area, where it relates to the conservation area and the setting of nearby listed buildings.

## Reasons

4. Kingsbury Episcopi is an historic village, where Church Street is a residential street leading from the village centre towards the Grade I Listed St Martins Church.
5. The appeal site lies within a conservation area which includes the entirety of Church Street. It is also situated adjacent to Penny Cottage, which is a Grade II Listed, two storey, thatched dwelling. The area has a strongly rural feel, with a pleasant informal layout which follows the main roads that meander through the village. The individual dwellings are generally characterised by smaller two storey cottages containing a mix of thatched and clay tile roofs and brick, lias stone and colour washed brick as external facing materials. Some are set behind front gardens and others are back of footpath. The area has a generally open quality.

6. Church View is a terrace of C19th houses that lie perpendicular to Church Road. At the end of the terrace, No1 Church View is a two storey house of lias stone and render with a converted loft, together with a single storey extension. The house has two small areas of garden, to the front and side, together with a single parking space.
7. The appeal proposals would result in single storey extensions to the front and side elevation of the host dwelling in order to improve the area of accommodation and meet the needs of the appellant's family.
8. Although the single storey extension may not have been present on the building in its original form, it appears to be a long-established feature of the dwelling and adds to its character. The projection of the proposed extension to the front would be greater than this. The remainder of the extension would wrap around the building.
9. The statutory duty within Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990, requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of conservation areas, applies. This is a matter of considerable importance and weight.
10. There is also a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 placed upon me, given that the appeal proposals would affect the setting of a listed building. In this case, I am therefore required to have special regard to the desirability of preserving the setting of Penny Cottage, in this case.
11. A significant vegetative boundary is present along western and northern boundary of the appeal site, which does provide some screening to the property from various public viewpoints. This being the case, the extension would not be readily visible from some of the public domain. It would however be easily seen from Church Road heading west and in particular, the height to the apex of the proposed extension would be higher than that of the existing extension, adding significant mass. Whilst I consider the design of the proposals would be subservient to the host dwelling, the scale of development would result in an unacceptably prominent addition to the street scene.
12. Such a view forms part of the surroundings in which Penny Cottage and the wider conservation area are experienced and I consider that the proposals would result in less than substantial harm to both heritage assets.
13. In light of the harm I have identified and in line with the requirements of Paragraph 196 of the Framework, I have considered whether there are any public benefits that would outweigh that harm.
14. There are clear benefits to the appellants in being able to live in their home for longer with their growing family. However, I do not consider these to be public benefits as such. I note the appellants case that there are economic and social benefits associated with the construction process and future occupation of the property, but these are very limited given the scale of the proposed development.
15. From the appellant's evidence there are no other substantive public benefits that I might be able to consider. I therefore conclude that the development would not preserve or enhance the character or appearance of the conservation

area. It would conflict with the design and conservation aims of Policies EQ2 and EQ3 of the South Somerset Local Plan (2006 – 2028) which seek development that preserves or enhances the character of the conservation area, avoiding adverse harm to the setting of nearby Listed Buildings. I also find conflict with Paragraph 196 of the Framework.

*Other Matters*

16. I also note that both the Planning Officer has expressed a view that some form of single storey extension could be acceptable, and I have taken this into account. However, I must reach my own view on the effect of the development on the character and appearance of the conservation area and setting of the adjacent listed building and no other alternative schemes are before me.
17. I note that the parish council did not object to the proposals and that the Council did not object to the general principle of an extension to the property, nor the effect on the living conditions of neighbouring occupants, or highway matters. These, however, are neutral factors in the overall planning balance.

**Conclusions**

18. For the reasons given above and having regard to all matters raised, the appeal should be dismissed.

*Sian Griffiths*

INSPECTOR



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## Appeal Decision

Site visit made on 2 July 2019 by Scott Britnell MSc FdA

**Decision by R C Kirby BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 July 2019

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**Appeal Ref: APP/R3325/D/19/3227341**

**The Heights, High Ham, Langport, Somerset, TA10 9DA**

- 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 Lauren Keates against the decision of South Somerset District Council.
  - The application Ref 18/02285/FUL, dated 1 June 2018, was refused by notice dated 12 February 2019.
  - The development proposed is described as "Levelling of Rear Garden, Swimming Pool and Pool Outbuilding, Upgrade of Windows, Doors & External Paintwork, Terraces on Single Storey Extension".
- 

### Decision

1. The appeal is allowed, and planning permission is granted for the carrying out of alterations and engineering works to level rear gardens, and formation of a roof terrace at The Heights, High Ham, Langport, Somerset, TA10 9DA, in accordance with the terms of application Ref 18/02285/FUL, dated 1 June 2018 and subject to the 3 conditions set out on the attached Schedule.

### Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Procedural Matters

3. During the course of the planning application the description of development was amended to reflect the proposed development that required planning permission. I have considered the proposal on the same basis as the Council as "the carrying out of alterations and engineering works to level rear gardens, and formation of a roof terrace". I have however not used the reference to "Part Retrospective" as this is not an act of development.
4. Within its refusal reason the Council refers to "policy EQ2 of the South Somerset Local Plan 2006". It is however clear from the plan's front cover that the correct name of it is the South Somerset Local Plan (2006 – 2028) (LP). I have considered the appeal on this basis.

## **Main Issue**

5. It is clear that the Council considers that most of the proposal is acceptable and that its concern relates to the effect of the privacy screens on neighbouring occupiers.
6. The main issue in this case is the effect of the privacy screens on the living conditions of the occupants of the property at Uplands, with particular regard to outlook and light.

## **Reasons for the Recommendation**

7. The appeal site comprises a detached dwelling occupying a commanding view of surrounding countryside on the east side of Ham Hill. There are two detached dwellings to the north of the appeal site and two linked detached properties with a further detached dwelling to the south, each benefitting from generous sized garden areas. The front of the appeal dwelling sits further forward in its plot than the two adjacent properties. As such, its rear elevation is stepped back from the rear elevations of those dwellings, although its single storey rear extension projects beyond both. The Council has confirmed that the extension benefits from Permitted Development and so does not form part of my considerations of the appeal proposal.
8. The proposed privacy screens would be set in from either side of the extension on top of which they would be erected and would project beyond the metal balustrade which runs across the roof. The privacy screens were partially erected, and the balustrade was in place, at the time of my visit.
9. The privacy screen furthest away from the property at Uplands would, due to the level of separation and scale of the proposals, have no impact on the living conditions for the occupants of that property.
10. The privacy screen closest to Uplands would be set in off the edge of the extension and would not project beyond the two-storey rear wall of that dwelling by any significant degree, if at all. It would be of a modest height and whilst it would be visible from the side window in Uplands, I am satisfied that it would not be unduly harmful to the outlook from this window given its design and relationship to this feature. Moreover, being located to the north of Uplands, it is unlikely that the privacy screen would result in a loss of light to this window to a level that would make this room less pleasant to use.
11. Moreover, the single storey extension to the rear of Uplands would largely screen the visual impact of the privacy screens when viewed from the rear garden to this property and as a result they would be unlikely to affect the enjoyment of this outdoor space.
12. Given my findings above and having regard to the scale of the privacy screens and their orientation to Uplands, I conclude that the proposal would not have an adverse impact on the outlook from this property, nor would they result in a sense of enclosure or loss of light the property or its garden area. Harm to the occupiers of Uplands living conditions would not result.
13. Although not referred to by the Council in its decision notice a number of concerns have been raised that the use of the roof terrace would lead to increased noise levels and disturbance. The proposal is for a roof terrace to an existing dwelling house and there is no evidence before me to suggest that the

proposal would result in an increase in noise levels over the current situation. This issue is not a determining factor in this case.

14. Concerns have also been raised that the use of the roof terrace would lead to a loss of privacy for the occupants of neighbouring and nearby dwellings. During the application process the depth of the privacy screens was extended to address these concerns. I am satisfied that the proposals before me would provide adequate screening to ensure that the privacy for occupants of neighbouring and nearby dwellings would be safeguarded. While some views may be available from the roof terrace towards the far end of neighbouring gardens, these would replicate those afforded from the existing first floor windows. Further, due to the topography of the area there is already a degree of mutual overlooking between properties in this location.
15. The impact of the proposal on the character and appearance of the area has also been raised, although this is not referred to by the Council in its decision notice. Due to the scale, location and form of the proposal, I do not consider that any harm would occur in this regard.
16. In light of my findings I conclude that the proposal would not result in harm to the living conditions of nearby occupiers, including those at Uplands. There would be no conflict with Policy EQ2 of the LP or the National Planning Policy Framework which together seek, among other things, to protect the living conditions for occupants of neighbouring and nearby properties from the potentially harmful effects of development.

### **Other Matters**

17. In respect of the works undertaken to the rear garden, these have been carried out, according to the appellant, to provide a terrace of flat areas where previously this space would have been sloping. Concerns have been expressed about land stability and that these works are out of character for the area. With regards to land stability issues, it is noteworthy that the Council consider that there is no reason to assume that there would be any issues as a result of these works. Further, there is no evidence before me to substantiate such concerns. In terms of the character of the area the proposals are clearly read in connection with the dwelling and are of an appropriately domestic scale. They have not resulted in harm to the character and appearance of the area.
18. Concerns are raised in respect of the swimming pool outbuilding, drainage related to this building and noise associated with its use. The Council has confirmed that these works benefit from Permitted Development and so do not form part of the proposals before me. The Council has also confirmed that lighting associated with the proposals does not require planning permission and there is no evidence before me to suggest that this is not the case. This aspect of the proposal does not form part of my consideration of the appeal proposal.
19. I note that the Council refer to the provision of steps and a raised platform to the rear of the new single storey extension as works that require planning permission. However, these aspects are not referred to within the Council's description of development and so do not form part of my consideration of the appeal proposal.
20. I also note the concerns raised that the proposal would establish a precedence. However, a generalised concern of this nature does not lead me to conclude

differently in this case. All planning proposals are considered on their own merits.

21. Other issues have been raised which do not fall to me to consider, including the potential devaluation in the market value of neighbouring properties. Planning Practice Guidance issued by Government states that planning is concerned with land use in the public interest, so that the protection of purely personal interests such as the impact of a development on the value of a neighbouring property is not a material planning consideration.
22. Concerns have also been expressed about the impact of the proposal on views afforded from neighbouring properties. However, the planning system does not offer any protection to private views and so this is not a matter that I can consider. Additional objections have been made regarding the retrospective nature of the application, the days on which construction took place, parking issues associated with the build and damage to the pavement. These are not matters that fall to me to consider as part of the appeal proposal.

### **Conditions and Recommendation**

23. The Council has suggested a number of conditions it would wish to see imposed in the event that the appeal is allowed. A condition is necessary to ensure that the development is carried out in accordance with the approved drawings. The second condition would require the privacy screens to be constructed prior to the roof terrace being first brought into use. At the time of the appeal site visit, the screens were partially constructed, and the metal balustrade was in place. Therefore, the roof terrace may already be in use. In addition, although the drawings appear to show the privacy panels to be of solid construction, this is not sufficiently clear. Consequently, I shall attach a condition requiring further details of the privacy screens to be approved and implemented to ensure that adequate privacy for the occupants of neighbouring and nearby properties is preserved.
24. The flat roof of the extension is relatively large and any use of it beyond the approved terrace is likely to result in unacceptable levels of overlooking and loss of privacy. A condition is therefore also necessary to control the use of the roof terrace to protect the living conditions of nearby occupiers.
25. The Council has also requested a condition that the materials to be used in the external surfaces of the development shall match those in the existing building. I consider this to be a reasonable and necessary requirement to ensure that the privacy screens are finished in a manner that is sympathetic to the host dwelling and the character and appearance of the area. I will therefore incorporate this requirement into the condition requiring details of the privacy screens, by requiring details of their finish.
26. As work has already commenced on the proposals there is no need to attach the standard time condition in this case.
27. For the reasons given above, I conclude that the appeal should be allowed, and planning permission be granted.

*Scott Britnell*

APPEAL PLANNING OFFICER



## **Inspector's Decision**

28. I have considered all the submitted evidence and the Appeals Planning Officer's report and on that basis the appeal is allowed.

*R C Kirby*

INSPECTOR

## **SCHEDULE**

### **CONDITIONS**

1. The development hereby permitted shall be carried out in accordance with the following approved plans: RDS\_HH\_SP – Existing and Proposed Site Plans received by the Council 7 September 2018, and RDS\_HH\_P2 Proposed Plans (Ground and First Floor), RDS\_HH-E2 Proposed Elevations (East and West Elevations), RDS\_HH\_E2 Proposed Elevations (North and South Elevations) received by the Council 26 October 2018.
2. Notwithstanding the approved drawings, further details of the privacy screens, including their materials and finish, shall be submitted to the Local Planning Authority within 1 month from the date of this decision. The details shall be in the form of a drawing(s) at the scale of 1:50 or 1:100. The privacy screens shall be fully constructed in accordance with the approved details within 1 month from the date of their agreement by the Local Planning Authority and shall be permanently retained as such thereafter.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order), the area to be used as a roof terrace shall be limited strictly to that shown on approved plan RDS\_HH\_P2. No other part of the roof of the existing single storey extension shall be used as a roof terrace, or as any other area of domestic amenity space.

# Agenda Item 12

## 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 North Committee at this meeting.

### Recommendation

Members are asked to note the schedule of planning applications.

**Planning Applications will be considered no earlier than 2.35pm.**

Members of the public who wish to speak about a particular planning item are recommended to arrive for 2.30pm.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
13	TURN HILL	19/00016/FUL	Erection of one dwelling and associated garaging and landscaping.	Land OS 9687, Martock Road, Long Sutton	The Trustees GPS Projects No 1 Limited
14	SOUTH PETHERTON	18/03416/FUL	Demolition redundant commercial buildings and erection of 9 dwellings and change of use of commercial unit to accommodate 4 self contained commercial B1 units.	Land Rear Of The Old Garage, West Street, South Petherton.	Mr Costigan

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.

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# Agenda Item 13

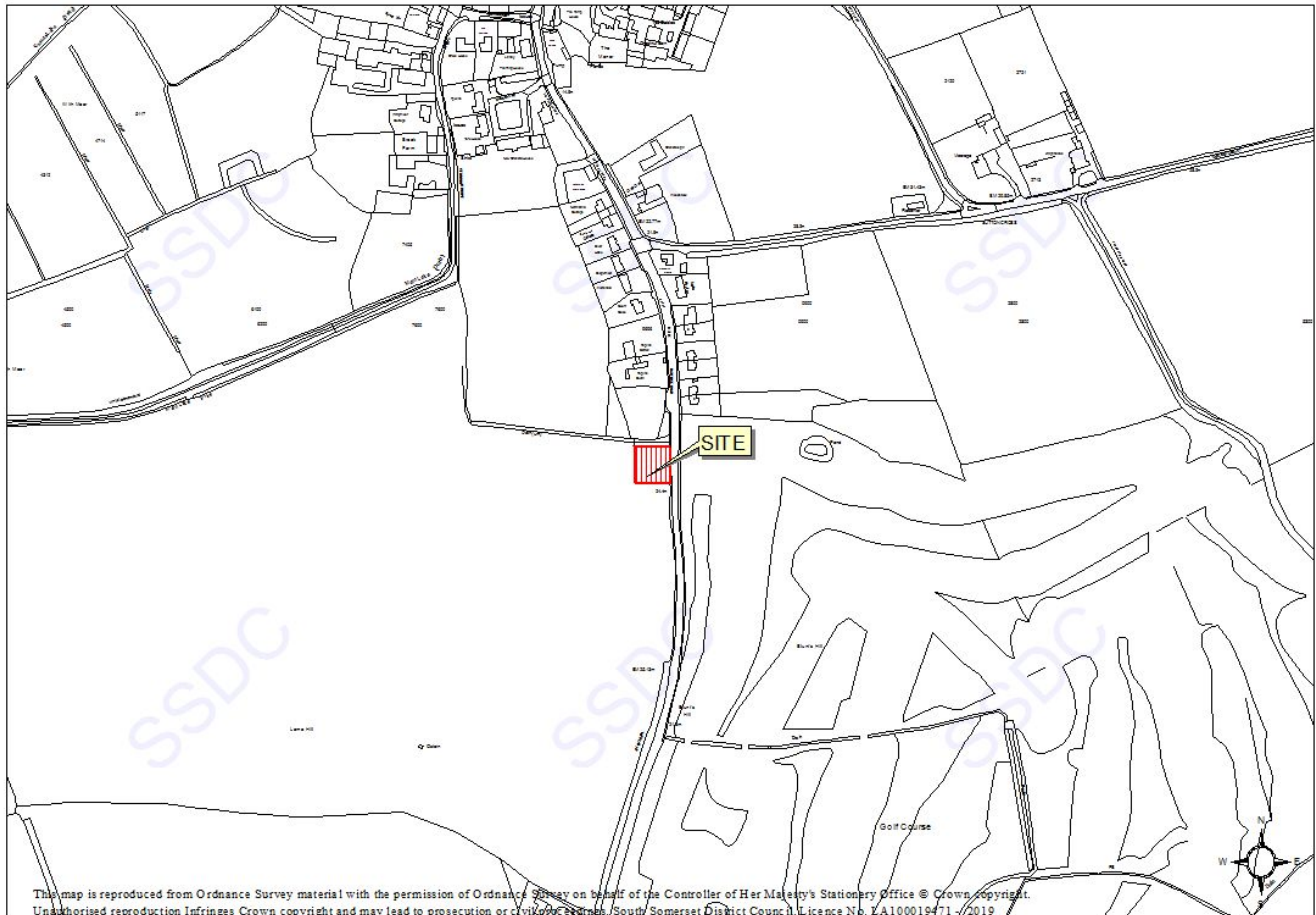
## Officer Report on Planning Application: 19/00016/FUL

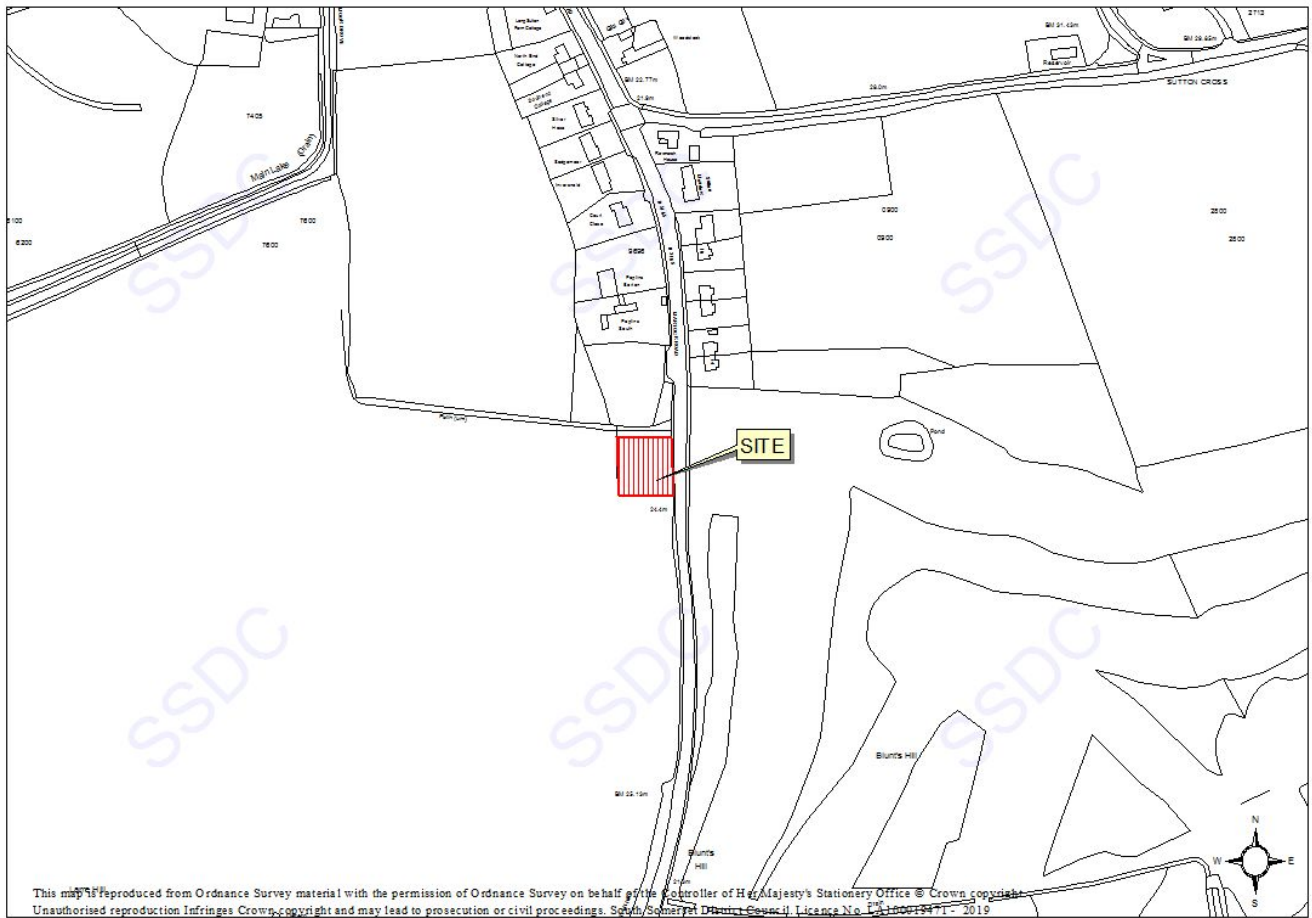
<b>Proposal :</b>	Erection of one dwelling and associated garaging and landscaping
<b>Site Address:</b>	Land Os 9687, Martock Road, Long Sutton.
<b>Parish:</b>	Long Sutton
<b>TURN HILL Ward (SSDC Member)</b>	Councillor Gerard Tucker
<b>Recommending Case Officer:</b>	Linda Hayden Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
<b>Target date :</b>	13th March 2019
<b>Applicant :</b>	The Trustees GPS Projects No 1 Limited
<b>Agent: (no agent if blank)</b>	Mr Ben Bourke, 6 Ashbourne Road, Salford M6 7GL
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL TO COMMITTEE

The application is referred to Committee at the request of ward member with the agreement of the Area Chair to allow discussion of the planning issues to take place.

### SITE DESCRIPTION AND PROPOSAL





The site is located to the south of Long Sutton and is a square shaped site directly adjacent to Martock Road, a PROW runs along the northern boundary of the site with housing to the north and fields at the rear.

This is a full application for the erection of a two-storey four-bedroom dwelling to be constructed in Blue Lias stone with reclaimed double Roman roof tiles. A new access to the site would be provided from Martock Road, a detached car port and workshop are proposed to the south of the dwelling with a front driveway to provide parking and a turning area.

The application originally proposed a terrace of three dwellings but has now been amended to one large detached house.

## HISTORY

10/05132/FUL - The erection of 3 No. residential units. Approved 1/3/2013.

91212 - Creation of a dwelling and garage and formation of vehicular access. Application refused on 01/02/1972.

## POLICY

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

development plan unless material considerations indicate otherwise.

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

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

SD1 Sustainable Development  
SS1 Settlement Strategy  
SS2 Development in Rural Settlements  
SS4 District Wide Housing Provision  
SS5 Delivering New Housing Growth  
TA5 Transport Impact of New Development  
TA6 Parking Standards  
EQ1 Addressing Climate Change in South Somerset  
EQ2 General Development  
EQ4 Biodiversity

#### National Planning Policy Framework

Chapter 2 - Achieving Sustainable Development  
Chapter 5 - Delivering a Sufficient Supply of Homes  
Chapter 12 - Achieving Well-Designed Places  
Chapter 15 - Conserving and Enhancing the Natural Environment

#### Planning Policy Guidance

Climate change  
Design

(Note: In August 2018 a report was accepted by the District Executive that confirmed that the Council is currently unable to demonstrate that it has a 5 year supply of deliverable housing land as required by paragraph 73 of the NPPF. In such circumstances paragraph 11 d) in relation to decision taking is engaged, this states:-

*"where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

Footnote 7 to Paragraph 11 explains that:

*"This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years."*

Somerset County Council Parking Strategy (March 2012)

## CONSULTATIONS

### Long Sutton Parish Council:

In response to original application for three dwellings:

*"strongly objects to the above application on the following grounds:-*

- 1. The application is contrary to SSDC's planning policies SS1 and SS2 in relation to development in the open countryside and the NPPF definition of "affordable housing". In 2011 planning permission was granted as an "exception site" for genuine "affordable housing" (as defined below) and to be managed through a Housing Association following a wide public consultation to determine the need for such affordable housing. These properties would only be permitted for shared ownership or discounted rent purposes.*

*The NPPF defines "affordable housing" as:-*

*Affordable housing: housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:*

*Affordable housing for rent.....; Starter homes.....; Discounted market sales housing.....:  
Other affordable routes to home ownership.....*

*What is being proposed now are 3 large terraced houses for open market sale. This is not "affordable" as defined by planning policy, they are just less expensive.*

*The erection of 4 houses on land at Little Upton Bridge Farm (17/03020/FUL) was refused by SSDC and HM Planning Inspector who said "I consider that the appeal site does not lie within the settlement; it forms an open field on the edge of an outlier cluster of development which forms a loose ribbon of development along Langport Road. Even if that were not the case, the proposal would not fall within any of the specified circumstances where exceptions may be made to the presumption against new development, that is, development which provides employment opportunities appropriate to the scale of the settlement, or creates or enhances community facilities and services to serve the settlement or meets identified housing need, particularly for affordable housing. Accordingly, the proposal conflicts with Policies SS1 and SS2"*

- 2. The scale of the development, even if it accords with planning policy, is considered to be too cramped for the size of the site. The Parish Council questions the accuracy of the site plans that do not appear to be to scale, so a full site survey, including the proximity to neighbouring properties should be undertaken before any determination of the application.*

*Furthermore, the materials being proposed are unacceptable; we insist that the dwellings should be built in natural blue lias stone with no rendering - as is the case with the other houses in the area. If approved as it is, the application will become a hideous unsightly carbuncle at the entrance gate to our village.*

- 3. The cramped site creates further issues, in that there is little space for any amenity space that is vital for dwellings designed for small families, and any meaningful sustainable landscaping. The cramped site is compounded by the small area designated for parking in a community with no public transport to speak of, and therefore a village where the car becomes a necessity, not a luxury.*
- 4. Highways issues are still unresolved and the application fails to address both vehicular movements in and out of the site and movement within the site. With three bedrooms, each with en-suite facilities*

would suggest more adults living in them than might first be envisaged therefore there could be up to 9 vehicles parked on the driveway with little room to manoeuvre. We note that the Highways Dept have unqualified concerns with regard to highway safety.

5. The safety of pedestrians along the west side of Martock Road where there is no pavement has not been addressed sufficiently. This again, does not account for the size and age of family these properties are aimed at; the site lines of traffic for pedestrians crossing the road, or the speed of traffic, even though it is a 30mph village.
6. There is little detail in the application covering the management of surface water and sewage. As has been well documented, Long Sutton continues to suffer from a sewage system that struggles to function efficiently. With this in mind, should the application meet planning criteria, more detail is required to satisfy our concerns with regard to flooding and sewage overflow.

For all these clearly evidenced reasons, Long Sutton Parish Council urges SSDC to refuse the application."

In response to amended plans showing one dwelling:

'Long Sutton Parish Council regards this as a new application and should be regarded as such and not an amended application. This would have allowed the community to have a full period of consultation, rather than rushing the application through the process. Nevertheless, as the Council met on 2nd April, it took the opportunity to look at the plans online, and to debate them again, with our observations below.

The Long Sutton Parish Council continues to strongly object to the above application, even with the amended plans for one large single two storey dwelling, on the following grounds:-

1. The application remains contrary to SSDC's planning policies SS1 and SS2 in relation to development in the open countryside and the NPPF definition of "affordable housing". In 2011 planning permission was granted as an "exception site" for genuine "affordable housing" and to be managed through a Housing Association following a wide public consultation to determine the need for such affordable housing.

These amended plans are now for one single large dwelling that now bares no semblance to contributing to the housing need of the Parish. We have far too many house of this size and scale, and a very short supply of Housing Association controlled "affordable housing".

SSDC is reminded that the erection of 4 similar sized houses on land at Little Upton Bridge Farm (17/03020/FUL) was refused by SSDC and HM Planning Inspector who said "I consider that the appeal site does not lie within the settlement; it forms an open field on the edge of an outlier cluster of development which forms a loose ribbon of development along Langport Road. Even if that were not the case, the proposal would not fall within any of the specified circumstances where exceptions may be made to the presumption against new development, that is, development which provides employment opportunities appropriate to the scale of the settlement, or creates or enhances community facilities and services to serve the settlement or meets identified housing need, particularly for affordable housing.

Accordingly, the proposal conflicts with Policies SS1 and SS2"

2. The scale of the development, even if it accords with planning policy, remains far too large for the size of the site. The Parish Council questions the accuracy of the site plans that do not appear to be to scale, so a full site survey, including the proximity to neighbouring properties should be undertaken before any determination of the application. If approved, the application will become a hideous unsightly carbuncle at the entrance gate to our village.



3. *Highways issues are still unresolved and the application fails to address both vehicular movements in and out of the site and movement within the site. We note that the Highways Dept have unqualified concerns with regard to highway safety. The Parish Council would suggest that the safety of pedestrians along the west side of Martock Road where there is no pavement has not been addressed sufficiently, in particular pedestrian safety with no pavements either side of the busy road.*
4. *There continues to be little detail in the application covering the management of surface water and sewage. As has been well documented, Long Sutton continues to suffer from a sewage system that struggles to function efficiently. With this in mind, should the application meet planning criteria, more detail is required to satisfy our concerns with regard to flooding and sewage overflow. Getting sewage to the existing sewage infrastructure will require permissions from two other landowners, so the Parish Council would suggest that the SSDC should have evidence these agreements are place before considering the application.*

*For all these clearly evidenced reasons, Long Sutton Parish Council urges SSDC to refuse the application, because if this is approved, where is the housing boundary of our village going to end with persistent infringement into the open countryside. This will then affect every village in South Somerset.*

*If the officer is mindful to approved, we urge Councillors to determine the application in a public forum, as the outcome of this application could have significant impact across the District.'*

#### **County Highway Authority:**

In response to the original plans for three dwellings the County Highway Authority advised that the layout would not be suitable for adoption but raised no objection to the principle of development subject to the imposition of conditions.

In response to the amended plans, the County Highway Authority confirm that although the scheme has been altered there is no significant alteration to the highways impact and they therefore refer to their previous comments.

#### **Rights of Way Officer (SCC):**

Have no objections to the proposal but note that the width of the public footpath L 21/24 is wider than as indicated on the applicant's plans.

Advise that any proposed works must not encroach onto the width of the PROW.

#### **Ecologist**

The Ecologist advises:

*'The site was surveyed on Monday, 15th April 2019 by Country Contracts. The walkover survey included a careful check over the whole site and around the external boundaries of the site where access was possible. The walkover survey looked for indications of use by protected species; it also assessed habitat features and suitability to support protected species. The results of the survey were as follows:*

##### **Bats**

- *There are no structures or trees within the development area which could provide roosting sites for*
- *Bats could use the hedgerows along the western and southern boundaries as commuting routes and for limited foraging.*

### *Reptiles and Amphibians*

- *There are no aquatic habitats within the site or immediate boundaries. No suitable ponds were identified within 500 metres of the site.*
- *The development area was considered unsuitable to provide refuge for reptiles and amphibians.*

### *Birds*

- *The hedgerows provide nesting sites for a variety of bird species.*

### *Badgers*

- *Country Contracts have a record for a badger sett within 1.5 kilometres of the site.*
- *No badger setts were found within the site or boundaries.*
- *Animal paths typical of badgers were noted crossing the western and southern boundaries.*
- *The adjoining farmland can be expected to support badgers which are likely to enter the site.*

### *Dormice*

- *The hedgerows along the site boundaries were assessed and considered unsuitable in terms of a food and a refuge resource for Dormice. They have no connectivity with potentially suitable habitat off site, are of poor species diversity and contain gaps.*

### *Other Protected Species.*

- *No pre-existing information on other protected species within the survey area was found, although reference to potential for Brown Hairstreak (*Thecla betulae*) butterfly was raised by the LA Ecologist. An assessment of the Blackthorn at the site (egg laying plant for Brown Hairstreak) concluded that the shrubs were potentially suitable, but the hedgerows lacked any mature trees or other nectar plants for this species.'*

The Ecologist recommends conditions in relation to bats, reptiles and amphibians, birds, badgers and enhancement/compensation measures.

In terms of the Somerset Levels and Moors SPA - HRA, the ecologist advises:

*'Having fully reviewed the proposals, the ecology survey results and the assessing the likely impact from the proposals, I can confirm through a basic screening assessment that:*

***No likely significant affect on the European designated site is expected. This is due to the following:***

- *Small scale nature of the proposal, with construction noise levels unlikely to exceed that currently present among the surrounding residential dwellings and farm operations*
- *The development proposals are confined to an area which has been historically managed, including previously by Wessex Water, with no habitat provision provided for the qualifying features within the SPA.*
- *The site contain a screen in the form of a hedgerow, which as part of the enhancement conditions should be managed above 3m, therefore providing sufficient long term screening. Furthermore, a series of hedgerows with scattered broadleaved tree are located between the development site and the SPA.*
- *The fields between the development site and the SPA are primarily arable fields, and as such, do not provide suitable wintering foraging habitat for qualifying features of the SPA.'*

### **Natural England**

No comment

### **Wessex Water**

Advise that there should be no rainwater connections to the foul network and have therefore requested the imposition of a condition requiring details of the foul drainage pipework.

## **Wales and West Utilities**

Advises that they have pipes in the area and that their apparatus may be at risk during construction works. They advise that should permission be granted the developer should contact them to discuss their requirements.

## **Senior Historic Environment Officer**

'As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.'

## **REPRESENTATIONS**

10 letters of objection (including one from a planning agent representing a local resident) were received in response to the original plans for a terrace of three dwellings making the following comments (summarised):

- Proposal is out of designated development area and contrary to Local Plan Policy
- The principle of development has not been established as the previous consent was an 'exception' site for affordable housing
- Design and layout mean the properties will not be for first time buyers or downsizers
- Scale and mass is larger than previously approved
- The site access will be dangerous as the site is adjacent to the 30mph limit and the previous permission included provision of a pavement
- Draw attention to the previous conditions imposed
- Proposal is overdevelopment of the site
- There is insufficient parking
- Proposal will result in overlooking of adjacent properties
- Question the lack of detail on the application form regarding the applicant
- Considered that site was unlikely to be developed due to lack of progress with the previous permission and applicable planning policies
- There has been no robust consultation
- The Landscape Officer objected to the previous application and only supported the scheme as it was related to the need for affordable housing
- There is no local need for the dwellings
- No ecological or arboricultural reports were submitted with the application.

In response to the revised application, a further 5 letters of objection (including one from an agent acting for a local resident) were received, with five letters of support.

The objectors maintain their previous objections and raise the following additional issues (summarised):

- Plans should be treated as a new application
- Approval of the application would be inconsistent and set an undesirable precedent
- There is no gain to the housing figures from one dwelling
- Principle has not been established and relying on such an assumption would open up such a decision to judicial review.
- Plans have not address previous concerns
- Permitted Development rights should be withdrawn to prevent additional development especially within the roof space
- Conditions should be imposed as required by environmental and highway authorities

- Wild hedging should be planted as a requirement of any permission
- Hours of construction should be restricted
- Wessex Water issue is still outstanding
- Revised scheme has addressed residential amenity, design, parking and character issues but other issues remain outstanding

The supporters make the following comments (summarised):

- Support the application subject to the provision of a pavement and withdrawal of permitted development rights
- There is a need for this type of housing
- Proposal will not cause any harm
- It is not possible to require traffic improvements on an application for one dwelling
- This is a bare site and there will be no ecological impacts
- The issue of the drainage can be dealt with through a condition as with similar developments
- Good design
- Proposal is in line with similar developments in the vicinity
- The case referred to by the Parish Council is remote from the village
- Highways impacts are minimal and there is no objection from the County Highway Authority

## **CONSIDERATIONS**

### Principle of Development

Long Sutton is defined in the local plan as a Rural Settlement, where development will be strictly controlled. The starting point for considering development in Rural Settlements is policy SS2 of the South Somerset Local Plan. The proposal is contrary to that policy, as it does not provide employment opportunities, create or enhance community facilities and services, or meet an identified housing need.

However, as SSDC cannot currently demonstrate a five year supply of housing land, elements of that policy must be considered out of date. As such, it is considered that the LPA cannot rely on the proscriptions of that policy in regard to what the development must provide (e.g. meeting an identified housing need), but must accept that the settlement is broadly sustainable and capable of supporting some residential development. As such, although the proposal is contrary to policy SS2 of the local plan, only limited weight can be applied to this adverse impact in the planning balance.

Overall, it is considered that the dwelling proposed would result in an addition to housing stock in an area with an acknowledged lack of provision. Furthermore the housing would be in a location which is relatively accessible by rural standards. There would also be economic and social benefits in supporting employment during construction, and as future occupants would bring trade to nearby services and facilities. As such, it is considered that the proposal can be supported in principle.

### Landscape Impact

The density of the development is considered to be commensurate with the pattern of surrounding development in the area. Looking at the site in detail it is considered the linear layout of the site, along with the simple design of the dwelling is in keeping with the character of the area, and would not have a detrimental impact on the visual amenity of the area. The proposed materials include the use of local stone with a reclaimed tile roof, and given the prominence of the site when travelling into the village from the south, the overall scheme would contribute towards a street scene that is characteristic of Long Sutton.

The proposals are therefore consider to be in accordance with Policy EQ2 of the South Somerset Local Plan 2006-2028.

### Residential Amenity

It is considered the proposal would not harm residential amenity of surrounding properties due to the distances to neighbouring properties. Adequate provision of garden space has been provided within the site, and the layout shown on the submitted plans is felt to be acceptable in terms of residential amenity of future occupiers.

The proposals are therefore consider to be in accordance with Policy EQ2 of the South Somerset Local Plan 2006-2028.

### Highways and parking

The Highway Authority has confirmed that subject to conditions the proposal has a suitable access with adequate visibility splays, and the parking and turning area within the site are acceptable. It is noted that they have not required the provision of a connection and extension to the pavement on the opposite side of the road. It is considered that such a requirement would be unreasonable on a development of one dwelling.

The proposals are therefore considered to be in accordance with the NPPF and local plan policies TA5 and TA6.

### Ecology

An ecology survey has been submitted and assessed by the Council's consultant ecologist. The Ecologist has not objected to the principle of the development but has recommended the imposition of conditions.

The proposals are therefore considered to be in accordance with Policy EQ4 of the South Somerset Local Plan 2006-2028.

### Other Matters

- Requirement for new application - The amended plans have been subject to full consultation with the local community and consultees and it is not considered that the decision to accept the amended plans has prejudiced the ability of those wishing to comment upon the proposals.
- Precedent - It is not considered that permission in this case will create a precedent as this site had its own unique properties and each planning application is determined upon its own individual merits.
- Appeal at Little Upton Bridge Farm - the application site is considered to be materially different from the appeal site and as mentioned above each application has to be determined on its own individual merits
- Conditions - appropriate conditions can be imposed to deal with issues such as withdrawal of permitted development rights, drainage, materials, hours of construction, landscaping, highways
- Details on application form - the full details of the applicant have now provided and included on the public file.

### Conclusions and Planning Balance

With no five year supply of housing land in South Somerset, footnote 7 to paragraph 11 of the NPPF is engaged, which explains that, for applications involving the provision of housing, relevant policies are

considered out-of-date where "...the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years." As such the tilted balance set out in paragraph 11 of the NPPF is the measure against which the development should be assessed. This states that "For decision-taking this means...where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

In this case there are no specific policies in the NPPF that indicate development should be restricted, so an assessment must be made as to whether the adverse impacts of the development significantly and demonstrably outweigh the benefits.

The benefits of the proposed development are relatively modest in that the proposal would contribute to the shortfall of housing land supply in South Somerset, however, such benefit must be afforded significant weight.

Whilst the application is contrary to policy SS2 of the South Somerset Local Plan, the policy can only be afforded limited weight and must be considered out of date in the absence of a five year supply of housing land. Notwithstanding local objections, no other areas of harm have been identified by statutory consultees and it is considered that the impact of the development would not significantly and demonstrably outweigh the benefits of the scheme and, as such, planning permission should be granted.

## **RECOMMENDATION**

Approve

01. The Council cannot demonstrate a 5-year housing land supply. Long Sutton is an appropriate location for this level of development and the site is suitable in terms of its services. By reason of its juxtaposition with existing built form and its scale the proposal represents appropriate development that would not cause demonstrable impact upon residential amenity, highway safety or upon the character and appearance of the area. As such the proposal complies with the policies of the South Somerset Local Plan 2006-2028 and the provisions of the National Planning Policy Framework.

## **SUBJECT TO THE FOLLOWING:**

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. 08, 05 Rev A, 03 Rev B, 07 Rev B, 06 Rev C and 01.

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

03. No work shall be carried out in relation to any of the below elements until particulars of that element have been submitted to and approved in writing by the Local Planning Authority:
- a) materials (including the provision of samples where appropriate) to be used for the external walls and roofs;
  - b) the mortar mix and coursing of the external walls (best illustrated through the provision of a sample panel);
  - c) the recessing, materials and finish (including the provision of samples where appropriate) to be used for all new windows (including any rooflights) and doors;
  - d) all hardstanding and boundaries
  - e) the rainwater goods and eaves and fascia details and treatment.

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

Reason: To safeguard the character and appearance of the area in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan.

04. No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:
- Construction vehicle movements;
  - Construction operation hours;
  - Construction vehicular routes to and from site;
  - Construction delivery hours;
  - Expected number of construction vehicles per day;
  - Car parking for contractors;
  - Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
  - A scheme to encourage the use of Public Transport amongst contractors; and
  - Measures to avoid traffic congestion impacting upon the Strategic Road Network.
  - On-site vehicle wheel washing facilities

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

05. There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43.0 metres either side of the access. Such visibility shall be provided before the development hereby permitted is occupied and shall thereafter be maintained at all times.

Reason: In the interests of highway safety and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

06. The proposed access shall be constructed in accordance with the details shown on the submitted plan, Drawing No. 06 Rev C, and shall be available for use before the occupation of the dwelling hereby approved. Once constructed the access shall be maintained in that condition thereafter at all times.

Reason: In the interests of highway safety and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

07. The proposed access over at least the first 6.0 metres of its length, as measured from the edge of the adjoining carriageway, shall be property consolidated and surfaced (not loose stone or gravel) in accordance with details which have been submitted and approved in writing by the Local Planning Authority. Once constructed the access shall be maintained in that condition thereafter at all times.

Reason: To ensure the development is provided with a suitably constructed access which provides appropriate vehicle visibility splays, and allows access to the property in a controlled manner in the interests of highway safety and in accordance with policy TA5 in the South Somerset Local Plan.

08. The gradient of the proposed access shall not be steeper than 1 in 10. Once constructed the access shall be maintained in that condition thereafter at all times.

Reason: In the interests of highway safety and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

09. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, detail of which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed, the system of interception shall be retained in a good state of repair thereafter at all times.

Reason: In the interests of highway safety and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

10. The area allocated for parking and turning on the submitted plans (Drawing No. 06 Rev C) shall be kept clear of obstruction at all times and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

11. Prior to first occupation of the dwelling hereby permitted, an electric charging point (of a minimum 16amps) for electric vehicles shall be provided for the dwelling adjacent to the designated parking spaces or car port shown on the approved plan. Once installed such charging point shall be retained and maintained in working order, unless otherwise agreed in writing with the Local Planning Authority.

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

12. Before any foul drainage pipe work is installed, the details of that system and how it will be implemented to ensure it results in a sealed system, must be submitted to and approved by the Local Planning Authority. The system must be installed entirely in accord with the agreed details.

Reason: To ensure no groundwater enters the foul water drainage system within the site.

13. No works shall be undertaken until there has been submitted to and approved in writing by the Local Planning Authority, a scheme of tree/hedgerow and shrub planting. Such a scheme shall confirm the use of planting stock of UK-provenance only, the planting locations, numbers of individual species, sizes at the time of planting, details of root-types/root-volumes and the approximate date of planting. The installation details regarding ground preparation, staking, tying, strimmer-guarding and mulching shall also be included in the scheme. All planting comprised in the approved details shall be carried out within the next planting season following the



commencement of any aspect of the development hereby approved; and if any trees or shrubs which within a period of ten years from the completion of the development die, are removed or in the opinion of the Council, become seriously damaged or diseased, they shall be replaced by the landowner in the next planting season with trees/shrubs of the same approved specification, in the same location; unless the Local Planning Authority gives written consent to any variation.

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

14. No artificial lighting associated with the development will illuminate the boundary hedgerows, or any proposed bat boxes. A lighting scheme showing how this would be achieved should be submitted to South Somerset District Council before work on site commences for approval. See Guidance Note 08/18 - Bats and artificial lighting in the UK, issued by the Bat Conservation Trust and Institution of Lighting Professionals.

Reason: All bats are afforded protection under the Habitats Regulations 2017 by which populations are to be maintained at Favourable Conservation Status as defined under Article 1 of the Habitats Directive 1992. Lacking evidence to the contrary it must be assumed the boundary hedgerows and trees forms part of the habitat available to maintain local bat populations. Bat species are adversely affected by the introduction of artificial lighting on commuting routes, which in effect can cause severance between roosts and foraging areas. A dark boundary area will also help maintain other light sensitive species on site and contribute towards conserving biodiversity.

15. Any vegetation in the construction area, excluding the hedgerows, will be maintained at a height of less than 10cm for the duration of the pre and active construction period.

Reason: Reptile species are afforded protection from intentional and reckless killing or injury under the Wildlife and Countryside Act 1981 (as amended). Outside the period from April to October these species are likely to be in torpor or hibernation when disturbance is likely to pose a risk to survival.

16. No hedgerow management works around the site shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the hedgerows for active birds' nests immediately before works proceed 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.

Reason: Nesting birds are afforded protection under the Wildlife and Countryside Act 1981 (as amended). Although this is a legal obligation the law does not specify a time period - some species can breed outside the time frame given.

17. With regard to badgers:

- All contractors on site must be appropriately briefed by the Site manager, indicating that badgers are legally protected and must not be disturbed.
- Any construction excavations over 1 metre deep and left open overnight must be either covered or have a means of escape should a badger fall in. A suitable means of escape is a rough wood plank slowly inclined from the base of the excavation to the surrounding ground level.
- Any construction opening larger than 125mm diameter or equivalent, must not be left open overnight.

- New home occupiers must be advised by the Developer that badgers are active in the vicinity and that badgers and badger setts are legally protected.

Reason: To ensure the development contributes to the Government's target of no net biodiversity loss as set out in the National Planning Policy Framework and the council's obligations for biodiversity under the Natural Environment and Rural Communities Act 2006. To ensure compliance with the Protection of Badgers Act 1992, which affords badger setts protection from intentional or reckless interference.

18. Prior to the occupation of the dwelling hereby permitted the following enhancements shall be installed:

- 1 x terraced sparrow box to be installed within a north or east facing external wall of the new dwelling. (These are best fitted under the eaves and need to be at least three meters high and close to vegetation.)
- 1 x woodstone swift nest box to be installed on a south of west facing wall, five meters above ground level ensuring that there is an unobstructed access for birds to enter/leave the box. (If possible, boxes should be situated under the shelter of the eaves. The southern gable end would be an ideal location on the proposed building.)
- 1 x Build-in WoodStone Bat Box or similar, to be installed on the southern and/or western elevation of the new dwelling, at a height of over 3m.
- 1 x integrated bee brick built into the external wall space of the new building. The bricks will be placed one meter above ground level on a south facing aspect, vegetation must not block the entrance holes.

Reason: To ensure the development contributes to the Government's target of no net biodiversity loss as set out in the National Planning Policy Framework; South Somerset District Council Local Plan - Policy EQ4 Biodiversity; and the council's obligations for biodiversity under the Natural Environment and Rural Communities Act 2006. To ensure the success of mitigation measures are sustained for the duration of the development and that there is no net biodiversity loss in the long term as per Government and local minerals planning policy. Furthermore, the recently updated National Planning Policy Framework states in section 15, paragraph 170, that "Planning policies and decisions should contribute to and enhance the natural and local environment by: ... d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures".

19. No work shall be carried out to erect any boundary treatment unless full details of the boundary treatments, including walls, fences, railings, gates, gateposts have been submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the agreed details, and permanently retained and maintained.

Reason: In the interests of visual amenity and in accordance with policy EQ2 of the South Somerset Local Plan.

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), there shall be no extensions to this building (including any enlargement of the roof) without the prior express grant of planning permission.

Reason: In the interests of visual and residential amenity and in accordance with policy EQ2 of the South Somerset Local Plan.

**Informatives:**

01. The applicant attention is drawn to Wales and West Utility's letter of 6/2/2019.
02. Please be advised that approval of this application by South Somerset District Council will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice.

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

You are advised to visit our website for further details <https://www.southsomerset.gov.uk/cil>

Or email [cil@southsomerset.gov.uk](mailto:cil@southsomerset.gov.uk)

03. Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

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

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

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.
- If the work involved in carrying out this proposed development would:
  - make a PROW less convenient for continued public use; or
  - create a hazard to users of a PROW,

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

04. The County Highway Authority advise that the alteration of the access and/or minor works involves construction works within the existing highway limits. These works must be agreed in advance with the Highway Service Manager for the South Somerset Area at The Highways Depot, Mead Avenue, Houndstone Business Park, Yeovil, BA22 8RT, who will advise upon and issue/provide the relevant licences necessary under the Highways Act 1980.

05. The County Highway Authority advise that the creation of the visibility splay will require the re-positioning of some existing street furniture (National Speed Limit signage) this may require a Traffic Regulation Order and the applicants are advised to contact the Somerset County Council Traffic Management Team in order to establish any requirements.
06. The applicant is advised that the boundary treatments and landscaping should take into account the following advice of the ecologist:
- Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgerows into and out of the site.
  - All new shrubs must be high nectar producing to encourage a range of invertebrates to the site, to provide continued foraging for bats. The shrubs must also appeal to night-flying moths which are a key food source for bats. The Royal Horticultural Society guide, "RHS Perfect for Pollinators, [www.rhs.org.uk/perfectforpollinators](http://www.rhs.org.uk/perfectforpollinators)" provides a list of suitable plants both native and non-native.
  - Where the landscaping scheme allows all new trees planted on site should ideally be from local native stock, such as field maple, ash, hornbeam, dogwood, spindle and beech.
  - The hedgerows along the north, south and west boundary will be retained and managed as a screen and habitat feature, at a height over three meters, with a minimum of 6 individual trees allowed to mature.
-

# Agenda Item 14

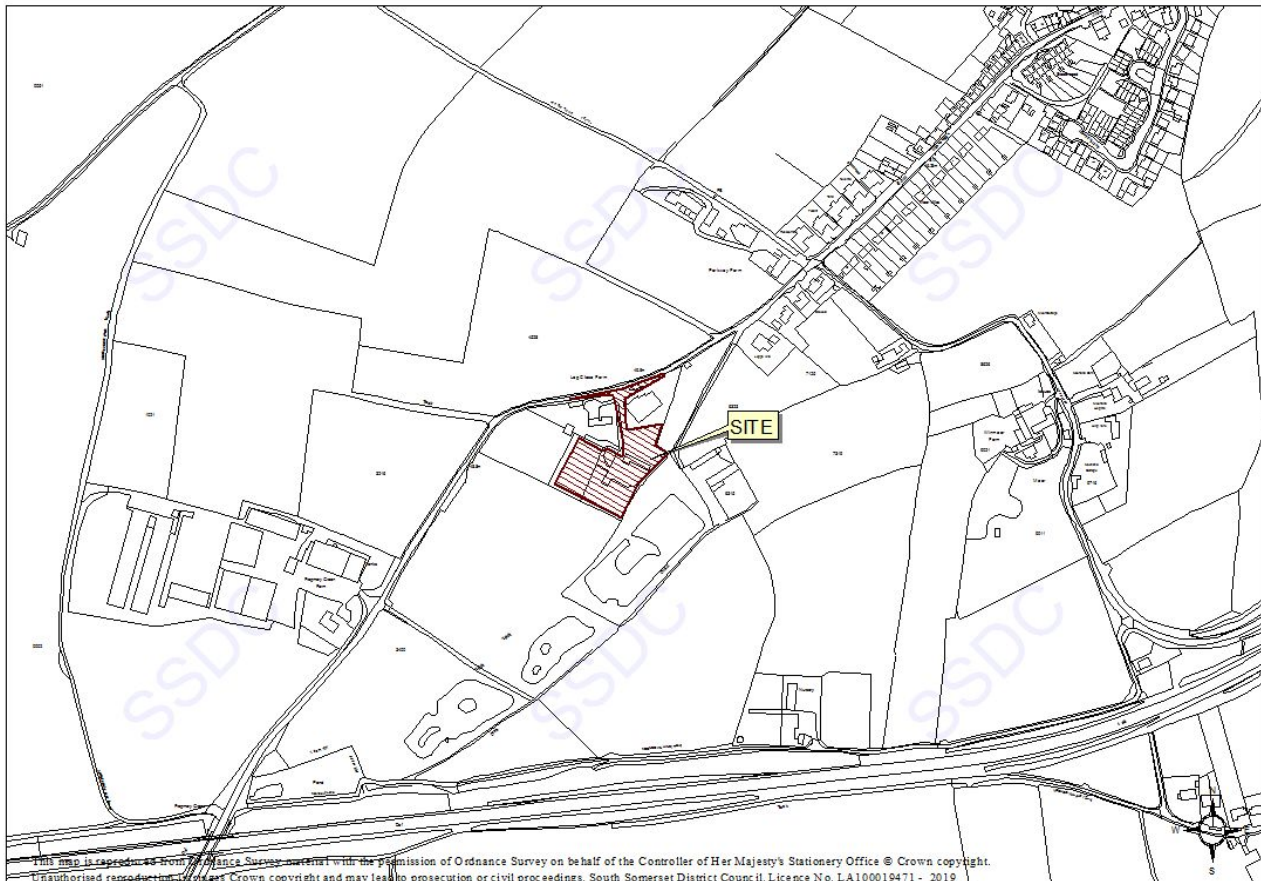
## Officer Report on Planning Application: 18/03416/FUL

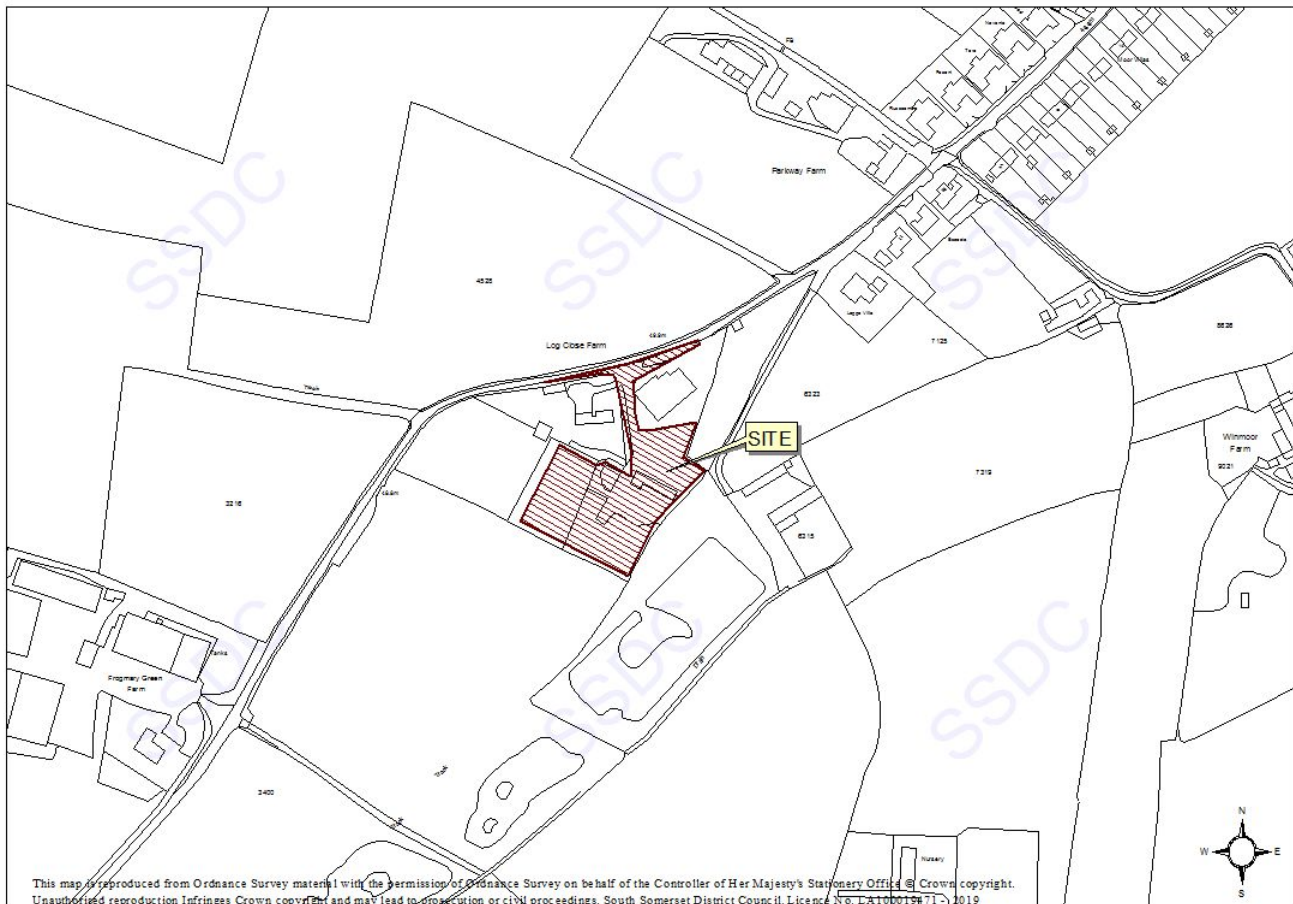
<b>Proposal:</b>	Demolition redundant commercial buildings and erection of 9 dwellings and change of use of commercial unit to accommodate 4 self contained commercial B1 units (Town and Country Use Classes Order 1987 (England) (As amended)).
<b>Site Address:</b>	Land Rear Of The Old Garage, West Street, South Petherton.
<b>Parish:</b>	South Petherton
<b>SOUTH PETHERTON Ward (SSDC Members</b>	Councillor Adam Dance Councillor Crispin Raikes
<b>Recommending Case Officer:</b>	Louisa Brown Tel: (01935) 462344 Email: louisa.brown@southsomerset.gov.uk
<b>Target date:</b>	18th January 2019
<b>Applicant:</b>	Mr Costigan
<b>Agent: (no agent if blank)</b>	Boon Brown Architects Ltd, Motivo, Alvington, Yeovil BA20 2FG
<b>Application Type:</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL TO COMMITTEE

The application is being referred to committee to at the request of the ward member and with the agreement of the Vice Chairman due to planning concerns being raised over the neighbourhood plan and drainage.

### SITE DESCRIPTION AND PROPOSAL





This is an application seeking planning permission for the demolition of redundant commercial buildings and the erection of 9 dwellings and change of use of commercial unit to accommodate 4 self-contained commercial B1 units at The Old Garage, West Street, South Petherton.

The site is located on the south western fringe of South Petherton. There is a dwelling house located to the north of the site and dwellings to the northeast. Directly to the east are some other commercial units.

## HISTORY

17/03997/DPO: application to vary a S106 agreement dated 01/11/91 between South Somerset District council and JPJ Rawle and PE Rawle related to planning permission 903159 to vary wording of tie - permitted

17/01206/S73A: application to vary condition 3 (occupation tie) and 5 (business use) of planning permission 903159 to vary the occupation tie and allow B1, B2 and B8 uses - approved 02/06/17

903159: erection of workshop and offices for motor vehicle repairs and servicing and occupation of dwellinghouse in association with the business - approved 11/11/91

851635: erection of a dwelling (reserved matters) - approved 26/09/85

842173: erection of a farm workers house (outline) - approved 18/07/85

## POLICY

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

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

#### South Somerset Local Plan (2006-2028)

Policy SD1 - Sustainable Development  
Policy SS1 - Settlement Strategy  
Policy SS4 - District Wide Housing Provision  
Policy SS5 - Delivering New Housing Growth  
Policy EQ1 - Addressing climate change in South Somerset  
Policy EQ2 - General Development  
Policy EQ4 - Biodiversity  
Policy EQ5 - Green Infrastructure  
Policy EQ7 - Pollution control  
Policy EP3 - Safeguarding Employment land  
Policy TA1 - Low Carbon Travel  
Policy TA5 - Transport impact of new development  
Policy TA6 - Parking Standards

#### National Planning Policy Framework

Chapter 5: Delivering a sufficient supply of homes  
Chapter 6: building a strong, competitive economy  
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 Practice Guidance Design

#### Policy-related Material Considerations

Somerset County Council Parking Strategy  
Somerset County Council Highways Development Control - Standing Advice  
South Petherton Neighbourhood Plan

## **CONSULTATIONS**

### **South Petherton Parish Council:**

Recommend "approval with the recommendation that there are conditions imposed by highways, Wessex Water and the Environment Agency, particularly in respect of water run off and dispersions."

### **SCC Highway Authority:**

No objection, subject to conditions, full comments are available on the file.

### **SSDC Highway consultant:**

"Refer to SCC comments"

**Ecologist:**

No objection subject to conditions, full comments are on the file.

**Environmental Protection Unit:**

No objection subject to recommended conditions, full comments are on the file.

**South West Heritage Trust:**

No objection on archaeological grounds.

**Somerset Wildlife Trust:**

"We have noted the above mentioned planning application as well as the supporting ecology report provided by Encompass Ecology. We would fully support the proposed enhancements in terms of bird and bat boxes. We would also request that all external lighting is designed so as to be low light-pollution design, that all boundaries are designed so as to allow the free passage of small mammals and that all landscaping is of native trees which will support wildlife. All of these proposals should be included in the planning conditions if it is decided to grant planning permission."

**Environment Agency:**

No objection subject to recommended conditions and informatives, full comments are available on the file.

**Economic Development:**

"...we have re-evaluated the proposal and would like to withdraw our previous objection to the site. The subsequent letter submitted from Mr Travers of Boon Brown Architects outlines the business's future in greater detail and explains the economic benefits of the application.

From an economic development prospective there are two key reasons which have justified our decision:

1. The business has outgrown its current premises and the development will allow the owners to relocate and reinvest in the business. This has the potential to improve contract frequency and would lead to the creation of additional employment opportunities in the area.
2. The owner has plans to refurbish the existing workshop and create 3-4 smaller business units. We believe that these will add benefit to the local economy by providing businesses with the opportunity of an attractive "starter unit". Maintaining this as an employment use is critical and we would require a planning condition that reflects this. "

**REPRESENTATIONS**

Three neighbours were notified and a site notice displayed. 6 no. objections, comments in summary are:

- Increase volume of traffic
- Lack of commercial units in the area and development may stop approved business units being built
- New dwelling would have a negative impact on existing business (eternal kitchens)
- Against the village plan
- Contradicts the RDPE Growth Programme
- Current and future businesses will disrupt new residents by way of noise.
- Staff redundancies if business disrupted or made to close
- Flood risk, their drainage must not go into private ditch, there is no legal right of easement
- Additional security measure will be required
- Noise from residents could affect business
- Do not want to have to relocate again



- There is a tie on the house
- Adverse impact on wildlife
- Local amenities over stretched
- Proposed housing is outside of the village with no pavement.

7 no. support, comments in summary are:

- Provides lifelong housing (bungalows)
- Good access and off road parking provided
- Allows for several smaller commercial units
- Development will enhance the area

## CONSIDERATIONS

The main issues to assess as part of this application is the principle of development, sustainability, impact on ecology, flooding, highway safety, visual amenity and residential amenity.

### Principle of Development and Sustainability:

There have been objections and support for the proposal and the Parish Council support the scheme.

The starting point for decision-making is the statutory development plan, which is the South Somerset Local Plan (2006 - 2028). Adopted in March 2015, this provides the policy framework through which to make decisions on whether or not to grant planning permission for development in the district.

However, the lack of a five-year housing land supply means that policies relating to the supply of housing should not be considered up-to-date. As such, proposals for residential development fall to be determined in light of Paragraph 11 which states that where development plan policies are out-of-date planning permission should be granted unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole.

Having regard to the above, the planning merits of the proposal are considered against the aims of the NPPF and limited weight is given to housing policies within the SSLP.

The site is located on the edge of South Petherton which is classified as a rural centre within policy SS1. This policy states that development should meet local housing need, extend local services and supports economic activity appropriate to the scale of the settlement.

Regard also needs to be had to the South Petherton Neighbourhood Plan and the policies within it. The Neighbourhood Plan sets out that one of the visions is to cater for the needs of the older population, this application is for the erection of 9 no. bungalows. Policy H3 of the Neighbourhood Plan sets out a need for 1-2 bedroom ground floor units, and development to have a mixture of housing to meet the need. 3 no. bedroom bungalows are proposed with no mixture of units, however whilst this only partially meets the requirements set out in policy H3 it is providing a housing need that is not met and without a five year land supply only limited weight can be given to housing policies.

South Petherton would prefer to have development within their development area, however policy NE2 of the Neighbourhood Plan allows development to the edge of it where certain criteria is met, such as the housing need, design and impact on landscape character. It is considered that the housing need is being met by the provision of bungalows in accordance with the vision of the Neighbourhood Plan,

matters of design etc. will be addressed further within this report.

An access Statement has been submitted with the application, to deal with vehicular access to the site and the sustainability of the site and access to it on foot or by bicycle. Paragraph 103 of the NPPF states that 'opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision making.'

The centre of South Petherton is approximately 1000m from the site and access would be along West Street, which has footpaths and lighting for most of the route. The application shows that a new footpath would be created as part of the scheme along the site frontage from the access point to the northeast. There is also a footpath to be constructed as part of a site close to this one, for which the planning consent has started to be implemented. The Access Statement states;

"This would mean that there would be an approximate 50m length of West Street between the current application site and the Parkway Farm scheme along which residents would have to walk within the carriageway; however, given this short distance (it would take about 40 seconds to walk this section using a typical walk speed of 80m per minute), and the relatively straight alignment of the road and the observed low vehicle speeds, it is not considered hazardous for pedestrians to walk on the road."

It is considered that the development would represent a sustainable development with opportunities for future residents to access South Petherton using sustainable modes of transport.

It is considered that the principle of housing in this location is acceptable and in accordance with policies SD1, SS1, SS4 and SS5 of the SSLP, policy NE2 of the South Petherton Neighbourhood Plan and the NPPF.

Whilst some of the employment land will be built on the application is also to retain the larger commercial building and sub-divide this into 4 no. smaller units. Economic Development have met with the agent on site and looked at supporting information submitted. They consider that there is a need for smaller commercial units in the district and as such support the proposal. This is further reflected within the Neighbourhood Plan and policy LE1. In this instance as employment land is to be retained and smaller units provided it was not considered, on balance, to insist on the premises being marketed. Economic Development accept the owner's argument to find larger premises and make 4 no. smaller commercial unit. A letter of objection further highlights that there is a lack of commercial units in the area and the RDPE Growth Programme supports smaller units.

It is considered that it has been demonstrated that the loss would not demonstrably harm the settlements supply of employment land/premises and /or job opportunities. Furthermore the overall loss is not considered significant on a settlement wide employment provision, supported by Economic Development agreeing there is a need for smaller units. Therefore the proposal is considered to be in accordance with policy EP3 of the SSLP, policy LE1 of the South Petherton Neighbourhood Plan and the NPPF.

It is considered that the principle of the development would comply with the NPPF, policies SD1, SS1, SS4, SS5 and EP3 of the South Somerset Local Plan and the policies within the South Petherton Neighbourhood Plan.

#### Ecology:

Objections have been raised to the proposals impact to wildlife. The agent has submitted a Preliminary Ecological Assessment and the County Ecologist has raised no objection subject to recommended conditions.

The plans indicate that there will be a wildlife corridor to encourage ecological enhancement.

It is considered that the proposed development is in accordance with policies EQ4 and EQ5 of the SSLP.

#### Flooding:

Objections have been raised to flooding from the site and also the use of a private ditch. The South Petherton Neighbourhood Plan states that "Where sustainable drainage systems are introduced, a management plan should be put in place for future maintenance of the system."

This application has been made with the agent providing additional information stating that "mains drainage" will not be used and the application has been updated to say "other" in regard to drainage. As this is a site of under ten dwellings there is no requirement for drainage details to be agreed at this stage or for the LLFA to be consulted.

The agent has stated that his client is of the opinion that there is an easement to discharge into the watercourse. This is disputed by the neighbouring property, however this is a civil matter between each party, if water cannot drain into the watercourse than an alternative means will need to be sought or the development will not be able to comply with building regulations.

The Environment Agency were consulted, as the site was within as Source Protection Zone, in addition to this contact has been made with them by an objector. The EA have raised no objection to the proposal subject to conditions and informatives. The site is not within flood zone 2 or 3.

It is considered that, subject to conditions, the scheme can be provided in accordance with policies EQ1 and EQ7 of the SSLP and the NPPF.

#### Visual Amenity:

The submitted Design and Access Statement sets out the material pallet for the proposed development, which is in keeping with the character of other properties within South Petherton.

The plans indicate that the dwellings will be 3 no. bedroom bungalows all set out in the same design. They will all have off road parking and private read gardens. The plans indicate landscaping and the wildlife corridor, all of which will be conditioned.

There have been no objections raised to the design of the development.

Whilst on the edge of South Petherton, and with countryside to the south and southwest, the development will predominantly take place on previously developed land, with the removal of some dilapidated sheds/storage areas. Although not in line with the linear form of development further to the northeast of the site, there are commercial units (existing and approved) to the east which are also away from the linear form of development. The dwellings are clustered together and create their own sense of character. It is considered that with appropriate landscaping the development will not adversely affect visual amenity or the landscape character.

There will be no external changes to the business unit to be retained. Works inside for the internal sub-division are shown on a submitted floorplan.

It is considered that the proposed development by reason of location, scale, design and materials does not adversely affect visual amenity or landscape character in accordance with policy EQ2 of the South Somerset Local Plan.

#### Residential Amenity:

Given the location and scale of the dwellings it is considered that there will be no adverse impact on residential amenity by way of over bearing or overlooking.

An objection has been raised in regard to future residents complaining about noise from neighbouring businesses which could result in them having to close. Also concern is raised on noise from the

residential development affecting the business premises. Concern over the Anaerobic Digester to the west of the site were also raised.

Environmental Protection were consulted initially and raised no objection subject to a land contamination conditions. They were further contacted when objections were received and in response to issues of noise and they stated that they had no historical complaints about the anaerobic digester and have no further comments to make.

The Environment Agency raised no objection but requested an informative to inform the developer that "should planning permission be granted, if the AD operator can demonstrate that they have taken all reasonable precautions to mitigate these impacts, the installation and community will co-exist, with some residual impact. In some cases, these residual impacts may cause concern for local residents. Only in very exceptional circumstances would the Environment Agency revoke the operators Environmental Permit."

It is considered that there should be no adverse impact from the AD plant if operated correctly and as such no adverse impact on future residents.

With regard to noise there is unlikely to be an adverse effect of noise from residential activity on the neighbouring business to the east, especially when the site is currently used for Steel fabrication with outdoor activity taking place. The business to the east is concerned over complaints against his business being made or the future businesses, as there is consent for 4 no. units on the adjoining site. Equally this proposal seeks to have 4 no. units created within the existing building.

The neighbouring business and approved units have a condition on them to restrict hours of operation, these were put in place due to the commercial activity being near to already existing residential units to the northeast and the dwelling known as Second Chapter to the northwest. It is noted that the objector does not adhere to these restrictions stating in his letter that deliveries turn up early. If complaints over noise were received then the planning authority would be within their rights to enforce compliance with the restricted conditions on the planning consent granted for premises to the east of the site. To ensure that the proposed 4 units that form part of this application do not adversely affect residential amenity it is considered reasonable to put on the same time restrictions for opening hours.

It is considered that the proposal will have no significant adverse impact on residential amenity in accordance with policy EQ2 of the South Somerset Local Plan.

#### Highway Safety:

There have been objections raised to the application due to the increase in traffic to the site.

The application was submitted with an Access Statement. County Highways have reviewed this document and have no objections to the proposal subject to conditions. The document concluded that the cumulative impact of the development, in regard to traffic generation, would not be severe. Paragraph 109 of the NPPF states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

Parking requirement of the new development is 22.5 spaces for residents and 1.8 visitor spaces, resulting in a total of 24 spaces. The development shows provision for 22 spaces in total, this is considered to be acceptable in meeting the optimum standards set out in the Somerset Parking Strategy, as if required visitors can park on the shared surface, which does not form part of the public highway, and the standards listed are 'optimum' not minimum.

The sub-division of the commercial unit to 4 no. units, does not result in any increase in floor area. The total floor area of the units, not including welfare space and reception, is 351sq m. The Somerset Parking

Strategy requires the provision of 8.7 spaces based on this floor area. The plans indicate that there will be a total of 13 spaces provided in connection with the commercial activity, which exceeds the required amount and as such the level of parking is acceptable.

Policy TA1 requests that all new development meet certain criteria. It is considered reasonable in this instance to condition that the development includes an electric charging point for vehicles in connection with each new residential unit.

It is considered that the proposed parking and access is acceptable and in accordance with policies TA5 and TA6 of the South Somerset Local Plan and the implementation of the necessary condition will also enable the development to be in accordance with policy TA1 of the South Somerset Local Plan and the South Petherton Neighbourhood Plan.

Conclusion:

The proposed development will lose some employment land, however will result in providing housing and smaller commercial units which will both support the economy and meeting the housing demand within this rural centre.

**RECOMMENDATION**

Approve

01. The proposed development, by reason of location, design, scale and materials meets local housing need in a rural centre, and supports economic activity appropriate to the scale of the settlement, does not demonstrably harm the settlements supply of employment land/premises and /or job opportunities and does not cause significant harm to the visual amenity, landscape character, residential amenity, ecology, flooding or highway safety in accordance with the aims and objectives of policies SD1, SS1, SS4, SS5, EQ1, EQ2, EQ4, EQ5, EQ7, EP3, TA1, TA5 and TA6 of the South Somerset Local Plan (2006-2028), the South Petherton Neighbourhood Plan and the aims and objectives of the NPPF.

**SUBJECT TO THE FOLLOWING:**

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

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

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

- Drawing no. 3881-BB-SK-00-SK-A-100 Revision B received 2 April 2019
- Drawing no. 3881-BB-SK-00-SK-A-101 Revision B received 4 December 2018
- Drawing no. 3881-BB-SK-00-SK-A-107 received 2 July 2019
- Drawing no. 3881-BB-SK-00-SK-A-102 received 18 October 2018
- Drawing no. 3881-BB-SK-00-SK-A-105 received 18 October 2018
- Drawing no. 3881-BB-SK-00-SK-A-104 received 18 October 2018

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

03. The external surfaces of the development hereby permitted shall be of materials as shown on approved drawing no. 3881-BB-SK-00-SK-A-102 and no other materials shall be used without the written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to accord with Policy EQ2 of the South Somerset Local Plan (2006-2028).

04. Prior to any works to the natural stone external walls full details of the new natural stonework, including the materials, coursing, bonding, mortar profile, colour, and texture along with a written detail of the mortar mix, shall be provided to and approved in writing by the Local Planning Authority; the submitted details shall be supported with a sample panel to be made available on site for inspection. The work shall be carried out in accordance with the agreed details, and the sample panel shall remain available for inspection throughout the duration of the work.

Reason: In the interests of visual amenity and to accord with Policy EQ2 of the South Somerset Local Plan (2006-2028).

05. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
  - a) all previous uses;
  - b) potential contaminants associated with those uses;
  - c) a conceptual model of the site indicating sources, pathways and receptors; and
  - d) potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 109 of the NPPF and policy EQ7 of the South Somerset Local Plan.

06. No development approved by this permission shall be commenced until a Construction Environmental Management Plan, incorporating pollution prevention measures, has been submitted to and approved by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.

The submitted CEMP must include safeguarding measures to deal with the following pollution risks:

- the use of plant and machinery
- wheel washing and vehicle wash-down and disposal of resultant dirty water
- oils/chemicals and materials
- the use and routing of heavy plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes.

Reason: To prevent pollution of the water environment and to accord policy EQ7 of the South Somerset Local Plan and NPPF.

07. No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.

Reason: In the interests of sustainable development and climate change adaptation and to accord with policy EQ1 of the South Somerset Local Plan

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

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

09. Construction work shall not begin until a scheme for protecting the proposed noise-sensitive development from noise from the nearby business unit has been submitted to and approved by the Local Planning Authority; all works which form part of the scheme shall be completed before any part of the noise-sensitive development(s) is occupied.

Authorities should give applicants guidance on the maximum noise levels to be permitted within or around the noise-sensitive development so as to provide precise guidelines for the scheme to be permitted.

A noise survey utilising BS4142:2014 should be undertaken.

Reason: To protect those living in the dwellings from traffic or other external noise sources, in accordance with policy EQ2 of the South Somerset Local Plan.

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

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

11. No works shall be undertaken until there has been submitted to and approved in writing by the Local Planning Authority, a scheme of landscaping. The submitted scheme shall clearly confirm

the details and dimensions of any intended tree or shrub planting, earth-moulding, seeding, turfing and surfacing. All planting stock shall be confirmed as UK-grown, and details shall be provided in regards to the planting locations, numbers of individual species, sizes, forms, root-types/root volumes and the intended timing of planting. The installation details regarding ground-preparation, weed-suppression, staking/supporting, tying, guarding, strimmer-guarding and mulching shall also be included within the submitted scheme. All planting comprised in the approved scheme shall be carried out within the dormant planting season (November to February inclusively) following the commencement of any aspect of the development hereby approved; and if any trees or shrubs which within a period of ten years from the completion of the development die, are removed or in the opinion of the Council, become seriously damaged or diseased, they shall be replaced by the landowner in the next planting season with trees/shrubs of the same approved specification, in the same location; unless the Local Planning Authority gives written consent to any variation.

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

12. No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include:
- creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and
  - open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

Reason: To ensure that important biodiversity is conserved and in accordance with Local Plan Policy EQ4, ODPM Circular 06/2005 plus National Planning Policy Framework paragraphs 170 and 175. This is also in accordance with Section 40 of the Natural Environment and Rural Communities Act 2006, which confers a general biodiversity duty upon Local Authorities.

13. No external artificial lighting associated with the development shall be installed that will illuminate the scattered trees along the southern and eastern boundary.

Reason: To ensure that important biodiversity is conserved and in accordance with Local Plan Policy EQ4. All bats are afforded protection under the Habitats Regulations 2017 by which populations are to be maintained at Favourable Conservation Status as defined under Article 1 of the Habitats Directive 1992. Bat species are adversely affected by the introduction of artificial lighting on commuting routes, which in effect can cause severance between roosts and foraging areas. A dark boundary area will also help maintain other light sensitive species on site and contribute towards conserving biodiversity.

14. No vegetation removal works around the site, and the demolition of shed with nesting evidence for wren and house sparrow, shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the buildings to be demolished and trees, shrubs and scrub and tall ruderal vegetation to be cleared for active birds' nests immediately before works proceed 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.

Reason: To ensure that important biodiversity is conserved and in accordance with Local Plan Policy EQ4. Nesting birds are afforded protection under the Wildlife and Countryside Act 1981 (as



amended). Although this is a legal obligation the law does not specify a time period, some species can breed outside the time frame given.

15. Any vegetation in the construction area should initially be reduced to a height of 10 centimetres above ground level by hand, brushings and cuttings removed and the remainder left for a minimum period of 48 hours of fine warm weather [(limited rain and wind, with temperatures of 10°C or above)] before clearing to minimise the risk of harming/killing any reptiles that may be present and to encourage their movement onto adjoining land. This work may only be undertaken during the period between March and October under the supervision of competent ecologist. Once cut vegetation should be maintained at a height of less than 10cm for the duration of the construction period. A letter confirming these operations and any findings must be submitted to the Local Planning Authority by the ecologist responsible.

Reason: To ensure that important biodiversity is conserved and in accordance with Local Plan Policy EQ4. Reptile species are afforded protection from intentional and reckless killing or injury under the Wildlife and Countryside Act 1981 (as amended). Outside the period from April to October these species are likely to be in torpor or hibernation when disturbance is likely to pose a risk to survival.

16. Prior to the first occupation of the dwellings hereby approved the following shall be installed/implemented and thereafter retained
- 4 x Schwegler 2FN bat box, or similar, to be erected on the proposed new dwellings (4 separate houses) or any suitable trees on site. This should be installed facing a southerly direction approximately 3-5m above ground.
  - 9x Schwegler 17b swift nest boxes, or similar, will be installed under the eaves and away from windows on a north facing elevation of separate dwellings.
  - 9x Schwegler 1SP sparrow terraces, or similar, will be installed under the eaves and away from windows on a north facing elevation of separate dwellings.
  - 1 x bee brick (<https://www.nhbs.com/bee-brick>), or similar, to the southern or western elevation of each separate dwelling.
  - Garden fencing between properties will feature small mammal holes at the base of the fence, keeping to the minimum size of 13x13cm, to allow hedgehogs to move freely between the new and existing properties.

Reason: To ensure the development contributes to the Government's target of no net biodiversity loss as set out in the National Planning Policy Framework; South Somerset District Council Local Plan - Policy EQ4 Biodiversity; and the council's obligations for biodiversity under the Natural Environment and Rural Communities Act 2006. To ensure the success of mitigation measures are sustained for the duration of the development and that there is no net biodiversity loss in the long term as per Government and local minerals planning policy. Furthermore, the recently updated National Planning Policy Framework states in section 15, paragraph 170, that Planning policies and decisions should contribute to and enhance the natural and local environment by: d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

17. The proposed access and new footpaths shall be constructed in accordance with details shown on the submitted plan, drawing number 3881-BB-SK-00-SK-A-101-B and shall be available for use before occupation of the dwellings hereby permitted. Once constructed the access shall be maintained in that condition thereafter at all times.

Reason: In the interests of highway safety further to policy TA5 of the South Somerset Local Plan 2006-2028

18. The gradient of the proposed access shall not be steeper than 1 in 14. Once constructed the access shall be maintained in that condition thereafter at all times.

Reason: In the interests of highway safety further to policy TA5 of the South Somerset Local Plan 2006-2028

19. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to installation. Once constructed, the system of interception shall be retained in a good state of repair thereafter at all times.

Reason: In the interests of highway safety further to policy TA5 of the South Somerset Local Plan 2006-2028

20. The proposed estate roads, footways, street lighting, sewers, drains, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle, and cycle parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: In the interests of highway safety further to policy TA5 of the South Somerset Local Plan 2006-2028

21. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: In the interests of highway safety further to policy TA5 of the South Somerset Local Plan 2006-2028

22. At the proposed access there shall be no obstruction to visibility greater than 600mm above adjoining road level within the visibility splays shown on the submitted plan. 3881-BB-SK-00-SK-A-101-B. Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.

Reason: In the interests of highway safety further to policy TA5 of the South Somerset Local Plan 2006-2028

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

Reason: In the interests of highway safety further to policy TA5 of the South Somerset Local Plan 2006-2028

24. Prior to first occupation of the dwellings hereby permitted, a 16amp electric charging point for electric vehicles shall be provided adjacent to the parking spaces for each residential unit. Once installed such electric charging points shall be retained and maintained in working order, unless otherwise agreed in writing with the Local Planning Authority.

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

25. Within 3 months of the last bungalow being occupied the existing employment unit (as shown on drawing no. 3881-BB-SK-00-SK-A-107) shall be made available as 4 no. individual units and shall not be used other than for those activities which fall within the definition of Use Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of residential amenity and to meet an employment need in accordance with policies EQ2 and EP3 of the South Somerset Local Plan 2006-2028.

26. No machinery shall be operated, no process shall be carried out and no deliveries taken or dispatched from the commercial units outside the hours of 07.30 - 18.30 Monday to Saturday, nor at any time on Sundays, Bank or Public Holidays.

Reason: in the interest of residential amenity and to accord with policies EQ2 and EQ7 of the South Somerset Local Plan 2006-2028

#### **Informatives:**

01. The foul drainage provisions for the development will require an Environmental Permit to be granted by the Environment Agency if more than 5 cubic metres (5,000 litres) per day is to be discharged. The developer can find further advice here - <https://www.gov.uk/permits-you-need-for-septic-tanks>
02. The site falls within a groundwater Source Protection Zone 2 (SPZ 2). This is a zone of protection surrounding a nearby drinking water borehole, which is vulnerable to pollution. It therefore requires careful protection from contamination. Further information on SPZs can be found at <http://www.environment-agency.gov.uk/homeandleisure/37833.aspx>
03. The EA note that the proposed new housing is approximately 250 metres from an existing Anaerobic Digestion (AD) Plant: an installation the Environment Agency currently regulates. Placing a new community here could result in residents being exposed to noise, dust, pests and in particular odour. The severity of the impact of odour may be significant where it is a large AD site and the proposed development is in a down (prevailing) wind direction from the site. Should planning permission be granted, if the AD operator can demonstrate that they have taken all reasonable precautions to mitigate these impacts, the installation and community will co-exist, with some residual impacts. In some cases, these residual impacts may cause concern for local residents. Only in very exceptional circumstances would the Environment Agency revoke the operator's Environmental Permit. Therefore we advise you to consider the suitability of the land use for housing development under an appropriate range of weather conditions in relation to the AD site.
04. The development should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered. An appropriate submitted scheme to discharge the condition, in regard to water efficiency, will include a water usage calculator showing how the development will not exceed a total (internal and external) usage level of 110 litres per person per day.

05. 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.
  06. The applicant should be aware that it is likely that the internal layout of the site will result in the laying out of a private street, and as such under Sections 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code (APC).
  07. A section 171 licence will be required for the proposed works within or adjacent to the highway, the application form for which is available from the Traffic and Transport Development Group, Somerset County Council: Tel - 01823 356011.
  08. The applicant will be required to enter into a suitable legal agreement to secure the construction of the highway works necessary as part of this development. The developer should contact the Highway Authority to progress this agreement.
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