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## Area North Committee

**Wednesday 29th January 2020**

**4.00 pm**

**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 **4.00pm**.

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

This Agenda was issued on Tuesday 21 January 2020.

*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**

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 29 January 2020

### Agenda

#### *Preliminary Items*

1. **Apologies for absence**
2. **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.

3. **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 26 February 2020** in the Council Chamber, Council Offices, Brympton Way, Yeovil.

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

*Items for Discussion*

7. **Area North Committee Forward Plan** (Pages 6 - 7)
8. **Planning Appeals** (Pages 8 - 13)
9. **Schedule of Planning Applications to be Determined By Committee** (Pages 14 - 15)
10. **Planning Application 19/00817/FUL - St Peter and St Pauls Church, Langport Road, Muchelney.** (Pages 16 - 32)
11. **Planning Application 19/01587/S73A - Land at Aller Court, Church Path, Aller.** (Pages 33 - 40)
12. **Planning Application 19/02818/OUT - Land Adjacent The Willows, Wick, Langport.** (Pages 41 - 45)

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

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

# Agenda Item 7

## **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>
<i>26 Feb</i>	<i>Presentation – Affordable Housing</i>	<i>To raise awareness of affordable housing and how SSDC works with registered providers to provide affordable housing in the district.</i>	<i>Leisa Kelly (Case Officer, Service Delivery), and a representative from a housing provider.</i>
<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 8

## **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**

18/03497/FUL – Land at Laws Farm, Compton Street, Compton Dundon.  
Removal of existing farm buildings and the erection of courtyard style development of 3 dwellings with associated parking.

## **Appeals Dismissed**

19/00489/FUL – 66 Behind Berry, Somerton.  
The erection of a single storey dwelling.

## **Appeals Allowed**

None

The Inspector's decision letter is shown on the following pages.

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## Appeal Decision

Site visit made on 26 November 2019

by **J Gibson BUEP MPIA**

an Inspector appointed by the Secretary of State

Decision date: 13 January 2020

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**Appeal Ref: APP/R3325/W/19/3235611**  
**66 Behind Berry, Somerton TA11 6JY**

- 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 J Hallahan against the decision of South Somerset District Council.
  - The application Ref 19/00489/FUL, dated 19 February 2019, was refused by notice dated 14 August 2019.
  - The development proposed is a single storey dwelling.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The Council's decision notice for the proposed development states that planning permission was refused, however proceeds to detail reasoning which suggests the proposal should have been allowed under the superseded South Somerset Local Plan adopted in 2006. The Council have confirmed that the reasoning on the decision notice and Local Plan referenced are incorrect, and the subject of an administrative error.
3. The Council reference the officer report for the application and advise that it accurately details the relevant policies which the proposal was assessed against and their reasons for refusal. Despite the discrepancy on the decision notice, it is my view that the Council clearly intended to refuse the application as detailed in their officer report. Accordingly, I have based my decision on the relevant policies under the South Somerset Local Plan (adopted March 2015) (LP) and the reasons for refusal as detailed in the Council's officer report.
4. The appellant has submitted a revised plan for consideration as part of the appeal in response to the Council's reasons for refusal documented in their officer report. Specifically, the revised plan relocates the proposed dwelling to increase the setback from the boundary shared with 68 Behind Berry, provide additional vehicle turning space within the site and to show where the required bicycle parking would be provided. The Council have provided comments on the revised plan. I am satisfied that the revised plan is not substantially different to what was originally considered by the Council and other interested parties. Therefore, I have based my assessment on the revised plan submitted.

## **Main Issues**

5. The main issues are the effect of the proposed development on:
  - highway safety, with regard for vehicular access and parking arrangements;
  - the character and appearance of the surrounding area; and
  - the living conditions of future occupants, with regard for rear garden provision.

## **Reasons**

### *Highway safety*

6. The appeal site is a semi-detached dwelling which gains vehicular access to Behind Berry along the western boundary shared with No 68. Behind Berry is a busy Class B road which has been described as experiencing regular congestion and vehicle cuing. This is exacerbated along the frontage of the appeal site due to the close proximity of two intersections to the west and the number of existing driveways within this proximity.
7. The appeal proposal seeks to utilise the existing access arrangements and would therefore intensify the number of vehicles entering and exiting the property. Consequently, it is important to understand the likely turning movements of vehicles entering and exiting the site, how these vehicles would manoeuvre internally, and how these arrangements may affect the road network in the interest of highway safety.
8. The revised plan prepared by the appellant for this appeal shows additional turning area for vehicles accessing the proposed dwelling towards the rear. Despite this, the plan offers little detail as to whether the altered turning areas would adequately cater for the necessary turning movements of these vehicles, nor does it show the turning movements of vehicles accessing the parking spaces for the existing dwelling to the front.
9. Based on the evidence provided it appears as though there is a high likelihood for conflict between vehicles associated with each dwelling and the designated parking spaces. The parallel parking space to the side of the existing dwelling appears particularly constrained, and would either require multiple turning manoeuvres to enter and exit in a forward gear or for the vehicle to exit in reverse. The need for vehicles to make multiple turning movements in such close proximity to the vehicle crossover may also lead to cuing along Behind Berry should vehicles be waiting to enter the access driveway. The proposed arrangements therefore pose a genuine risk to users of the road network and to worsening the existing conditions along Behind Berry.
10. Compounding these concerns is the existing boundary treatment between the appeal site and No 68, and along the frontage of No 68, with regard to visibility. The current boundary treatment appears to impede the view of exiting vehicles from oncoming traffic and pedestrians to the west. The width of the proposed driveway would also limit the degree of visibility for vehicle users. Acknowledging the constraints of this boundary treatment and that this falls outside the appellant's red line area, it is considered to contribute towards an unacceptable outcome with regards to highway safety.

11. Accordingly, the proposed dwelling would have a harmful effect on highway safety with regard for vehicle access and parking arrangements. It would conflict with Policy TA5 of the South Somerset LP. This policy, amongst other things, seeks to ensure new development secures a safe and sustainable transport network for all users by addressing any transport implications.

*Character and appearance*

12. The appeal site comprises a two storey semi-detached dwelling with three bedrooms, a spacious rear garden and a modest landscaped area between the dwelling and the road reserve. This plot design and built form layout predominantly characterises the surrounding pattern of development, particularly along this portion of Behind Berry and along Etsome Terrace. This pattern of development unifies the street scene through a positive rhythm of similarly designed semi-detached dwellings and preserves a sense of space and openness across rear garden areas.
13. The proposed dwelling is single storey in design and would therefore have limited visual effect upon the street scene from its rear garden location. However, the scale of development proposed would significantly exceed the existing built form of rear garden development and would appear discordant with the spacious character of the area. Contributing to this effect is the amount of rear garden area which the proposed dwelling and associated access areas would occupy. Consequently, both the proposed and existing dwellings would be served by significantly smaller rear gardens than is characteristic of the area.
14. The concentration of access and parking areas immediately in front of the existing dwelling would also erode the current pattern of frontage landscape areas. These landscaped areas currently soften the appearance of residential development along the street scene to contrast with the stone building materials of the dwellings. The paved parking and access areas would dominate the front façade of the existing dwelling and introduce a hardscape environment which would be less complimentary of the existing built form.
15. I note that there are examples of smaller residential plots in the wider area. However, it is my view that the appeal site more closely relates to the development pattern extending from Behind Berry and along Etsome Terrace. The examples of smaller plots form a layout which is appropriate for their context and arrangement along the local road network, but would appear cramped and overdeveloped in relation to the appeal site along Behind Berry.
16. Accordingly, the proposed dwelling would harm the character and appearance of the surrounding area. It would therefore conflict with Policy EQ2 of the South Somerset LP. This policy seeks, amongst other things, to ensure that development is of a high quality design that preserves or enhances the local distinctiveness and character and appearance of the district.

*Living conditions*

17. The design of the appeal proposal would result in the majority of the existing rear garden area being taken up by the proposed dwelling and associated access and parking arrangements. Consequently, the rear garden serving the existing three bedroom dwelling would be significantly reduced in size.

18. In my view the proposed rear garden area for the existing dwelling would be harmfully undersized for a three bedroom dwelling. Acknowledging the scale of the existing dwelling I am not satisfied that the area provided would result in quality private outdoor space that meets the needs of the likely types of future occupants. Further, based on observations during my site visit, the existing degree of overshadowing from the southward facing dwelling would subsequently be more harmful acknowledging the narrowed depth of the rear garden.
19. I note that the garden area for the proposed dwelling would be equally constrained in size and orientation. However, given the intended use of the proposed dwelling by the appellant and that it only comprises of two bedrooms I am comfortable with this arrangement in this instance.
20. Accordingly, the appeal proposal would harm the living conditions of future occupants with regard for the rear garden area provision. It would conflict with Policy EQ2 of the South Somerset LP which seeks, amongst other things, to ensure that development is of a high quality design with appropriate amenity space for future residents.

### **Other Matters**

21. Concerns were raised by the neighbouring occupant at No 68 with regard to privacy, based on the orientation and proximity of the proposed dwelling along their side boundary. The appellant's revised plan seeks to address this concern by increasing the setback between the proposed dwelling and the shared boundary. I note that the proposed dwelling would be single storey, would be wholly screened by the proposed (and existing) boundary treatment, and would only have windows servicing the bathroom and kitchen facing No 68. On this basis, and notwithstanding the revised plan, I am satisfied that the proposed dwelling would not result in the unacceptable loss of privacy for the occupiers of No 68.
22. I note the appellant's reasoning for the design and layout of the proposed dwelling, however such personal circumstances seldom outweigh valid planning considerations.

### **Planning Balance**

23. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, I have assessed the appeal proposal against the South Somerset LP as the relevant development plan. Based on the evidence provided, I identified significant harm with regards to highway safety, and from the combined harm to the character and appearance of the surrounding area and the living conditions of future occupants.
24. The Council have identified that they cannot currently demonstrate a five year housing land supply. As such, Footnote 7 of Paragraph 11(d) of the National Planning Policy Framework (the Framework) applies, and the relevant housing supply policies of the development plan should not be considered up-to-date. I have therefore attributed moderate weight to the positive, albeit modest, contribution the appeal proposal would make towards the district housing supply.

25. When assessed against the policies in the Framework taken as a whole the adverse effects of the proposal would significantly and demonstrably outweigh the benefits. The Framework upholds the need to ensure development does not result in unacceptable impacts to highway safety, is sympathetic to local character, and achieves a high standard of amenity that functions well for future users. Therefore the proposal would not be a sustainable form of development and the conflict with the development plan is not outweighed by the other material considerations, including the Framework.

**Conclusion**

26. For the reasons given above I conclude that the appeal should be dismissed.

*J Gibson*

INSPECTOR

# Agenda Item 9

## 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 4.00pm.**

Members of the public who wish to speak about a particular planning item are recommended to arrive for 3.55pm.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
10	BURROW HILL	19/00817/FUL	Construction of a disabled WC.	St Peter & St Pauls Church, Muchelney.	Sarah Nicholas
11	TURN HILL	19/01587/S73A	Application to amend planning condition 3 of approval 14/04300/FUL to allow lifetime of solar park from 25 years to 40 years.	Land at Aller Court, Aller.	Aller Court Solar Park Limited And Andrew Maltby
12	CURRY RIVEL, HUIISH & LANGPORT	19/02818/OUT	Outline application for the erection of 1 No. dwelling with all matters reserved.	Land Adj. The Willows, Wick, Langport.	Mrs Anne Hembrow

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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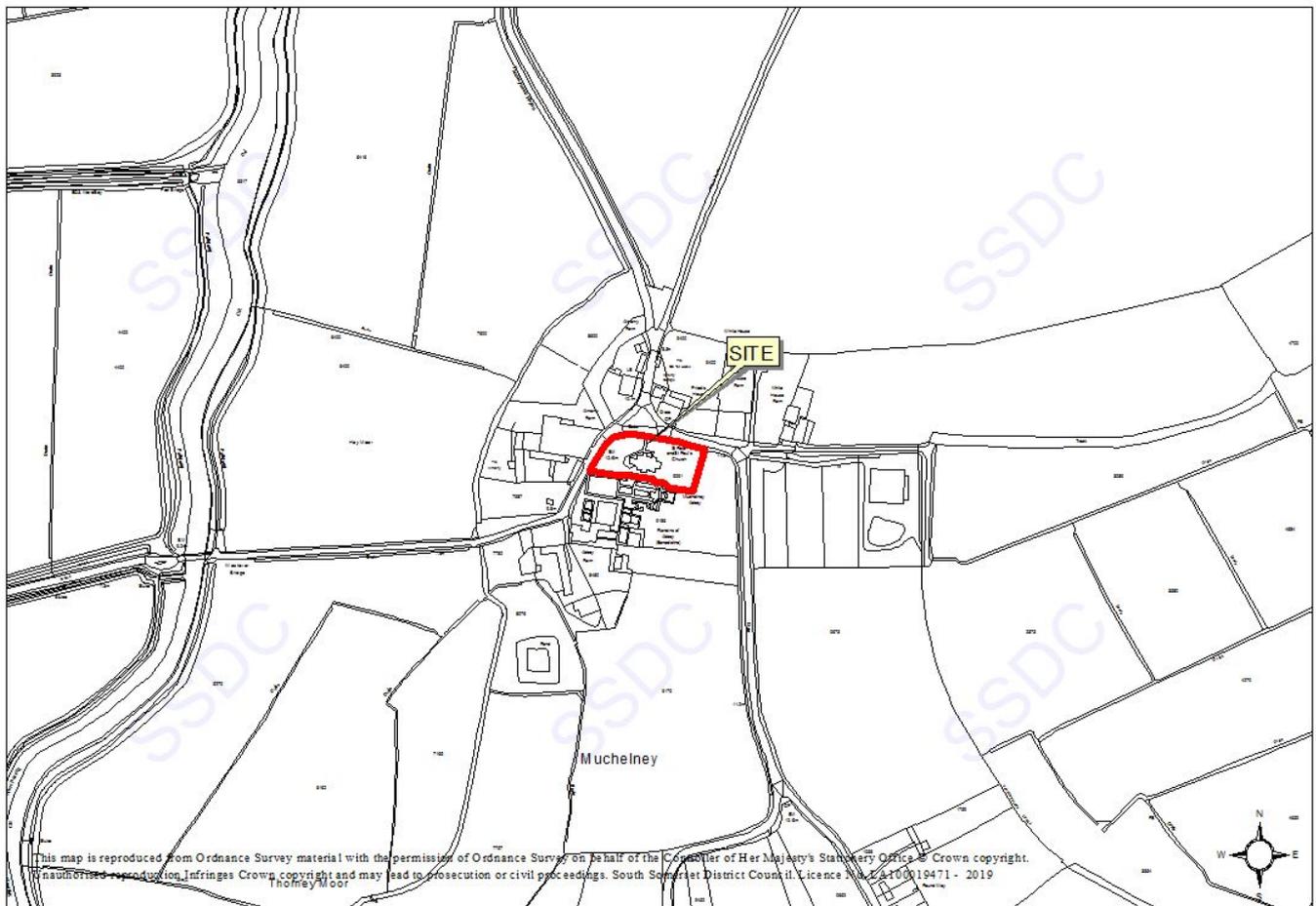
# Agenda Item 10

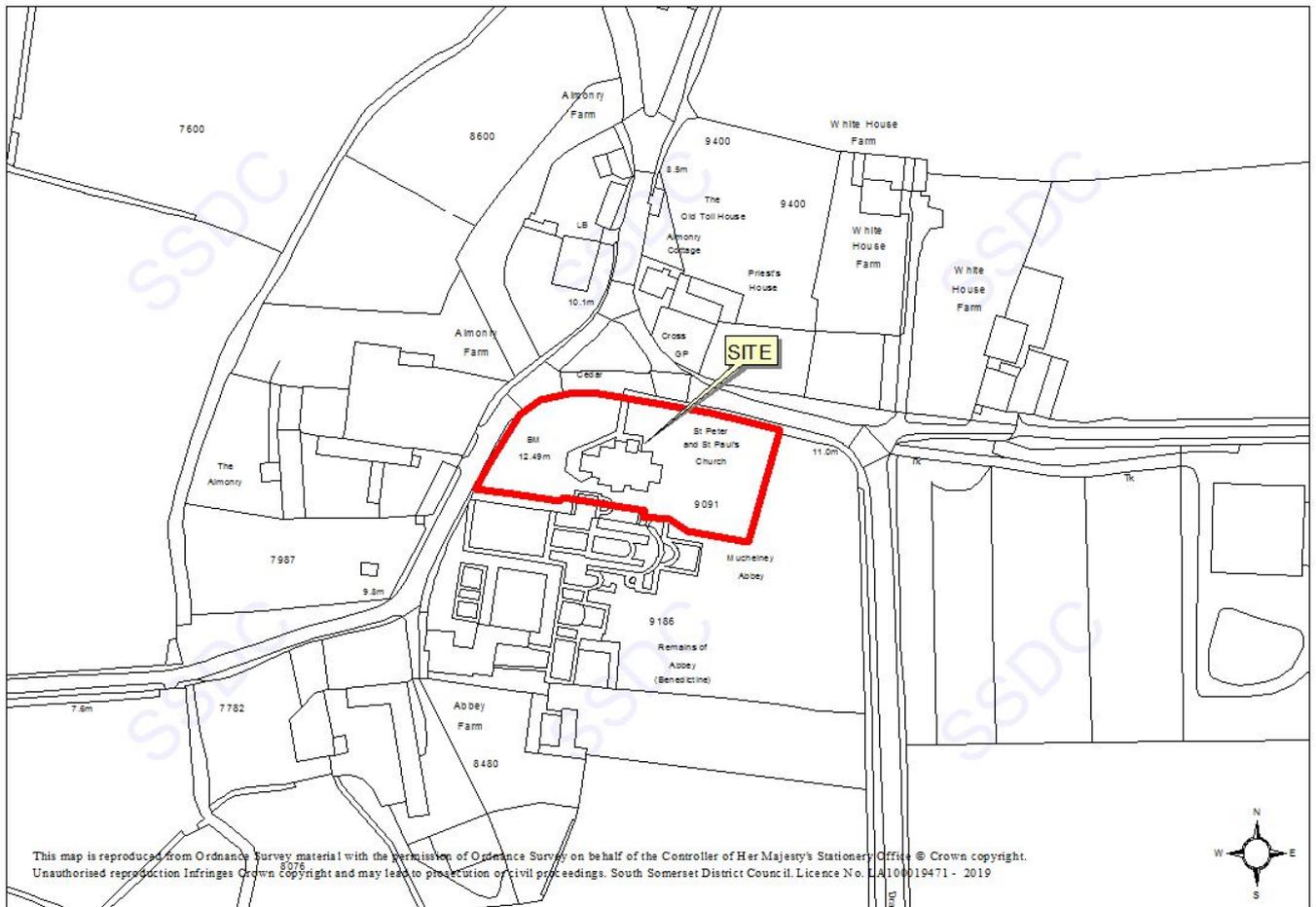
## Officer Report On Planning Application: 19/00817/FUL

<b>Proposal :</b>	Construction of a disabled WC extension between the North Porch and North Chapel, accessed externally, with amended stone path for access.
<b>Site Address:</b>	St Peter And St Pauls Church, Langport Road, Muchelney.
<b>Parish:</b>	Muchelney
<b>BURROW HILL Ward (SSDC Member)</b>	Cllr M Stanton
<b>Recommending Case Officer:</b>	Alex Skidmore Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
<b>Target date :</b>	27th June 2019
<b>Applicant :</b>	Sarah Nicholas
<b>Agent: (no agent if blank)</b>	Mr John Beauchamp, Benjamin + Beauchamp Architects, The Borough Studios, The Borough, Wedmore BS28 4EB
<b>Application Type :</b>	Minor Other less than 1,000 sq.m or 1ha

### REASON FOR REFERRAL TO COMMITTEE

The application has been referred to Area North Committee at the request of the Ward Member and with the agreement of the Area Chair to allow for the differing arguments, in particular those provided by the professional conservation consultees, to be considered further in conjunction with the relevant planning policy.





## SITE DESCRIPTION AND PROPOSAL

This application is seeking full planning permission for the construction of an extension to the north elevation of St Peter and St Pauls Church, Muchelney to accommodate a WC. The proposed extension is to be positioned immediately to the east of the north porch, which is the principle entrance to the Church, and will be accessed externally only, as such the proposal also includes alterations to the existing stone path to facilitate this arrangement.

St Peter and St Pauls Church (SPSP Church) is a working Parish Church that is grade I listed and located within a Conservation Area where there are numerous other listed buildings in its immediate environs. Of particular significance is Muchelney Abbey, which adjoins the Churchyard on its southern side, and is a Scheduled Ancient Monument which includes extensive ruins as well as the principle retained building which is grade I listed as well as the Monks' Reredorter (toilets) which is grade II\* listed. A short distance to the north of SPSP Church on the opposite side of Langport Road is The Priest's House, also grade I listed, as well as the grade II listed village cross which is positioned within the intervening grassed triangle that intersects the road junction.

The gateway into the churchyard is to the north of the Church from the adjacent public highway and directly aligns with the north porch entrance with the two connected by an existing stone flagged path. To the north of the position of the proposed extension is a small group of trees, including Yew which provides some screening of the application site from the public highway to the north. The site is located in flood zone 1.

## HISTORY

13/03155/TCA: Notification of intent to fell a Holly tree and to carry out tree surgery works to a Ginkgo and a Portuguese Maple. Permitted.

13/02319/TCA: Notification of intent to carry out works to 2 no. trees within a conservation area. Withdrawn.

08/02847/FUL: Provision of access and handrail for disabled visitors. Permitted.

08/02848/LBC: Provision of access and handrail for disabled visitors. Permitted.

## 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

EP15 - Protection and Provision of Local Shops, Community Facilities and Services

EQ2 - General Development

EQ3 – Historic Environment

EQ5 - Green Infrastructure

EQ7 - Pollution Control

### National Planning Policy Framework

Part 2 – Achieving sustainable development

Part 8 – Promoting healthy and safe communities

Part 12 – Achieving well-designed places

Part 14 – Meeting the challenge of climate change, flooding and coastal change

Part 16 – Conserving and enhancing the historic environment

### Planning (Listed Buildings and Conservation Areas) Act 1990

## CONSULTATIONS

**Muchelney Parish Council:** No comments received.

**County Highways:** Referred to their standing advice.

**SSDC Highway Consultant:** No highway issues.

**County Archaeology:** The site lies adjacent to the medieval church of St Peter and St Paul in Muchelney. This is an important archaeological and historical site and any works here are likely to have an impact upon buried archaeological remains. Discussion on the impacts and harm on the character and appearance of the church has resulted in a range of options being put forward. The options for a building on the East side of the N Porch or an alternative location below the N side of the tower are the

two options up for deliberation. Both of these locations have an impact upon the character and appearance of the church.

The below ground archaeological impacts are likely to be similar for both site options. The proposed works will affect buried deposits, unmarked graves and other archaeological remains.

For this reason I recommend that the applicant be required to provide archaeological monitoring of the development and a report on any discoveries made as indicated in the National Planning Policy Framework (Paragraph 199). This should be secured by the use of the following conditions attached to any permission granted:

- Programme of Works in Accordance with a Written Scheme of Investigation (POW):  
Before the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Planning Authority. The WSI shall include details of the archaeological excavation, the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme.

and:

- Archaeology and ensuring completion of works:  
No building shall be occupied until the site archaeological investigation has been completed and post-excavation analysis has been initiated in accordance with Written Scheme of Investigation approved under the POW condition and the financial provision made for analysis, dissemination of results and archive deposition has been secured."

**Historic England:** Objects on heritage grounds.

We consider that the application in its current form does not meet the requirements of the NPPF, in particular paragraph numbers 190, 193, 194 and 196.

A summary of their comments are below with full comments available at Appendix A at the end of this report:

This application seeks consent to construct a lean-to WC extension against the east wall of the north porch. Historic England provided pre-application advice to the PCC and their advisers in 2017 where we expressed serious concern that the implementation of this scheme would have a significant and harmful impact on the principle elevation of the church and that a more discreet location against the church tower would result in considerably less harm whilst providing the same facility. Consequently we are unable to support this application as proposed due to the resulting impact on the focal point of the primary facade of this grade I building, when an alternative, less harmful option exists.

Subsequent comments – "I have expressed my concerns about the proposed WC location since my initial discussions with the PCC, citing specifically what Historic England consider to be the resulting significant and harmful impact on the principle elevation of the church - the disruption of the symmetry of the porch and flanking windows within the primary, axial view of the building. I have not however made any objections to the principle of the installation of a WC in a suitable external location and have advocated the space between the tower and aisle since my initial visit in 2017.

I entirely appreciate the issues with the internal option, as the doorway to the vestry is not wide enough and the barrel organ is a rare instrument.

This case has now been the subject of several team discussions and every time, my colleagues and I

have agreed that the location at the base of the tower is considerably less harmful to the historic character, quality and dignity of the principle façade of this building. Churches often have small extensions in this location, often of considerably lesser quality than that you are proposing and therefore whilst we accept that it will be visible from some locations, we do not feel that this will cause such visual disruption to the external quality of this exceptionally significant building as the alternative. We accept the considerable public benefits which will result from the installation of a WC in any location, but as an alternative which we consider to be less harmful to the significance of the building is possible, we do not accept that proceeding with the current option will comply with para. 190 of the NPPF to “avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal,” nor with paras 193-4 paragraphs 193-4 that any harm or loss to a designated asset should require a “clear and convincing justification” – unjustified harm is never acceptable, regardless of the public benefit it brings, if alternative and less harmful options exist.

With regard to the practicalities of the water run-off from the tower – at present, I don’t think we have sufficient information to be able to assess the rainwater issues and whether these could be solved either by a downpipe, gutter, amendment to the gargoyle, redirection of the outfall (is there only one?), etc. I would be happy to discuss this further however.

I hope that this clarifies our position and that we would be willing to discuss how the issues regarding rainwater from the tower can be resolved.”

Latest comments (following publication of the Consistory Court decision) - I can therefore confirm that HE’s views have not changed following this decision and we stand by our previous comments and objection.

**SSDC’s Conservation Officer:** Objects. Agrees with Historic England’s views.

Initial comments - I met with the architect John Beauchamp and had a thorough look round the site. This is a Grade 1 listed building and a very sensitive site adjacent to a schedule Ancient Monument. It also sits within the Muchelney Conservation Area.

For completeness I did look at all of the options that were originally considered for the introduction of toilets on the site. In pure heritage terms my preference would be for a remotely located toilet block adjacent to the drive to Muchelney Abbey. However I understand that due to the demographic of the congregation this will be completely impractical.

I am clear that there are no internal options that would not cause substantial harm. The obvious location is the South Porch but this has a significant Barrel Organ installed in it. It still in my view represents the best of the interior options. If the church becomes redundant, I am sure there will be pressure to relocate it. There is also agreement in principle to remove pews at the rear of the church to provide better access. If we can’t reach agreement on an exterior location, then the south porch should be considered. I am also clear that options on the south side of the church adjacent to the abbey are very difficult to achieve. Therefore I have concentrated on the two preferred options. The block adjacent to the tower and the block adjacent to the north porch.

From the outset I need to be clear that if this was a secular building I would consider either of these options as representing substantial harm to the setting of the listed heritage asset. However with this being church if we do not find a beneficial use for the building then alterations for a potential new use are likely to be even more damaging so I am focusing on a solution that represents high level less than substantial harm as prescribed in NPPF.

In my opinion there is very little to choose between the two options. The proposal at the tower and the building will have a greater impact on the wider village and be more visible in the public realm and will cause greater harm to the Conservation Area. It will have less impact for people visiting the church as

they approach the porch. The proposal next to the porch will be less intrusive in the wider village and Conservation Area but will have a very significant impact on the experience of the church as you approach up the pathway to the porch.

What has become clear to me is that we know a lot about the heritage merits of the two different schemes but no clear evaluation has been carried out regarding the public benefit of the two individual options and the reasons why there is such a divergent view. This is very important as ultimately the planning officer will need to balance these public benefits against the harms in order to make a decision. We also now have the issue of trees which is likely to impact on one of the preferred options.

So that we can make an informed decision I have asked the architect to prepare a statement for both options that details the public benefits and the difficulties in achieving the scheme. Once we have this then I think it will be a question of a planning officer balancing the harm is against the benefits.”

Latest comments (following the submission of additional information) - I can confirm that my previous advice still stands. I think the choice between the two options is finally balanced. They both cause high level less than substantial harm. The public benefit is identical. My view remains the same. I concur with Historic England that the tower option is slightly less harmful than the option next to the porch. Therefore I still can't support the current proposal.

**SSDC Tree Officer:** Initially recommended the application be refused due to concerns relating to likely negative impacts of the development upon adjacent trees and the lack of any arboricultural consideration given to how these trees might be protected under this proposal. Following detailed discussions and negotiations between the Tree Officer and the agent appropriate information was submitted which addresses these concerns. Consequently the Tree Officer has dropped his objection subject to the imposition of the following tree protection condition should the application be approved:

- 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 by a suitably experienced and qualified arboricultural consultant in accordance with *British Standard 5837: 2012 - Trees in relation to design, demolition and construction* 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 prior to any commencement of the development and it shall be inspected and confirmed as being satisfactory by the appointed arboricultural consultant in-writing. 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.

## REPRESENTATIONS

Written representations have been received from 11 households, of which 8 households expressed support for the proposal whilst the other 3 objected. It should be noted that the following is a brief synopsis of the comments made by these interested parties and that full details of their comments can be found on the Council's website.

Comments and observations made by those in support of the proposal include:

- The Church is an essential part of our community and could be used more if there were better

facilities.

- Muchelney has no secular building and it is very unlikely that the land and funds could be found to fund one. The only community building is the Church.
- As a resident that was flooded in 2012 and 2014 the Church was a focal point that kept us sane.
- Having a loo will make the Church more user friendly for all, including the young and elderly.
- The provision of a toilet would enable the use of the church for a much greater range of community activities in a village.
- Aside from the greater public benefit, the provision of a toilet would be of great assistance to those attending weddings or funerals and who do not have the benefit of living locally.
- This village sorely needs a space for all to come together, a place where a community spirit, present already but constrained by lack of suitable space, can be given the opportunity to extend and flourish. In the floods of 2013/2014 the building provided a central space where the community did come together and work together - the whole community, those of no faith and those of faith, all in support of one another.
- The proposed disabled loo will be of enormous benefit to the village and also prolong the life of this beautiful and historic Church.
- Last year a portaloos, which was sponsored by a local businessman, was extensively used proving the need for such a facility.
- This planning application, is a major step towards giving this valued, beautiful, historic building a new lease of life as a servant of the needs of the whole community.
- The Church is also "rare" in that it is open to the general public every day - enabling visitors, as well as our village community, to appreciate the beauty and uniqueness of both its exterior and interior.
- It is evident that there will be some effect on the visual aspect on the North side. That said, care has been taken to minimise the visual impact, and it is my firm view that the detriment of the installation of the toilet is far outweighed by the public good to be achieved.
- Over the past centuries, many changes have taken place in and around the church. This proposal is to enable new opportunities for a modern culture with minimum impact on a beautiful and much loved building.
- Numerous options, internal and external, have been considered and discussed over many years between Muchelney PCC and the Diocesan Advisory Committee (DAC). After all that discussion the current position was considered to be the most appropriate.
- Comments are made on the practicalities of locating the WC by the north tower (as preferred by HE) in view of surface water overflow from above is surely a problem that can be overcome.
- The roofline of the WC will be visible from the interior and particularly to those occupying the adjacent pews. If it were against the tower the roofline would still be visible however it would be behind the pews and not visible upon entering as the eye would be looking to the east towards the altar.
- The design and proposed use of materials (in particular the use of timber) does not take into regard the importance of the building and its status.
- Detailed proposals for the drainage should be provided to ensure that it is feasible without impacting upon graves, path or tree roots.

Concerns and observations made by those objecting to the proposal include:

- The proposal will have a significant detrimental impact upon the Church.
- The proposed location of the WC on the main entrance directly facing the highway will have a significant and detrimental impact on the architectural integrity of the Church.
- The WC is in a prominent location and visible from the road and main entrance path to the Church. It is inappropriate for it to be close to the entrance.
- The proposal appears to obscure one third of one of the windows and will upset the overall symmetry of the north elevation thus creating an eyesore as visitors approach.

- A more sensitive location would be on the back (south) of the Church.
- The design does not fit with the wonderful stone structure of the Church.
- The need for the WC has not been proven. There are occasional events in the Church but more should be organised to test the demand and see whether a WC is necessary.
- Application contrary to LP policies SS2 (Rural Settlements), EP15 (Protection and Provision of Local Shops, Community Facilities and Services and EQ3 (Historic Environment).
- Since the floods of 2014 considerable works have been carried out to ensure that such flooding does not happen again including the raising of one of the roads into the village so that this should remain usable should such flooding be repeated.
- The lack of open space or a WC did not prevent the Church from being used during the floods.
- The Church was used extensively during the floods but has not continued since.
- We are a small village and within a short distance of bigger villages with modern hall that are able, and do, hold wider events.
- Even with some pews removed the Church will never be a comfortable venue for concerns, films, suppers etc.
- Organisation such as Historic England and The Society for the Protection of Ancient Buildings have expressed concern and re against this proposal. Their views should be respected.
- All the elevations of the Church are prominent from the surrounding roads and Muchelney Abbey and so wherever the WC is located externally it is bound to be visually intrusive. It is important that this intrusion is kept to a minimum, I cannot see that the current siting fulfils this requirement.
- This will look artificial and be seen to be hiding a lavatory in a shed.
- Its siting does not leave much room for planting.

The National Trust have also made written representations objecting to this proposal:

- The National Trust owns the Priest's House, a late medieval hall-house that is grade II listed, and which lies opposite the church. The Trust has a statutory duty under the National Trust Acts to promote the conservation of places of historic interest and natural beauty. The Trust generally supports the addition of facilities to make historic buildings more usable. However, the proposed extension would be in a position where it is immediately visible from the front door of Priest's House, so it would have an impact on the property's views and setting. In addition, we are concerned that - due to its position and design - the extension would detract from the entrance to the church and compromise its design and appearance. This visual impact would affect all these using the church or visiting this historic village. In conclusion, we are unable to support the proposed extension due to its location and design, and we consider that there are more creative and thoughtful interventions (internal or external) that could be undertaken to provide a WC facility to serve the church.

## **CONSIDERATIONS**

This application is seeking full planning permission for the construction of an extension to the north elevation of St Peter & St Pauls Church (grade I) to accommodate a WC. The proposed extension is to be freestanding and will be positioned immediately to the east of the north porch, which is the principle entrance to the Church, and will be accessed externally only, as such the proposal also includes alterations to the existing stone path to facilitate this arrangement.

### Principle

The Parish Church at Muchelney is the only community facility to be found within the village and at present does not benefit from any toilet facilities. The provision of a toilet for the Church will undoubtedly make the building more user friendly not just for its primary function as a Parish Church but also with the view to improving its usability for other community related uses. A matter that should be given

considerable weight given the deficiency of any other potential buildings being available within the village for community use. It is noted that neither the Council's Conservation Officer nor Historic England object to the principle of the provision of a WC at the Church, as such the principle of the proposed development is considered to be acceptable.

#### Impact on designated heritage assets

As noted earlier in this report St Peter & St Paul's Church is grade I listed. It is also located within a designated Conservation Area with numerous other listed buildings close by, such as Muchelney Abbey (grade I / II\*) to the south and The Priests House (grade I) to the north. The application must therefore be considered against national legislation (Planning (Listed Buildings and Conservation Areas) Act 1990) and Chapter 16 of the National Planning Policy Framework (NPPF).

Paragraphs 193-194 of the NPPF state that any harm or loss to a designated heritage asset should require a clear and convincing justification and that substantial harm to or loss of assets that are of the highest significance, such as grade I and II\* listed buildings, should be wholly exceptional.

The current application has been made following extensive discussions between the Parochial Church Council (PCC) and the Diocesan Advisory Committee (DAC), as well as consultation with Historic England (HE). Whilst it would appear that all parties, including the Council's own Conservation Officer, are in agreement that it is not feasible to provide a WC within the Church building, there is disagreement as to the most appropriate position for the WC on the outside of the Church. Further to this, it is noted that none of these parties are raising any particular objection to the design and proposed use of materials for the WC extension, it is only the proposed location that is in dispute.

The current application proposes to erect a modest timber clad extension on the east side of the north (main) entrance to the Church to house the disabled toilet, with access to the toilet being from outside the Church building only. This position is advocated by the PCC and DAC but is strongly objected to by Historic England. In the view of Historic England there is an alternative position, on the north side of the tower, which would result in less harm to the setting of the Church than that currently proposed on the east side of the north entrance.

Historic England observes that *"the approach to the church from the road is via a short path to the North Porch and whilst the path is lined and sheltered by trees, the view of the church is of the porch set symmetrically between the two windows of the north aisle. Consequently, the addition of a timber structure in this location would have a significant and harmful impact on the principle elevation of the church - a prominent new addition in such close proximity to an important architectural feature in this location will result in the overall unbalancing of the attractive, little-altered façade. As an alternative, less harmful location has also been included within the applicant's documentation, justification for this harm is not considered to be clear and convincing as required by the National Planning Policy Framework. Whilst we accept that a new structure adjacent to the church tower could also be prominent in the context of this highly visible church building, its impact would be tempered by existing trees and in oblique views from the path and the road, therefore creating a less obvious addition."*

*"We (Historic England) consider that the more discreet location against the church tower would be considerably less harmful and would neither disrupt the symmetry of the church porch nor the primary, axial view of the building."*

*"Before weighing up the harm against any public benefit associated with a proposal, it needs to be demonstrated that that harm cannot be avoided or reduced through amendments to the scheme, or offset by mitigation of the harm or enhancement of the asset (Para 190, NPPF). Historic England's Good Practice Advice Note 2: Managing Significance in Decision-Taking in the Historic Environment, sets out a clear process for making that assessment in paragraphs 6 and 25-26. When considering change, great weight should be given to the asset's conservation. The more important the asset, the greater the weight*

should be (Para 193, NPPF).

*Due to the high designation and quality of the building under consideration and the contribution made by its setting, any change will need to be considered against the high bar set out in the legislation and policy, and robustly justified. At present, we have significant concerns regarding the proposals and the supporting justification for the chosen scheme. We would strongly urge you to reconsider Historic England's suggested alternative location for the WC, which would substantially reduce the overall impact of the extension on the historic character, quality and dignity of the principle façade of this exceptionally significant historic church."*

Conversely, the recent Judgement by The Consistory Court of The Diocese of Bath and Wells disputed Historic England's views (see Appendix B at the end of this report). They note that the position proposed by Historic England on the tower would impact upon views of the West entrance which is in the tower. They observe that the West entrance was the original main entrance to the Church and that this is still used for weddings and other important ceremonies and that standing back from the West door, the symmetrical view of the West elevation would be disrupted if a WC were to be built on the North side of the tower. They further consider that the current proposed position to the east of the North porch is the least problematic within what is a difficult site noting that there is the opportunity to screen the structure with planting, the potential for accommodating drainage beneath the pathway as well as the practical benefits of easy access from the North door. They summarise by stating that it is difficult to reconcile the assertion of significant harm arising from the scheme proposed with the apparent absence of harm in a visible site adjacent to the tower.

It is the opinion of the Council's Conservation Officer that the preference between each of these positions is finely balanced. He notes that Historic England's preferred location by the tower would have a greater impact on the wider village and be more visible in the public realm causing greater harm to the Conservation Area but that this would have less impact for people visiting the Church as they approach the North porch. However, the proposal next to the North porch will be less intrusive in the wider village and Conservation Area but will have a very significant impact on the experience of the Church as you approach up the pathway to the porch.

At the request of the Conservation Officer the applicant provided additional supporting information in an effort to justify the position proposed as opposed to that advocated by Historic England. Unfortunately this additional information has failed to alter Historic England's views, and they remain convinced that of the two options that Historic England's suggested alternative location for the WC by the tower would substantially reduce the overall impact of the extension on the historic character, quality and dignity of the principle façade of what is an exceptional significant historic Church. The Council's Conservation Officer has confirmed that he agrees with the views of Historic England

Neither Historic England nor the Council's Conservation Officer consider that a clear and convincing justification for the proposed location has been made, and indeed are of the opinion that an alternative and less harmful option exists. Furthermore, the public benefit arising from the proposed WC would be the same whether it is positioned by the north porch or on the tower and as such offers no weight in favour of one particular option. Therefore based on the advice of Historic England and the Council's Conservation Officer it is concluded that the proposal is contrary to the guidance set out within paragraphs 193-194 of the NPPF as well as the aims and objectives of Local Plan Policy EQ3 and should accordingly be refused.

#### Other matters

- Impact on trees – There are a number of trees within the confines of the graveyard including several that are located close to the site of the proposed extension. Additional information has been provided during the course of the application which has addressed the Tree Officer's initial concerns and subject to a tree protection condition being imposed the Tree Officer has confirmed

that he no longer wishes to object to this application.

- Residential amenity – The siting, modest scale and nature of the extension is such that it will not result in any demonstrable harm to the residential amenities of nearby residents.
- Highway safety – The position and nature of the development is such that it will not be prejudicial to highway safety.
- Flooding and drainage – The location of the site is in flood zone 1, which is considered to be at the lowest risk of flooding, furthermore it is considered that drainage details can be appropriate addressed through condition.

## Conclusion

As a grade I listed building St Peter and St Paul's Church has been identified as being amongst the most significant designated heritage assets in the country and as such should be afforded the greatest of protection, with any change to its fabric or setting considered against the high bar set out in legislation and policy and requiring robust justification.

It is accepted that the provision of a disabled WC for the Church will meet a recognised need for such a facility both in terms of the Church's primary religious function as well as its use as a community building and as such represents a significant public benefit. However, prior to weighing up the harm of the proposal against any associated public benefits it needs to be demonstrated that the identified harm cannot be avoided or reduced through amendments to the scheme (para 190, NPPF).

It is clear that the provision of a WC in any of the positions discussed will cause harm to the setting and appearance of the Church. Both Historic England and the Council's Conservation Officer are of the opinion that a more favourable viable option that would be less harmful to the setting and appearance of the Church is available. On this basis it is considered that no clear and convincing argument has been made that justifies the proposal as submitted and accordingly the proposed development is contrary to the requirements set out within paragraphs 190, 193-194 of the NPPF as well as the aims and objectives of Local Plan Policy EQ3.

For these reasons the application cannot be supported and is therefore recommended for refusal.

## **RECOMMENDATION**

Refuse consent for the following reason:

No clear and convincing argument has been made that justifies the proposed development as submitted. It is considered that there is a more favourable viable option, in regard to the position of the WC, that would cause less harm to the setting and appearance of this grade I listed Church, accordingly the proposed development is contrary to the aims and objectives of Policy EQ3 of the South Somerset Local Plan as well as the requirements of the National Planning Policy Framework, in particular paragraphs 190 and 193-194.

## **APPENDIX A – HISTORIC ENGLAND CONSULTEE COMMENTS (dated 12/06/2019)**

### **St Peter & ST Pauls Church, Langport Road, Muchelney, Langport, TA10 0DQ Application No. 19/00817/FUL**

Thank you for your letter of 15 May 2019 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

#### **Summary**

This application seeks consent to construct a lean-to WC extension against the east wall of the north porch. Historic England provided pre-application advice to the PCC and their advisers in 2017 where we expressed serious concern that the implementation of this scheme would have a significant and harmful impact on the principle elevation of the church and that a more discreet location against the church tower would result in considerably less harm whilst providing the same facility. Consequently we are unable to support this application as proposed due to the resulting impact on the focal point of the primary facade of this grade I building, when an alternative, less harmful option exists.

#### **Historic England Advice**

Formerly a low lying island in the marshes of the Somerset Levels, Muchelney is an ancient and fascinating settlement. The village, whilst small, contains the remains of a number of important heritage assets: Muchelney Abbey (in the stewardship of English Heritage), a Benedictine Abbey dating from 939 and largely destroyed in the Dissolution of the Monasteries, the Priests House (National Trust) dating from 1308, the Grade I listed church of St Peter & St Paul, predominantly dating from the C15 but with Saxon origins as well as several other listed buildings.

The church is situated in the centre of the settlement, to the north of the Abbey and south of the Priests House. It stands in a raised and very open churchyard containing several specimen trees. Whilst the tower is prominent from the surrounding the farmland, the body of the church is also highly visible, particularly from the grounds of the Abbey to the south and from the east. Built of local lias rubble with Ham stone dressings, the building is a fine and impressive landmark within the landscape. The church is approached directly from the north up a gently sloping stone path to the north porch. Internally, the space feels very light and warm owing to the honey coloured stone, clear glass and open tower arch - slender ham stone columns rise up to support a spectacular C17 painted nave ceiling depicting cherubs and clouds. The pews are predominantly box-pews of the late C18-early C19 and match the panelling around the walls.

Historic England was previously consulted on the proposal to construct a WC in this location as part of the associated faculty application. At this time we expressed our serious concerns about the scheme proposed - a small lean-to building attached to the east side of the north porch, clad in timber, housing a fully accessible WC. An options appraisal was also presented and has been included within this submission, illustrating the various locations which could potentially house a new WC, both internal and external. From this document, it is clear that the proposed location, adjacent to the church porch, has a greater number of disadvantages than an alternative location, adjacent to the north wall of the tower. The chosen option is also acknowledged within the options appraisal to have a greater impact on the setting of the building than this alternative.

The approach to the church from the road is via a short path to the North Porch and whilst the path is lined and sheltered by trees, the view of the church is of the porch set symmetrically between the two windows of the north aisle. Consequently, the addition of a timber structure in this location would have a significant and harmful impact on the principle elevation of the church - a prominent new addition in such close proximity to an important architectural feature in this location will result in the overall unbalancing of the attractive,

## **APPENDIX A – HISTORIC ENGLAND CONSULTEE COMMENTS (dated 12/06/2019)**

little-altered façade. As an alternative, less harmful location has also been included within the applicant's documentation, justification for this harm is not considered to be clear and convincing as required by the National Planning Policy Framework. Whilst we accept that a new structure adjacent to the church tower could also be prominent in the context of this highly visible church building, its impact would be tempered by existing trees and in oblique views from the path and the road, therefore creating a less obvious addition.

The submitted planning application has not heeded the above advice and still proposes to locate the extension to the east of the north porch. As a result, we maintain our earlier stance regarding the significantly harmful impact of this proposal on the principal elevation of the church. We consider that the more discreet location against the church tower would be considerably less harmful and would neither disrupt the symmetry of the church porch nor the primary, axial view of the building.

As the works proposed within this application will have a significant impact on a Grade I listed building, one of the top 2.5% of all listed buildings nationally and therefore of exceptional special interest, the proposal will need to be considered against the national legislation (Planning (Listed Buildings and Conservation Areas) Act 1990) and Chapter 16 of the National Planning Policy Framework. The NPPF advises in paragraphs 193-4 that any harm or loss to a designated asset should require a clear and convincing justification - unjustified harm is never acceptable, regardless of the public benefit it brings, if alternative and less harmful options exist. This applies most strongly to highly designated heritage assets. Before weighing up the harm against any public benefit associated with a proposal, it needs to be demonstrated that that harm cannot be avoided or reduced through amendments to the scheme, or offset by mitigation of the harm or enhancement of the asset (Para 190, NPPF). Historic England's Good Practice Advice Note 2: Managing Significance in Decision-Taking in the Historic Environment, sets out a clear process for making that assessment in paragraphs 6 and 25-26. When considering change, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be (Para 193, NPPF).

Due to the high designation and quality of the building under consideration and the contribution made by its setting, any change will need to be considered against the high bar set out in the legislation and policy, and robustly justified. At present, we have significant concerns regarding the proposals and the supporting justification for the chosen scheme. We would strongly urge you to reconsider Historic England's suggested alternative location for the WC, which would substantially reduce the overall impact of the extension on the historic character, quality and dignity of the principle façade of this exceptionally significant historic church.

### **Recommendation**

Historic England objects to the application on heritage grounds. We consider that the application in its current form does not meet the requirements of the NPPF, in particular paragraph numbers 190, 193, 194 and 196.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If, however, you propose to determine the application in its current form, please treat this as a letter of objection, inform us of the date of the committee and send us a copy of your report at the earliest opportunity.

## APPENDIX B

### Consistory Court of The Diocese of Bath & Wells [2019] ECC B&W2

#### Judgement (dated 12<sup>th</sup> November 2019)

#### Re: The Church of St Peter and St Paul, Muchelney

##### Introduction

The Church of St Peter and St Paul is a Grade I listed building which stands on a prominent site in the parish of Muchelney. Since at least 2014 the provision of lavatory facilities has been under active consideration by the Parochial Church Council, such provision being lacking within the curtilage of the Church. Unfortunately the initial proposal, to use the vestry for the purpose, proved to be impracticable because the entrance did not meet the requirements of disabled users.

No other suitable location existed within the church building. In particular the area at the base of the tower was correctly ruled out because an installation there would have involved blockage of the West door and restriction of the liturgical use of the nave. Other indoor locations would have been an unacceptable intrusion into the space used for worship. Accordingly it became necessary to look outside, where there was no conveniently sheltered area within the churchyard and clear views of the building from all directions posed further problems. A plan dated August 9<sup>th</sup> 2018 with the title "WC Location Options" prepared by the church architect, Mr John Beauchamp, demonstrated with clarity the difficult choices that had to be faced.

##### The Petition

The outcome was the selection of a site adjacent to the East side of the North porch of the church building, for the location of a freestanding structure designed to meet disability requirements. This option had the unanimous support of the Parochial Church Council, and was recommended by the Diocesan Advisory Committee in its written advice dated July 9<sup>th</sup> 2019. A petition dated July 12<sup>th</sup> 2019 was accordingly presented in the names of the Vicar, the Reverend Jane Twitty, a churchwarden Mrs S Nicholas, and the treasurer Dr E Nightingale, for works described as

##### *"Phase I – external works*

- *Installation of a external DDA – compliant toilet to the East side of the North porch in freestanding stone & wood building*
- *Connection of mains water supply and appropriate drainage, along pathway*
- *Supply of electrics as required."*

##### Objections

Although the petition is formally unopposed, the proposed works are controversial. The advice of the statutory consultees was ambivalent, with the Church Buildings Council supporting the Petitioner's choice of position and Historic England preferring a site near to the tower. South Somerset District Council's conservation officer wrote,

*"We remain of the view that the side of the North porch is the optimum location but we acknowledge that a case can be made for both locations and do not contest Historic England's advice."*

Letters of objection were also forthcoming from parishioners. In reaching my decision I have taken account of the communications from Mrs Angela Miller (receiving on August 9<sup>th</sup> 2019) from Mr and Mrs du Monceau (dated August 11<sup>th</sup> 2019) from Mr Alastair Mullineux (dated July 22<sup>nd</sup> 2019) and from Mr Andrew Slater (dated August 7<sup>th</sup> 2019). In a further letter dated September 24<sup>th</sup> 2019 Mrs Nicholas responded on behalf of the Petitioners. I have been impressed by the constructive tone of all of this correspondence. The principal issues raised by the Objectors are evaluated in the following paragraphs.

### Need

Mrs Miller and Mr Mullineux challenge the need for the facilities as being “not proven”. Their argument is primarily that the level of church attendance is insufficient to justify the provision sought. Over recent decades, however, a reasonable expectation has developed among worshippers and visitors that parish churches should be warm, safe and with a basic level of comfort including lavatory accommodation. It is entirely appropriate in my judgment that parishes aspire to meet that expectation irrespective of the number of persons for which allowance is made. Ad hoc arrangements at adjacent premises such as those kindly offered by Mr Millineux, are insufficient; they do not meet the needs of the disabled or the very young while easy access during services is not always practicable.

The Petitioners are in these proposals seeking properly to address a basic human requirement. I am unable to accept the arrangement to the contrary.

### Design

The design of the lean-to structure has attracted comparatively little adverse comment, save that Mrs Miller and (at least by implication) Mr Mullineux are critical of the use of timber cladding. In addition, however, to the Diocesan Advisory Committee’s favourable assessment of the Church Buildings Council wrote

*“The design is responsive to the site whilst remaining subservient to the building”*. (Dr Knight’s letter of May 16<sup>th</sup> 2019) and South Somerset District Council commended on October 23<sup>rd</sup> 2018, *“The design of the proposed WC is discreet, with a good quality finish and reversible.”*

I am satisfied on the material before me that the design is appropriate to the setting of a historic church of this importance.

### Location

It is the question of location which has emerged as the most controversial feature of the scheme. The advice of the consultees on this issue has already been outlined. The objectors are unanimous in their condemnation of the proposed site beside the North porch, as being

*“detrimental to the character of the church and an eyesore in this historic village”* (Mr and Mrs du Monceau

*and*

*“...in a prominent location and visible from the road and main entrance path to the Church. It is inappropriate for it to be close to the entrance”* (Mrs Miller)

Mr Mullineux and Mr Slater also observe that part of a nave window will be obscured by the line of the slate roof.

Of other conceivable locations which have been under discussion, only that at the West and adjacent to the tower (favoured by Historic England and Mr Mullineux) is a serious competitor. In that position also it will be no less visible, albeit from a different angle. Furthermore, as Mrs Nicholas explained in her letter of September 24<sup>th</sup> 2019, the West door was the original main entrance. It is still used for weddings and important ceremonies. She writes

*“Standing back from the West door, the symmetrical view of the West elevation would be disrupted if a WC were to be built on the North side of the tower.”*

The burden of proof rests upon the Petitioners. They have persuaded me that, notwithstanding the disadvantages identified by the Objectors and Historic England, the location to the East of the North porch is the least problematic within this difficult site. The preference expressed for a position beside the tower is unconvincing. My conclusion on this issue is fortified by the advice from the Diocesan Advisory Committee and the Church Buildings Council, as well as the somewhat circumspect assessment given on behalf of the South Somerset District Council.

I am mindful also of the opportunity to screen the structure with planting, as well as the practical benefits of easy access from the North door and the potential for accommodating drainage beneath the pathway.

#### Drainage

Mr Mullineux draws attention to the need for detailed proposals concerning the drainage system. In this respect he repeats the advice of the Diocesan Advisory Committee; Mrs Nicholas recognises that the design of the drainage remains outstanding. This is not, however a good reason for postponing a decision upon the project, because a faculty may now be granted subject to the condition that a further order is sought for such drainage arrangements as will have received the recommendation of the Diocesan Advisory Committee.

#### Conclusion

Although the substance of this judgment has been concerned with the contentious aspects of the proposals, my decision is underpinned by the approach commended by the Court of Arches in re. *St Alkmund, Duffield* [2013] Fam 158, at paragraph 87 of the judgment.

In summary, I do not accept the evaluation of Historic England (and, if Mr Mullineux is correct, the Society for the Protection of Ancient Buildings) that significant harm will result from the Petitioner’s proposed location. It is difficult to reconcile the assertion of significant harm arising from the adoption of the Petitioner’s proposal with the apparent absence of harm in a visible site adjacent to the tower. In either instance, the harm, in my judgment, is no more than minor, especially if the already subdued appearance of the relatively small structure is suitably screened. The obvious public benefit in have lavatory facilities accessible to disabled people materially outweighs any harm associated with the chosen site in the curtilage of the church.

Accordingly a faculty will pass the seal for the works as proposed in the petition. Such faculty will be subject to the usual conditions imposed in this Diocese with regard to electrical works, archaeology and the treatment of any disturbed human remains. There will also (as indicated above) be a condition that a further order shall be sought in respect of the drainage scheme.

On reviewing the Registry file it is evident that this project has been subject of protracted delay and uncertainty. In conclusion it is appropriate to recognise the sustained endeavour

of the Parochial Church Council, in the face of various setbacks, to bring the matter to a final decision. Its members have displays commendable perseverance in achieving the present outcome.

# Agenda Item 11

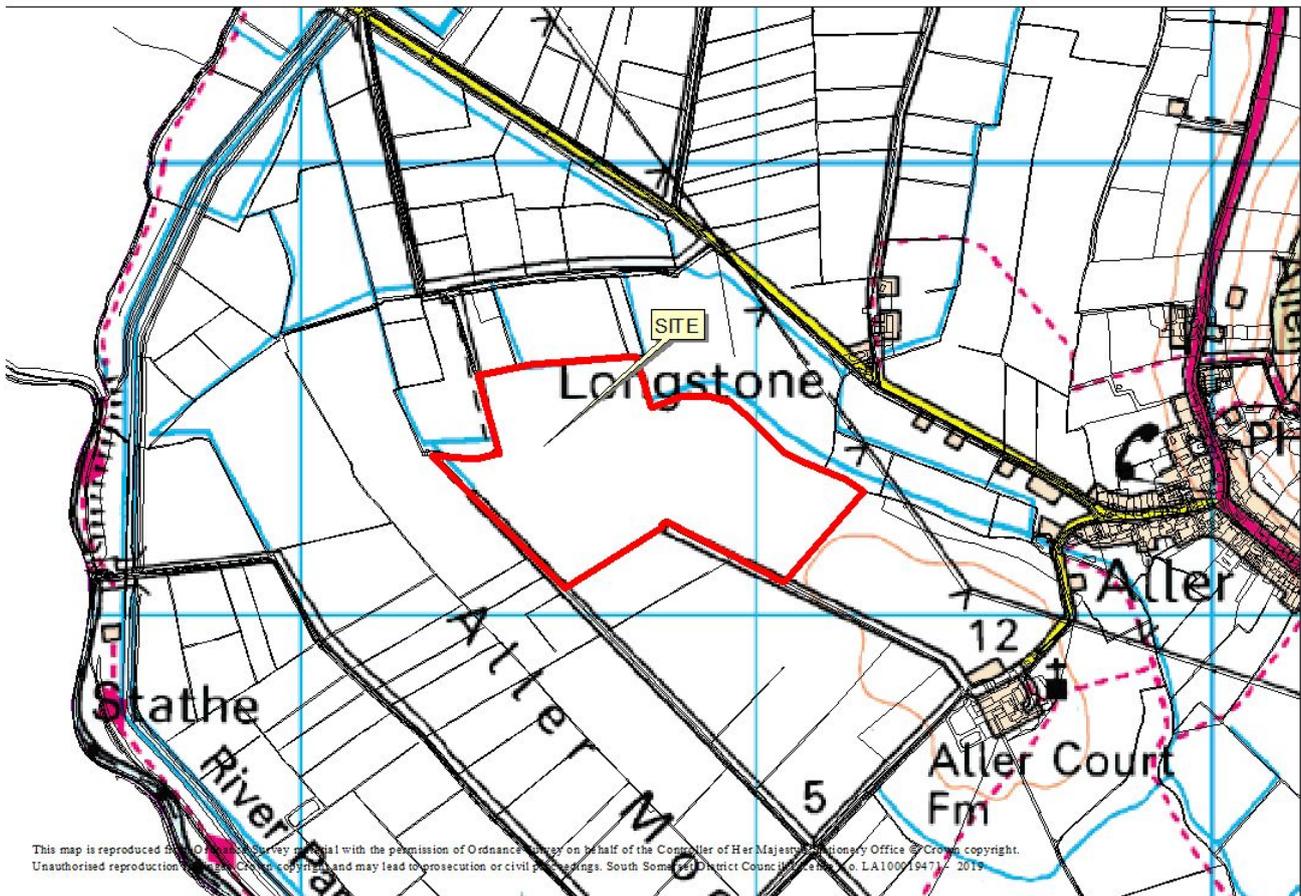
## Officer Report On Planning Application: 19/01587/S73A

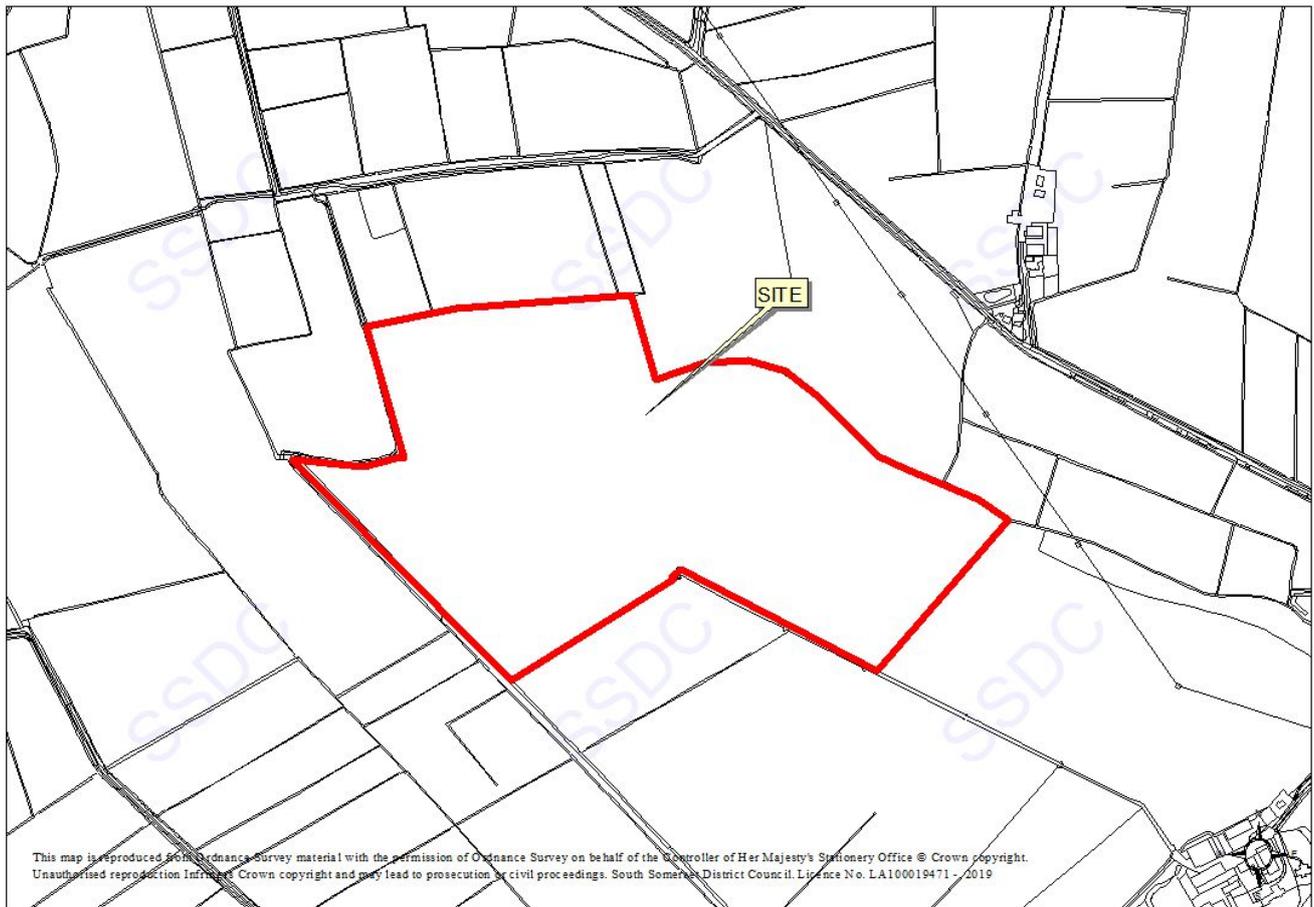
<b>Proposal :</b>	Application to amend planning condition 3 of approval 14/04300/FUL to allow lifetime of solar park from 25 years to 40 years.
<b>Site Address:</b>	Land At Aller Court Church Path Aller, TA10 0QR
<b>Parish:</b>	Aller
<b>TURN HILL Ward (SSDC Member)</b>	Cllr Gerard Tucker
<b>Recommending Case Officer:</b>	Alex Skidmore
<b>Target date :</b>	4th September 2019
<b>Applicant :</b>	Aller Court Solar Park Limited And Andrew Maltby
<b>Agent: (no agent if blank)</b>	Planning Developments Limited, 1 Naish Farm, Broadway, Chilcompton, Radstock BA3 4ST
<b>Application Type :</b>	Major Other f/space 1,000 sq.m or 1 ha+

### REASON FOR REFERRAL TO COMMITTEE

The application is referred to Committee in accordance with the terms of the Council's Scheme of Delegation which requires all 'Major Major' applications, such as this, to be referred to Committee for determination.

### SITE DESCRIPTION AND PROPOSAL





This application seeks to vary condition 3 (temporary time limit) of planning permission 14/04300/FUL, which permitted the construction of a 17 MW solar park on land at Aller Court Farm, Aller. At present condition 3 allows the temporary retention of the solar park for a maximum of 25 years, the current application is seeking to extend this time period to 40 years after which time the solar park will need to be removed and the site reinstated in accordance with a land restoration plan.

Currently Condition 3 reads:

- "The permission hereby granted is for the proposed development to be retained for a period of not more than 25 years from the date that electricity from the development is first supplied to the grid, this date to be notified in writing to the Local Planning Authority. The development hereby permitted shall be removed and the land restored to its former condition within 25 years of the date of this permission or within six months of the cessation of the use of the solar park for the generation of electricity, whichever is the sooner, in accordance with a restoration plan to be submitted to and approved in writing by the local planning authority. The restoration plan shall be submitted to the local planning authority no less than 6 months prior to the cessation of the use of the solar park for the generation of electricity and shall make provision for the removal of all structures, materials and any associated goods and chattels from the site. The local planning authority must be notified of the cessation of electricity generation in writing no later than five working days after the event."*

It is requested that this Condition is amended to read as follows:

- "The permission hereby granted is for the proposed development to be retained for a period of not more than 40 years from the date that electricity from the development is first supplied to the*

*grid, this date to be notified in writing to the Local Planning Authority. The development hereby permitted shall be removed and the land restored to its former condition within 40 years of the date of this permission (8th June 2056) or within six months of the cessation of the use of the solar park for the generation of electricity, whichever is the sooner, in accordance with a restoration plan to be submitted to and approved in writing by the local planning authority. The restoration plan shall be submitted to the local planning authority no less than 6 months prior to the cessation of the use of the solar park for the generation of electricity and shall make provision for the removal of all structures, materials and any associated goods and chattels from the site. The local planning authority must be notified of the cessation of electricity generation in writing no later than five working days after the event".*

The site is located approximately 400 metres to the west of the village of Aller and comprises 26.7 hectares of agricultural land that forms part of the holding associated with Aller Court Farm. Access to the site is via Aller village, along Church Path to the east and through Aller Court Farm.

## **HISTORY**

19/01588/FUL: Siting of a welfare container, spares container and private switchgear to the west of the constructed solar park. Pending consideration.

17/03209/FUL: Revised siting and increase in height of the private substation, DNO substation, spares container, welfare unit and composting toilet (Retrospective). Permitted.

17/02988/NMA: Application for a non-material amendment to planning approval 14/04300/FUL for reduction in the number of panels and panel spacing and a change in inverter technology and orientation. Permitted.

16/03938/NMA: Application for a non-material amendment to planning permission 14/04300/FUL for a reduction in the number of panels and panel spacing, alterations to inverter station and private switchgear specification. Permitted.

15/00047/REF (Appeal against refusal of 14/04300/FUL): Proposed solar park comprising the erection of solar arrays, inverters, transformers, equipment housing, security fencing, internal tracks, ancillary equipment and ecological mitigation measures. Allowed.

14/04300/FUL: Proposed solar park comprising erection of solar arrays, inverters, transformers, equipment housing, security fencing, internal tracks, ancillary equipment and ecological mitigation measures. Refused.

14/02923/ELS: Installation of overhead electricity line. Permitted.

13/02177/EIASS: Request for screening opinion for a 65 acre solar farm. EIA not required.

## **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

TA5 - Transport Impact of New Development

EQ1 - Addressing Climate Change in South Somerset

EQ2 - General Development

EQ3 - Historic Environment

EQ4 - Biodiversity

EQ5 - Green Infrastructure

EQ7 - Pollution Control

National Planning Policy Framework

Part 2 - Achieving Sustainable Development

Part 4 - Decision Making

Part 6 - Building a strong, competitive economy

Part 8 - Promoting Healthy and Safe Communities

Part 11 - Making Effective Use of Land

Part 12 - Achieving Well-designed Places

Part 14 - Meeting the Challenge of Climate Change, Flooding and Coastal Change

Part 15 - Conserving and Enhancing the Natural Environment

Part 16 - Conserving and Enhancing the Historic Environment

National Planning Practice Guidance

Policy-related Material Considerations

South Somerset Environment Strategy (adopted October 2019)

**CONSULTATIONS**

Aller Parish Council: Whilst still of the opinion that the site is too large and in the wrong place the Parish Council see little point in objecting to this proposed extension of time. However, we would like to see the previously imposed conditions fully adhered to or enforced in a timely manner.

Huish Parish Council (adjoining parish): No comments received.

Curry Rivel Parish Council (adjoining parish): No comments received.

High Ham Parish Council (adjoining parish): No comments received.

County Highways: Standing Advice applies.

SSDC Highway Consultant; No highway issues - no objection.

**REPRESENTATIONS**

None.

**CONSIDERATIONS**

Permission exists for the establishment of a solar array on this site, which has been implemented through the building out of the eastern portion of the site. The original permission was granted for a

temporary period of 25 years (condition 03 of 14/04300/FUL), which has been the general practice with solar farms in the District, and generally throughout the country.

This current application seeks to vary the temporary time limit imposed by condition 03 of the original permission 14/04300/FUL to extend the operational lifespan of the approved solar farm from 25 years to 40 years.

In giving this consideration, it is acknowledged that this is a relatively sizeable increase in time, however no material planning concerns have been raised in respect of this amendment. While it is acknowledged that approval would result in the effects of the development being longer in duration, there would be no change in the nature of the impacts, while it is noted that these remain temporary and would be fully reversible in time. The benefits of the proposal include the opportunity to continue generating renewable energy, supporting national and local objectives relating to the installation and continuation of renewable energy sources.

Overall, there are considered to be no long-term adverse impacts resulting from the proposal to extend the operational lifespan of the solar park from 25 years to 40 years. Furthermore, the increased operational longevity of the solar park will positively contribute towards the Council's aim of reducing carbon emissions in the interests of combating climate change, in accordance with LP policy EQ1 and the recently adopted South Somerset Environment Strategy (Oct 2019).

The agent has suggested varying the wording of the new condition to read:

"The permission hereby granted is for the proposed development to be retained for a period of not more than 40 years from the date that electricity from the development is first supplied to the grid, this date to be notified in writing to the Local Planning Authority. The development hereby permitted shall be removed and the land restored to its former condition within 40 years of the date of this permission (8th June 2056) or within six months of the cessation of the use of the solar park for the generation of electricity, whichever is the sooner, in accordance with a restoration plan to be submitted to and approved in writing by the local planning authority. The restoration plan shall be submitted to the local planning authority no less than 6 months prior to the cessation of the use of the solar park for the generation of electricity and shall make provision for the removal of all structures, materials and any associated goods and chattels from the site. The local planning authority must be notified of the cessation of electricity generation in writing no later than five working days after the event".

This suggested wording however is slightly ambiguous in terms of the end date in that it references when a connection was first made, which is unknown by this Council. In the interests of clarity as to when the development should cease it is considered that the following wording, which states a clear end date, namely 8 June 2056, is more appropriate:

"The development hereby permitted shall be removed and the land restored to its former condition within 40 years of the date of the original permission (planning ref. 14/04300/FUL), i.e. by 8 June 2056, or within six months of the cessation of the use of the solar park for the generation of electricity, whichever is the sooner, in accordance with a restoration plan to be submitted to and approved in writing by the local planning authority. The restoration plan shall be submitted to the local planning authority no less than 6 months prior to the cessation of the use of the solar park for the generation of electricity and shall make provision for the removal of all structures, materials and any associated goods and chattels from the site. The local planning authority must be notified of the cessation of electricity generation in writing no later than five working days after the event."

In addition to the amendment of the above mentioned condition, there are other conditions such as the time limit for commencement as well as conditions where the details have already been submitted and agreed but which still need to be maintained that should be varied in order to issue a new decision.

## Conclusion

The proposal to vary the operational lifespan of the solar farm for a temporary period of 40 years is considered acceptable, and has no material impact on the temporary nature of the permission, which continues to respect the character of the area and to cause no demonstrable harm to neighbour amenity, highway safety, the setting of nearby heritage assets, ecology, flooding and drainage or other environmental concerns. The proposal is in accordance with the aims and objectives of the NPPF and Policies SD1, TA5, EQ1, EQ2, EQ3, EQ4, EQ5 and EQ7 of the South Somerset Local Plan. Accordingly the application is recommended for approval.

## **RECOMMENDATION**

Grant consent for the following reason:

The proposal to vary the operational lifespan of the solar farm, results in a temporary permission that continues to respect the character of the area and causes no demonstrable harm to neighbour amenity, highway safety, the setting of nearby heritage assets, ecology, flooding or other environmental concern in accordance with the aims and objectives of Policies SD1, TA5, EQ1, EQ2, EQ3, EQ4, EQ5 and EQ7 of the South Somerset Local Plan as well as the provisions of the National Planning Policy Framework.

## **SUBJECT TO THE FOLLOWING:**

01. The development hereby permitted shall be carried out in accordance with the following approved plans which form part of the planning permissions dated 8th June 2016; drawings numbered 1074-0200-05 Issue 03; 1074-0204-00 Issue 01; 1074-0205-01 Issue 01; 1074-0206-09 Issue 01; 1074-0208-70 Issue 01; Figure 1 Site Location Plan; 1074-0208-50 Issue 01; 1074-0207-13 Issue 02; 1074-0201-01 Issue 09; 1074-0208-76 Issue 01; 2707-200-Rev H; 00005-02.

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 removed and the land restored to its former condition within 40 years of the date of the original permission (planning ref. 14/04300/FUL), i.e. by 8 June 2056, or within six months of the cessation of the use of the solar park for the generation of electricity, whichever is the sooner, in accordance with a restoration plan to be submitted to and approved in writing by the local planning authority. The restoration plan shall be submitted to the local planning authority no less than 6 months prior to the cessation of the use of the solar park for the generation of electricity and shall make provision for the removal of all structures, materials and any associated goods and chattels from the site. The local planning authority must be notified of the cessation of electricity generation in writing no later than five working days after the event.

Reason: In the interest of landscape character and visual amenity in accordance with Policy EQ2 of the South Somerset Local Plan.

03. There shall be no permanent raising of ground levels in Flood Zone 3. The development shall be carried out in accordance with the flood storage compensation measures agreed under discharge of condition application 16/04897/DOC, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that flood risk is not increased to accord with the provisions of the NPPF.

04. No development shall take place within 8 metres of the top of bank of any river or ditch at any time during the development.

Reason: To ensure that flood risk is not increased and to allow the maintenance of watercourses and in the interest of protecting the biodiversity value of the watercourses to accord with the provisions of the NPPF and policy EQ4 of the South Somerset Local Plan.

05. The construction phase of the development hereby permitted shall only be carried out in strict accordance with the details and requirements of the Construction Environmental Management Plan agreed under discharge of condition application 16/04897/DOC, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of highway safety, neighbour amenity and to protect local ecology and protected species to accord with policies TA5, EQ2, EQ4 and EQ7 of the South Somerset Local Plan.

06. The construction phase of the development hereby permitted shall be carried out in strict accordance with the details and requirements of the Construction Traffic Management Plan agreed under discharge of condition application 16/04808/DOC, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of highway safety policy TA5 of the South Somerset Local Plan.

07. The biodiversity enhancement measures agreed under discharge of condition application 16/04808/DOC shall be fully implemented, unless otherwise agreed in writing by the local planning authority.

Reason: For the enhancement of biodiversity in accordance with the provisions of the NPPF and policy EQ4 of the South Somerset Local Plan.

08. The monitoring and mitigation scheme for the post-construction monitoring and mitigation of the impact of the development upon birds shall be fully implemented in accordance with the details agreed under discharge of condition application 16/04808/DOC, unless otherwise agreed in writing by the local planning authority.

Reason: To assess any potential risk to the waterbird assemblage of the Somerset Levels and Moors Special Protection Area, in accordance with the Habitats Regulations 2010 and policy EQ4 of the South Somerset Local Plan.

09. The development hereby permitted shall be carried out in accordance with the measures agreed under discharge of condition application 16/04662/DOC to minimise the risk of harm of collision by birds with overhead lines. The agreed details shall be fully implemented as part of the development and shall thereafter be permanently maintained unless otherwise agreed in writing by the local planning authority.

Reason: To minimise the risk of potential bird collision in the interest of safeguarding the ecological interest of the area in accordance with the Habitats Regulations 2010 and policy EQ4 of the South Somerset Local Plan.

10. The development hereby permitted shall be carried out in accordance with the written scheme of archaeological investigation agreed under discharge of condition application 16/04808/DOC, unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the archaeological interest of the site in accordance with policy EQ3 of the South Somerset Local Plan.

11. All planting, seeding, turfing or earth moulding comprised in the landscaping scheme approved under discharge of condition application 17/00410/DOC shall be carried out in the first planting and seeding season following the first generation of electricity. If within a period of five years from the completion of the development the approved planting dies, is removed or becomes seriously damaged or diseased, it shall be replaced in the next planting season with others of similar size and species. The approved landscaping scheme shall thereafter be maintained in accordance with the details set out within the Landscape Management Plan agreed under discharge of condition application 17/00410/DOC for the duration of the operation of the site for the purposes of generating electricity, unless otherwise agreed in writing by the local planning authority.

Reason: In the interest of landscape character and visual amenity to accord with policy EQ2 of the South Somerset Local Plan.

12. The design and finished colour of the security fencing and the finished colour and position of the security camera equipment shall accord with the details agreed under discharge of condition application 16/04662/DOC, unless otherwise agreed in writing by the local planning authority.

Reason: In the interest of landscape character and visual amenity to accord with policy EQ2 of the South Somerset Local Plan.

13. No means of audible alarm shall be installed on the site without the prior written consent of the local planning authority.

Reason: In the interest of residential amenity and the rural amenities of the area to accord with policy EQ2 of the South Somerset Local Plan.

14. Other than on the switch gear building, no means of external illumination or external lighting shall be installed without the prior written consent of the local planning authority.

Reason: In the interest of visual amenity and to safeguard the rural character of the area to accord with policies EQ2 and EQ7 of the South Somerset Local Plan.

15. The supporting posts to the solar array shall not be concreted into the ground.

Reason: In the interest of sustainable construction and to accord with part 10 of the National Planning Policy Framework.

16. The rating level of the noise emitted from the development hereby approved from fixed plant and equipment shall not exceed a level of 30dB(A) outside any dwelling at a distance of not less than 3.5 metres from any façade of that dwelling containing a window to a habitable room. The measurements and assessment shall be made in accordance with BS 4142: 1997.

Reason: To safeguard the residential amenity of nearby residents in accordance with policies EQ2 and EQ7 of the South Somerset Local Plan.

# Agenda Item 12

## Officer Report On Planning Application: 19/02818/OUT

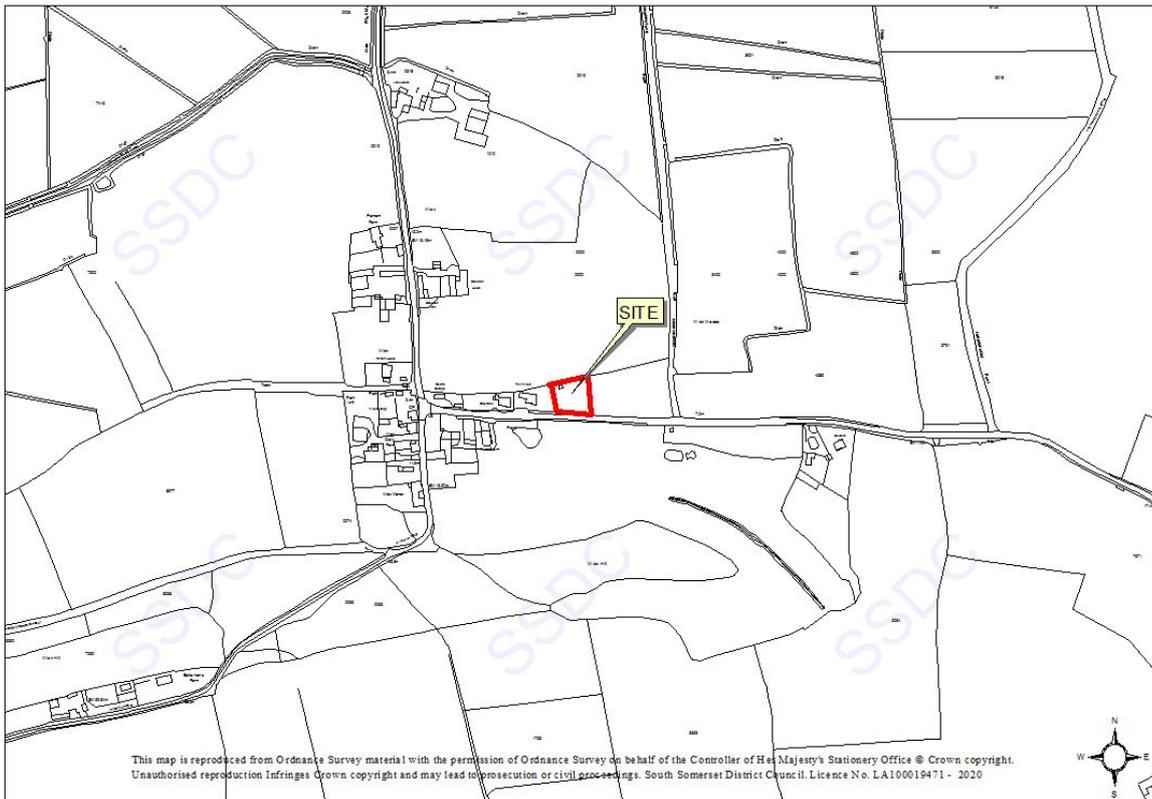
<b>Proposal :</b>	Outline application for the erection of 1 No. dwelling with all matters reserved.
<b>Site Address:</b>	Land Adj. The Willows, Wick, Langport.
<b>Parish:</b>	Curry Rivel
<b>CURRY RIVEL, HUISH &amp; LANGPORT Ward (SSDC Member)</b>	Cllr Tiffany Osborne Cllr Clare Paul
<b>Recommending Case Officer:</b>	Colin Arnold
<b>Target date :</b>	26th November 2019
<b>Applicant :</b>	Mrs Anne Hembrow
<b>Agent: (no agent if blank)</b>	Mr Terry Mounter, Currig Rea, Curry Rivel, Langport TA10 0JF
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

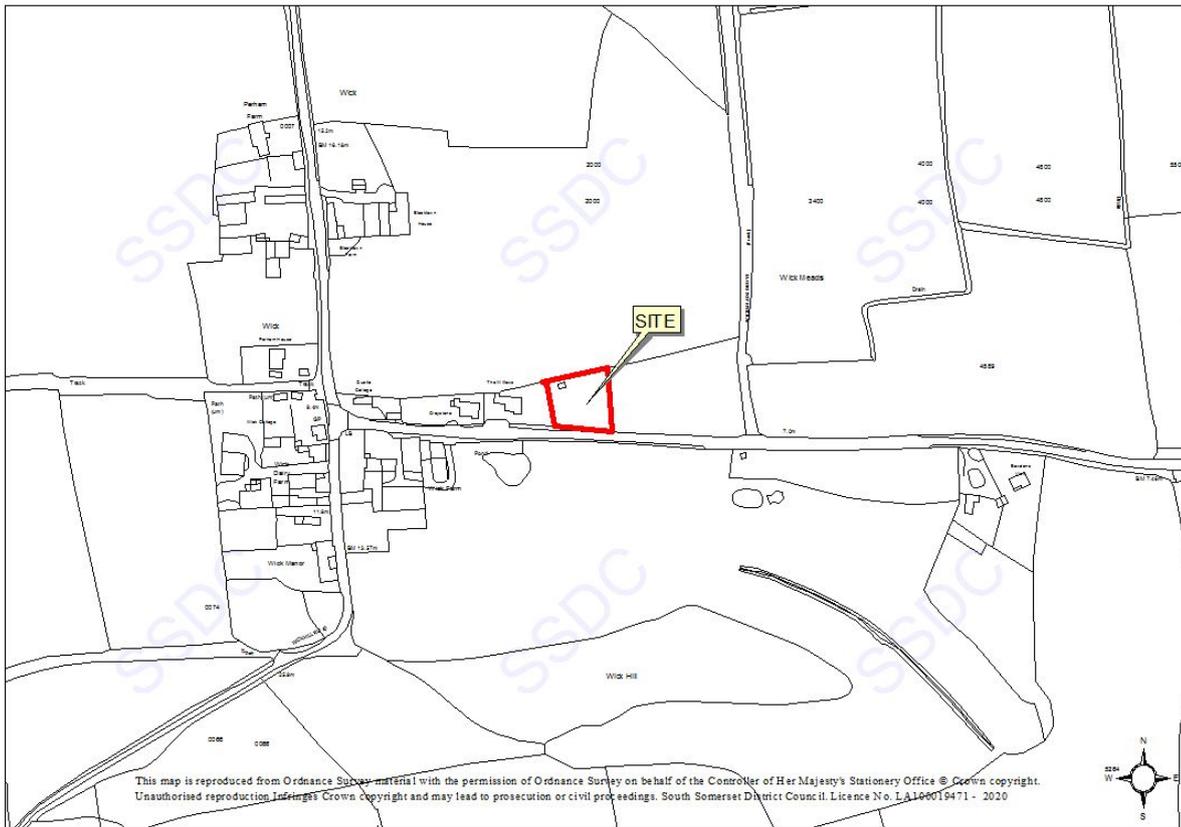
### REASON FOR REFERRAL TO COMMITTEE

The Chair has referred the matter to committee on the recommendation of the Ward Member who stated:

There is a presumption in favour of sustainable development as required by the National Planning Policy Framework unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. This application does not have any significant adverse impacts that outweighs the benefits. The applicants already live in Wick and therefore already live and work within the restrictions of policy SS2.

### SITE DESCRIPTION AND PROPOSAL





This is an outline application (with all matters reserved) for the erection of a dwelling at land adjacent to The Willows, Wick, Langport.

The site is a market garden associated with The Willows and is on the edge of Wick which is a small hamlet near Langport.

The site has an existing five bar field gate which appears to have adequate visibility in either direction.

The site is also well screened to the road via an existing hedge and trees.

The land is higher than the road by some 1.5 metres and the only neighbouring property 'The Willows' is a bungalow.

There are several sheds and some polytunnels on the land presumably in connection with its use as a market garden.

## HISTORY

No relevant planning history.

## POLICY

The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the adopted local plan now forms part of the development plan. As such, decisions on the award of planning permission should be made in

accordance with this development plan, unless material considerations indicate otherwise. Legislation and national policy are clear that the starting point for decision-making is the development plan, where development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

Policies of the South Somerset Local Plan (2006-2028)  
SD1, SS1, SS2, SS4, SS5, TA1, TA5, TA6, EQ1, EQ2, EQ4

National Planning Policy Framework  
Chapters 2, 4, 5, 8, 9, 11, 12, 14, 15,

National Planning Practice Guidance  
Design, Natural Environment, Rural Housing, Planning Obligations

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

## **CONSULTATIONS**

**Parish Council:** Curry Rivel Parish Council fully supports the above planning application and recommends approval.

**SCC Highway Authority:** None received.

**SSDC Highway Consultant:** Standing advice applies.

## **REPRESENTATIONS**

None received.

## **CONSIDERATIONS**

### **Principle of Development**

The Council currently cannot demonstrate a 5 year supply of deliverable housing land.

Therefore there is a presumption in favour of sustainable development as required by the National Planning Policy Framework which states that:

'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'

This is a site in a small hamlet with no facilities or services. The nearest settlements with suitable facilities are considerable distances away - Langport is to the south and east in excess of a kilometre away from the site and to the south and west is Curry Rivel which is in excess of one and a half kilometres away.

Notwithstanding the relative distances there is no discernible footpath network available to enable occupants of the proposed dwelling to access the services or facilities on foot. Indeed with the narrowness of the road network leading to and from Wick - cycling to the services would not be commodious or desirable. In turn, this would mean that the occupants of the proposed new dwelling would be likely to be reliant on the private motor vehicle which is unsustainable and contrary to the aims of the NPPF.

### **Scale and Appearance**

The design and access statement submitted with the application states that the proposed dwelling will be a bungalow and given that the only neighbouring property is also a bungalow this would appear and entirely appropriate form of development on this site. A condition would therefore be in order to ensure that any subsequent reserved matters application is for a bungalow only.

There is no particular discernible street scene to this stretch of the Drove so it would not be reasonable to insist on any particular building material for this application and would depend on what is submitted at reserved matters.

### **Residential Amenity**

The main dwelling which could possibly be affected by this proposal is 'The Willows' itself. Given the separation distance and the fact that the proposal would be limited to single storey only it means that a dwelling could be accommodated without appearing overbearing or giving rise to any undue overlooking issues between the two.

### **Highway Safety**

The submitted site plan shows visibility splays in both directions of 50 metres. The road is a single track road with limited passing places and the actual speed limit allows for visibility splays such as illustrated.

There is ample space on the site for parking and turning and there will be conditions to ensure this.

The proposal complies with the relevant County Standards.

### **Planning Obligations**

As of 3rd April 2017, the Council adopted CIL (Community Infrastructure Levy), which is payable on all new residential development (exceptions apply) should permission be granted, an appropriate informative will be added, advising the applicant of their obligations in this respect.

### **Conclusion**

Whilst the application is acceptable in most parts - its location is unsustainable and would result in an undue increase in the need to travel via the private vehicle for the occupants of the proposed dwelling which is contrary to both Policy SS2 of the South Somerset District Local Plan and the aims of the National Planning Policy Framework and as such the recommendation is for refusal.

### **RECOMMENDATION**

Refuse

**FOR THE FOLLOWING REASON(S):**

01. The site lies outside of any settlement boundary where development is strictly controlled for the benefit of all. The relative distances to services and facilities are in excess of reasonable walking distance and there are no pavements to enable easy access. It is therefore in an unsustainable location where the proposed occupants would be reliant on the private vehicles to access facilities and services. As such the proposal is contrary to Policy SS2 of the South Somerset District Local and Plan and advice contained within the National Planning Policy Framework.
-