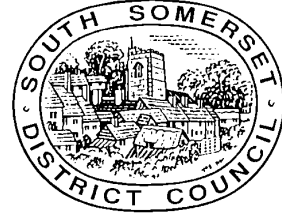


South Somerset District Council

Notice of Meeting



Area West Committee

Making a difference where it counts

Wednesday 17th January 2018

5.30 pm

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

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



The following members are requested to attend this meeting:

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

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

Angie Singleton
Andrew Turpin
Linda Vijeh
Martin Wale

Consideration of planning applications will commence no earlier than 6.45pm.

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

This Agenda was issued on Tuesday 9 January 2018.

Alex Parmley, *Chief Executive Officer*

This information is also available on our website
www.southsomerset.gov.uk and via the mod.gov app



Information for the Public

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

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

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

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

Meetings of the Area West Committee are held monthly, usually at 5.30pm, on the third Wednesday of the month (except December) in village halls throughout Area West (unless specified otherwise).

Agendas and minutes of meetings are published on the council’s website
www.southsomerset.gov.uk/councillors-and-democracy/meetings-and-decisions

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

Public participation at committees

Public question time

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

Planning applications

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

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

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

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

The order of speaking on planning items will be:

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

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

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

Recording and photography at council meetings

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

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

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

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

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Area West Committee

Wednesday 17 January 2018

Agenda

Preliminary Items

- 1. To approve as a correct record the Minutes of the Previous Meeting held on 6th December 2017**
- 2. Apologies for Absence**
- 3. Declarations of Interest**

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

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

Planning Applications Referred to the Regulation Committee

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

Councillors Mike Best, Angie Singleton and Martin Wale.

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

- 4. Date and Venue for Next Meeting**

Councillors are requested to note that the next Area West Committee meeting is scheduled to be held on Wednesday 21st February 2018 at 5.30pm at The Guildhall, Chard.

- 5. Public Question Time**

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

Parish/Town Councils may also wish to use this opportunity to ask for the District Council's support on any matter of particular concern to their Parish/Town.

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

6. Chairman's Announcements

Items for Discussion

- 7. Promoting Community Safety in Area West - Police Performance and Neighbourhood Policing** (Page 6)
- 8. Report to Area West Committee - Police and Crime Commissioners Panel** (Pages 7 - 8)
- 9. Area West - Reports from Members on Outside Bodies** (Pages 9 - 10)
- 10. Area West Committee - Forward Plan** (Pages 11 - 13)
- 11. Schedule of Planning Applications to be Determined by Committee** (Pages 14 - 15)
- 12. Planning Application: 17/03597/REM - Eastfield House, East Street, North Perrott** (Pages 16 - 25)
- 13. Planning Application 17/02693/FUL - Land At Bullring Farm Knowle Lane Misterton** (Pages 26 - 32)
- 14. Planning Application: 17/03908/OUT - Land Os 7216 Part Church Street Winsham** (Pages 33 - 43)
- 15. Planning Application: 17/03271/FUL - 3 Church Path Crewkerne TA18 7HX** (Pages 44 - 51)

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

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

Communities Lead: Helen Rutter
Lead Officer: Tim Cook
Contact Details: tim.cook@southsomerset.gov.uk

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

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

Background Papers: None

Agenda Item 8

Report to Area West Committee – Police and Crime Commissioners Panel

Background

The Police and Crime Commissioners were first elected in 2012 and was a new role created by an Act of Parliament.

The Commissioners roles, under the Act are-

- To secure an effective and efficient police force for their area.
- Appoint the chief constable, hold them to account for running the force, and if necessary dismiss them. Set the police and crime objectives for their area by producing a 5 year plan.
- Set the force annual budget and police precept.
- Produce an annual report setting out the progress against objectives in the police and crime plan.
- Contribute to the national and international policing capabilities set out by the Home Office.
- Cooperate with the criminal justice system in their area.
- Work with partners and fund community activity to tackle crime and disorder.

The Panels Role is defined under current legislation as-

Making provision about procedure for scrutiny of the appointment of chief constables and the precept. Power is conferred on the panel to veto a proposed precept or appointment.

Deal with complaints or conduct matters about the commissioner.

Confers power to appoint 'independent' members to the panel.

The Commissioner has no control over every day operational matters. They have a separate budget but this is part of the overall police budget. Certain funding is available from the Home Office for specific projects, victim support for example. They also have a staff which is paid for out of the budget.

The current budget setting process will be finalised at the next panel meeting on February 1st. Rather like setting our own budget this process is reliant on grants from the Home Office and set by a much disputed formula which appears to favour certain area!

As you will be aware the Government has announced an increase in police funding across England and Wales of £450 million which is 'part of a comprehensive settlement for forces and counter terrorism policing'. How that will affect the budget process will be more apparent after the meeting.

The Commissioner also has been given the ability to raise the precept above the 2 percent should she think it is necessary.

Over the last year I have tried to represent South Somerset on the Panel, particularly when it comes to closure of Police Stations, rural crime, unlawful/unauthorized encampments and retention of neighborhood/response policing.

Neighborhood policing strengths are a perennial problem as when other priorities are identified, terrorism for example, the main call on strength will come from the local teams.

Another problem, in my view, is the necessity in dealing with Bristol and its many urban difficulties and cultures. This can marginalize our area which could be considered a 'quiet police area' compared with other parts of the Force area.

To give you a flavour of the reports the Panel receives from the Commissioner I have listed below some of the headings from our December meeting.

Police and Crime update
Commissioning and partnership work
Avon and Somerset reducing reoffending Board
Victim Service recommissioning
SARCS services (Sexual Assaults Referral Centre's)
Custody and Courts Referral Service Consultation (PCC working with NHS)
Mental Health review of use of S136
Child Sexual Exploitation
Commissioner's community action fund
Government Inspection of Avon and Somerset
Scrutiny of Police Powers
Independent Residents Panel Independent Custody visiting scheme
National Update

As you can see these are wide ranging and varied. I have some concern over a number of these involvements which I think go outside the remit of the Commissioner, under the current legislation, and I will continue to question and research these matters.

I will try to answer any of your questions on the above or any other matters connect with the Panel at the meeting.

Cllr Martin Wale
Vice Chairman Somerset and Avon Police and Crime Commissioners Panel

Agenda Item 9

Area West – Reports from Members on Outside Bodies

Communities Lead: Helen Rutter, Communities Lead
Service Manager: Tim Cook, Area Development Lead (East/West)

Purpose of the Report

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

Public Interest

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

Background

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

Members were appointed to serve on ten outside bodies at the June 2017 meeting.

Reports

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

This month the member report is :

Chard and District Museum – Cllr. Amanda Broom

Recommendation

That the report is noted.

Financial Implications

None.

Council Plan Implications

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

Background Papers: None

Chard & District Museum

I must first report the sad passing of the previous Chairman, David Ricketts, which happened unexpectedly following an illness. David will be greatly missed by the museum volunteers, his friends and family and the wider community in Chard. We held a celebration of his life at the museum, and have a remembrance bench in place in the court for people to visit and pay their respects.

In my report in 2016, I updated you with regards to the new Chairman of the museum, Vince Lean, and his plans for the forthcoming year. In particular, his aims were:

- I. To serve the local community by keeping a record of the social history of the town & its people
- II. To conserve, store & where possible display local artefacts, documents & photographs relating to the town

Both of these aims have been achieved, and in addition, 2017 has been an extraordinary year for the museum, in which celebrating Chard's Heritage has taken centre stage. The museum was featured on two BBC TV programmes – Bargain Hunt and Invented in the West Country. Both of which were focussing on the outstanding collection of James Gillingham artefacts; invented in the West Country also looked at the pioneering work of James Gifford. Both programmes inspired more people to visit the museum, and along with promotions & open days the museum visitor numbers soared to over 2700 (a 23% increase on the 2016 figures).

Financially, the museum has seen an increase in casual donations, which has been driven by open days and private events. Both are free for entry, but people are asked to make donations towards the museum upkeep, and where supplied, refreshments. There has also been an increase in exhibitions, with a focus to moving larger one-off events to the Barn – involvement in Somerset Arts Week was a real bonus. In addition, celebrating all things local such as the Carnival and local dress makers have added a new appeal to the museum.

Chard museum is still entirely dependent on volunteers, and is managed by a committee of trustees. Whilst always looking for ways to support the wider community, 2018 will see the second memorial in the Courtyard, this will be in memory of SGT Swatton who served Chard from 1980 – 1998. A public unveiling for the plaque will be held at the museum on Saturday 17th February.

Whilst looking forward to 2018 it is worth mentioning that this year is the centenary for votes for women, and we have nominated Margaret Bondfield in the hope that she will be picked as one of the 100 pioneers. This would certainly be a very fitting celebration for the work that Margaret undertook, as well as another celebration for Chard.

There continues to be the outstanding issue of the lease hold for the museum, and the Chairman continues to work closely with South Somerset District Council in seeking a resolution. Whilst the lease is not due until 2021, early engagement is needed to ensure that the museum can build on this year's successes and plan realistically for the future.

Cllr Amanda Broom
Chard Combe Ward
Jan 2018

Agenda Item 10

Area West Committee - Forward Plan

Communities Lead: Helen Rutter, Communities Lead
Service Manager: Tim Cook, Area Development Lead (East/West)
Agenda Co-ordinator: Jo Morris, Democratic Services Officer, Legal & Democratic Services
Contact Details: jo.morris@southsomerset.gov.uk or 01935 462055

Purpose of the Report

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

Recommendation

Members are asked to:-

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

Forward Plan

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

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

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

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

Background Papers: *None.*

Notes

- (1) Items marked in italics are not yet confirmed.
- (2) Further details on these items, or to suggest / request an agenda item for the Area Committee, please contact the Agenda Co-ordinator; Jo Morris, 01935 462055 or e-mail jo.morris@southsomerset.gov.uk
- (3) Standing items include:
 - (a) Chairman's announcements
 - (b) Public Question Time

Meeting Date	Agenda Item	Background / Purpose	Lead Officer(s) SSDC unless stated otherwise
21 st February 2018	Affordable Housing Development Programme	To update members on the current position with the Affordable Housing Development Programme	Colin McDonald, Corporate Strategic Housing Manager
21 st February 2018	SSDC Welfare Advice Work in South Somerset	Annual report	Catherine Hansford, Welfare Advice Team Leader
21 st February 2018	Citizens Advice South Somerset	Annual report	Angela Kerr, CEO
<i>21st February 2018</i>	<i>Ile Youth Centre Management Committee</i>	<i>Reports from members on outside organisations</i>	<i>Cllr. Val Keitch</i>
<i>21st February 2018</i>	<i>Making It Local Executive Group</i>	<i>Reports from members on outside organisations</i>	<i>Cllr. Martin Wale</i>
<i>21st March 2018</i>	<i>Chard Town Team</i>	<i>Update report on activities of the Chard Town Team</i>	<i>Cllrs Garry Shortland & Jason Baker, Chard Town Team</i>
<i>21st March 2018</i>	<i>A Better Crewkerne & District (ABCD)</i>	<i>Reports from members on outside organisations</i>	<i>Cllr. Mike Best</i>
<i>21st March 2018</i>	<i>Meeting House Arts Centre, Ilminster</i>	<i>Reports from members on outside organisations</i>	<i>Cllr. Carol Goodall</i>
<i>18th April 2018</i>	<i>Town Centre Events Grants Programme</i>	<i>Report outlining the effectiveness of the programme and details of the awards made</i>	<i>Dylan Martlew, Neighbourhood Development Officer (Economy)</i>
<i>18th April 2018</i>	<i>Area Development Programme – End of Year Report</i>	<i>Progress Report</i>	<i>Tim Cook, Community Development Officer</i>
<i>TBC</i>	<i>Chard Regeneration Scheme</i>	<i>Progress Report</i>	<i>David Julian, CRS Project Manager</i>

Meeting Date	Agenda Item	Background / Purpose	Lead Officer(s) SSDC unless stated otherwise
<i>TBC</i>	<i>One Public Estate Programme</i>	<i>Progress Report</i>	<i>Nena Beric, Project Manager</i>
<i>TBC</i>	<i>Somerset County Council Review of Children's Centres and Get Set Services</i>		

Agenda Item 11

Schedule of Planning Applications to be Determined by Committee

Director: Martin Woods, Service Delivery
Service Manager: David Norris, Development Manager
Contact Details: david.norris@southsomerset.gov.uk or 01935 462382

Purpose of the Report

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

Recommendation

Members are asked to note the schedule of planning applications.

Planning Applications will be considered no earlier than 6.45pm.

Members of the public who wish to speak about a particular planning item are recommended to arrive for 6.35 pm.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
12	NORTH PERROTT	17/03597/REM	The erection of 1 No. dwelling	Eastfield House, East Street North Perrott	Mr & Mrs Burton
13	MISTERTON	17/02693/FUL	Alterations to widen access with associated landscaping	Land At Bullring Farm Knowle Lane Misterton	Ms L Mason
14	WINSHAM	17/03908/OUT	The erection of a dwellinghouse and detached double garage	Land Os 7216 Part Church Street Winsham	Mr & Mrs P Frecknall
15	CREWKERNE	17/03271/FUL	Demolition of existing dwelling and erection of replacement dwellinghouse	3 Church Path Crewkerne TA18 7HX	Mr & Mrs B M Butt

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

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

Referral to the Regulation Committee

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

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

Human Rights Act Statement

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

Agenda Item 12

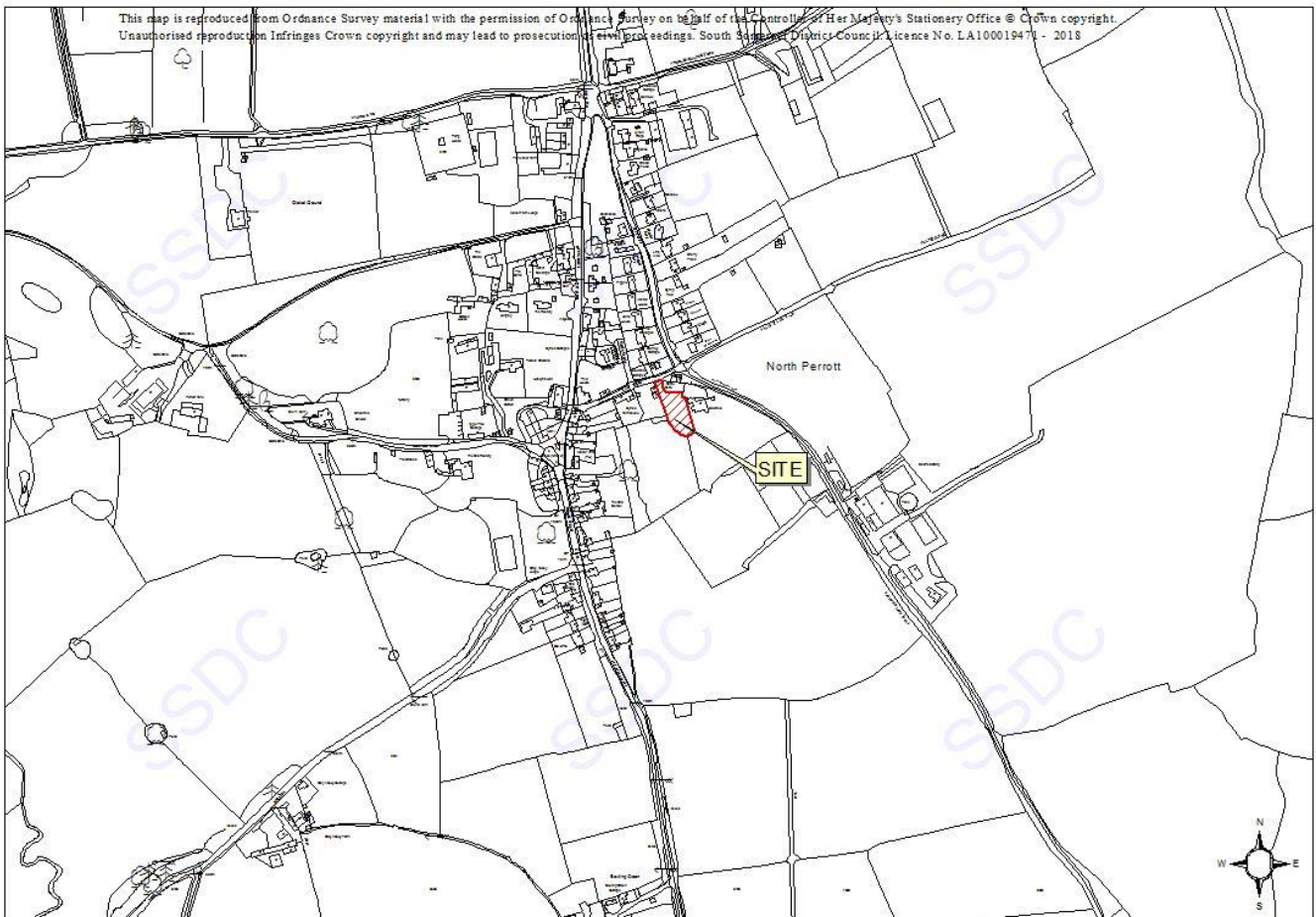
Officer Report On Planning Application: 17/03597/REM

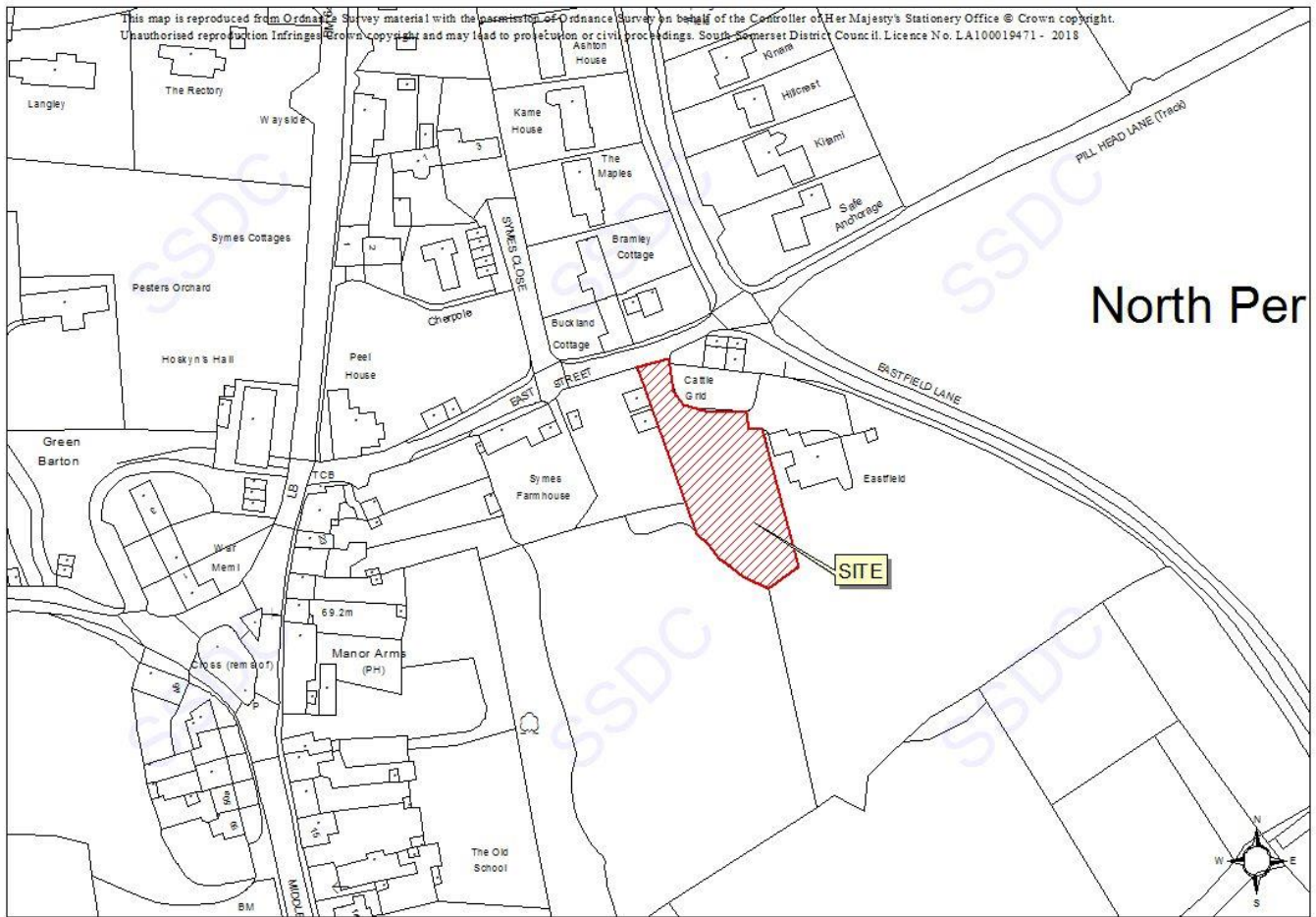
Proposal :	The erection of 1 No. dwelling.
Site Address:	Eastfield House East Street North Perrott
Parish:	North Perrott
PARRETT Ward (SSDC Member)	Cllr R Pallister
Recommending Case Officer:	Louisa Brown Tel: (01935) 462344 Email: louisa.brown@southsomerset.gov.uk
Target date :	18th October 2017
Applicant :	Mr & Mrs Burton
Agent: (no agent if blank)	Oriel Architecture The Old Glove Factory Bristol Road Sherborne DT9 4HP
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

The Ward Member, in agreement with the Area Chair, has requested that this application goes to committee as the Parish Council have unanimously recommended refusal based around the design and the broader merits of the design in this location should be fully considered before a decision is taken.

SITE DESCRIPTION AND PROPOSAL





This is a reserved matters application for the erection of a detached dwellinghouse, in respect of application 16/02692/OUT, which agreed the principle of the development of 1 no. dwelling with all matters reserved.

Eastfield House is situated on the eastern side of the village of North Perrott, and stands within 0.86ha of garden. The application site sits between Eastfield House to the east, and the driveway (accommodating two timber garages) and gardens associated with Symes Farmhouse to the west. The site is 0.098ha in size, and is laid to lawn and bounded by hedges on all sides except to the north where the lawn meets the driveway.

The site is located outside the North Perrott Conservation Area, the boundary of which lies to the north west of the site. Symes Farmhouse, a grade II listed house, lies approximately 40m to the west.

The proposed dwelling will use the existing access to Eastfield House and a new access will be created for Eastfield House under permitted development.

A number of amended plans have been received. This report is based on those received on the 11 December 2017, which remove the garage from the proposal, and shows the siting of the permitted development access to be created at Eastfield House.

HISTORY

16/02692/OUT: the erection of 1 no. dwelling - approved 05/09/16

04/03553/FUL: Erection of a new porch - approved

86573: Erection of a dwellinghouse and conversion of cottages to garages and store and alterations to

access - approved

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF indicate it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

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

South Somerset Local Plan (2006-2028)

Policy SD1 - Sustainable Development

Policy SS1 - Settlement Strategy

Policy SS2 - Rural Settlements

Policy SS4 - District Wide Housing Provision

Policy SS5 - Delivering New Housing Growth

Policy EQ2 - General Development

Policy EQ3 - Historic environment

Policy TA5 - Transport impact of new development

Policy TA6 - Parking Standards

Policy HG4 - Provision of Affordable housing

National Planning Policy Framework

Chapter 6: Delivering a wide choice of high quality homes

Chapter 7: Requiring Good Design

Chapter 12: Conserving and enhancing the historic environment

National Planning Practice Guidance

Design

Other material considerations

Somerset County Council Parking Strategy

Highways Development Control - Standing Advice

ENVIRONMENTAL IMPACT ASSESSMENT

None required

CONSULTATIONS

The comments below are based on the amended plans received on the 31 October 2017. Further amendments have since been received (11 December 2017) and are out for consultation, any comments made will be considered and the report updated accordingly, either in writing or verbally.

North Perrott Parish Council:

An objection was received to the original plans in regard to the design being inappropriate; however the scale and location were supported. Amended plans have been received to vary parts of the proposal

and the Parish Council have stated;

"The Parish Council appreciate the efforts the applicant has gone to address some of the issues raised from their original application however, the principle issue is that the style and form of the building is out of keeping with the traditional and largely unspoiled architecture of North Perrott. In particular, the fact that the site is bordered on two sides by the Conservation Area makes it especially sensitive to the clash in styles between modern and the past.

The community of North Perrott, independently to the Parish Council, consulted between themselves to publish a Village Design Statement that not only seeks to protect the historic character of the village but also guide the conservation of that character in any future development. That Design Statement is supported by the Parish Council and adopted by the District Council. The Parish Council continue to support the applicant in the principle that they should be able to develop this site for a bungalow for their own use but feel strongly that the style and form of any building should be a reflection of that in the neighbouring properties in the conservation area, either to the West or North.

At a meeting of the NPPC on Tues 7th November the councillors voted unanimously not to support the application as it stands."

SCC Highways:
Standing Advice

SSDC Highway Consultant:

"The extent of the existing visibility splays at the point of access needs to be determined and shown on the layout plans. I recommend amended plans are submitted showing the extent of the splays. The other points of detail are acceptable."

Landscape Officer:

"We now have amended plans before us.

Whilst I remain unconvinced by the design, I acknowledge that the fine-tuning has led to an incremental improvement of the proposal, in terms of better-relating the dwelling to Eastfields; toning-down the render finish; and providing greater enclosure of the site as viewed from East Street. There appears to be further opportunity yet to reduce the profile of the new build, by dropping the internal floor level circa 200 mm. and adjusting the adjacent external ground levels accordingly.

As noted before, the proposed building form is not greatly at variance with the mass of Eastfield house, to provide a degree of context for the new build, and it is clearly subservient to the existing property. On balance, whilst there remains a negative landscape impact, it is both localised and minimal, and I consider this level of impact too slightly weighted to tell against the proposal. Consequently, should you be minded to approve the application, I would suggest we condition:

- (1) an agreed finish tone - there is room for some fine adjustment here, to select a slightly warmer tone that is more akin to the adjacent house, and;
- (2) detail of the planting proposal."

Conservation Officer:

"Thank you for consulting on the amended plans at the above.

The site is within the curtilage of Eastfield, a house which was granted consent in the 1971. The associated 1970 consent also included the conversion of the cottages to the front to garages.

The site is adjacent to the conservation area on East Street, but not to the west where it runs north/south along the historic curtilage of Symes Farmhouse.

Symes Farmhouse is listed grade 2, and the granary to the east of Symes Farmhouse is grade 2 listed in its own right.

The starting point for the considering of applications which affects a listed building or its setting is the statutory requirement on local planning authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'

Section 72 of the Act requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area.

Applicants for consent that affects a heritage asset must be able to justify their proposals. The NPPF says that the LPA should require an applicant to describe the significance of any heritage asset affected including any contribution made to their setting. This should be sufficient to understand the potential impact of the proposal on its significance. As a minimum the Heritage Environment Record should have been consulted and the building assessed using appropriate expertise where necessary. When considering the impact of development, great weight should be given to the asset's conservation. Any harm or loss should require clear and convincing justification from the applicant. Any harm should be judged against the public benefit, including securing the optimum viable use. (The optimum use is the one that causes the least harm to the significance of the asset).

Local Plan policies, EQ3 and EQ1 are relevant.

Note that I visited the site with the case officer when considering the outline application and revisited the site with regard to these amended plans. I also viewed the site from the grounds of Symes Farmhouse with the owner's permission.

This reserved matter application as amended is for a contemporary form of development, with coloured render and no pitched roof. The form is not in the vernacular but the tone of the render is proposed to blend with the palette of colours in the conservation area. There is about half a dozen examples of render in the settlement, ranging from white to grey cement. One of which is visible from the rear garden of Symes Farmhouse. The most recent example was granted in 2014.

In this case there is the possibility of visibility from the public realm from the existing access and the proposed new access to Eastfield to the east. This has been alleviated by the introduction of planting to the front of the two plots and by a screen wall and planting to the existing access.

The garden of the listed house is lower than the site. The applicant has provided sections and finished floor levels. There would appear to be the possibility of seeing the top of the new building mostly against the background of the existing house from parts of the garden of Symes Farmhouse.

However, the ability to see a new development from a conservation area or the garden of a listed building does not in itself equate to harm, and contemporary in itself is not necessarily harmful.

It is worth noting that I can think of at least three other new houses in conservation areas and in the context of listed buildings (Norton sub Hamdon, South Petherton and Long Sutton); an extension to barns in a listed complex to form a gallery in Bruton, and contemporary extensions to listed buildings and those in conservation areas which we have approved and been successful.

In my view, as amended the proposal would have limited intervisibility and would be seen within the context of 1970s development to the east of the listed buildings and to the south and east of the conservation area. The significance of this land has been greatly reduced by this modern development. The new building, whilst of contemporary design, is well screened and any views will be restricted and ameliorated by the colour of the render, of which there are limited examples in the settlement, and which

should reflect the local palette of colour.

My view is that there will be negligible changes to the setting of the conservation area and the listed building and their significance."

SSDC Ecologist:

"I've considered this application and I don't have any comments nor recommendations to make."

REPRESENTATIONS

Three neighbours were notified and a site notice displayed. One letter of representation was received mentioning the new drive to Eastfield House and six objectors have written in, two of which have written in three times. The objections raised relate to the following;

- proposed dwelling not in keeping with the North Perrott Village Design Statement
- the design is not in character with the village or adjacent conservation Area
- the dwelling is visible from the conservation Area and adjacent Listed Building
- materials should be natural or reconstituted stone
- no flat roofs should be visible
- there should be small paned windows
- it will have an impact on the Listed Building
- Development will detract from the appeal of the village to tourists
- Dwelling will be visible form the new access
- New access has not been fully assessed
- Objections made on how the outline application was dealt with in regard to policies, it being sustainable and the overall decision.
- Objections made in regard to the conservation officers comments.

CONSIDERATIONS

Principle of Development:

The general principle of additional housing within north Perrott is acceptable, as it is a rural settlement with local facilities and as such accords with policies SS2, SS4 and SS5 of the South Somerset Local Plan. In addition to this the principle of the housing has been approved on the outline application, and as such is not under consideration as part of this application.

Objections have been raised in regard to how the outline was assessed. However this was not challenged at the time nor were there any neighbour objections to the principle of housing on the site. The Case Officer approved the outline making reference to a bungalow being acceptable and stating that it would respect the character and appearance of the area. This approval was given based on the fact that all matters were reserved and whilst it is considered that the principle of a dwelling would not adversely affect the character, the overall design is a matter to be assessed in this application.

The issues to assess as part of this application are the proposals impact on visual amenity, the character of the adjacent conservation Area, the setting of a Listed Buildings, residential amenity and highway safety and as such policies EQ2, EQ3, TA5 and TA6 of the local plan and the NPPF are relevant.

Visual amenity, Conservation Area and Listed Building:

Amended plans have been received on the 11 December 2017. The plans indicate the location design, scale and materials of a detached single storey flat roof dwellinghouse.

Under the advice of the Landscape Officer the dwelling has been brought forward slightly to bring it more in line with the front elevation of the flat roof extension to Eastfield House. It was also requested, by the Landscape Officer, that the height is reduced by about 200mm, however the Agent has replied that the

normal internal floor level requirement for the purpose built Danwood bungalow is 470mm and in this instance it has already been reduced to 355mm, thus making it unable to be lowered anymore.

The amended plans show the omission of the garage to ensure that the red site line remains as per the outline permission, due to the dwelling being brought forward within the site.

The proposed dwelling will be finished in render. The original colour proposed was white, though this has been amended by the Agent to be a more grey/buff colour in order to try and match it more to the general colour palette of the area in relation to the natural and reconstituted stone. The colour chosen is Alsecco 1054, though following discussion with the Conservation Officer it is considered that colour 1024 would be more suited.

Objections have been raised in regard to the overall design and materials used. Reference has been made to the Village Design Statement and whilst consideration can be given to this village statement, it is not an adopted document and therefore carries only limited weight. Moreover, it was compiled prior to the NPPF and the current Local Plan. The Statement provides some history of the village and its characteristics and gives guidelines on new development. The emphasis should be that these are guidelines only and not policy.

In regard to the proposed materials to be used there are other dwellings within North Perrott that have rendered elevations, one dwelling had permission given for a rendered gable elevation in the Conservation Area in 2014 and the dwelling to the north of the site has some rendered elevations. As such the use of render cannot be argued to be an unacceptable material. In order to make the render a more sympathetic tone to the surrounding materials the colour has been amended to a buff colour.

In assessing the overall design the question to ask is 'just because something is different is it harmful?' The Conservation Officer has no objection to the proposal and states that the proposed dwelling has been assessed from the existing access point and proposed access point for Eastfield House, as well as from the grounds of Symes Farmhouse, the listed property to the west of the site. The amended plans have introduced additional planting and a screen wall at the existing access which help to mitigate some of the views to the site. In addition to this an objection has been raised that views through the new access to Eastfield House have not been assessed, these have been assessed and the plans indicate that there will be a new laurel hedge planted down the boundary of the new dwelling and Eastfield House, which will obscure the view from that direction.

It is acknowledged that there will be views of the site, although these would be partial. However the Conservation Officer states, "The ability to see a new development from a Conservation Area or the garden of a listed building does not in itself equate to harm, and contemporary in itself is not necessarily harmful."

There are other approvals within the district that have been granted with a contemporary design in Conservation Areas and in the garden of listed properties; there are also refusals, as mentioned by objectors. However each application must be assessed on its individual merits based on its surroundings and history.

Objections to the Conservation Officer's comments have been made, these relate to his interpretation of policies. One queried the mention of Policy EQ1 within his comments; however this is a spelling error and should state policy EQ2.

The Landscape Officer has some concerns with the design, though acknowledges that the amended plans have improved the proposal, and considers the proposal to be subservient to Eastfield House. Furthermore he concludes that on balance whilst there is a negative landscape impact, it is localised and minimal and as such "too lightly weighted to tell against the proposal." If approved conditions are recommended in regard to the render colour and landscaping. Both of these elements have been discussed with the Agent and can be conditioned accordingly.

Regardless of the lack of a five year land supply, policies EQ2 and EQ3 are relevant and up to date policies within the Local Plan. An objector has referred to policy EQ2 and its statement; "development will be designed to achieve a high quality, which promotes South Somerset's local distinctiveness and preserves or enhances the character and appearance of the district." The objections received refer to the development not being in character with the area or local distinctiveness as it is not a dwelling with a pitched roof finished in natural stone. However the interpretations of policy EQ2 are not solely to do with design and materials, it also relates to the mass and proportions of the site and the spatial arrangements of the site. It is considered that the plot size and scale of the dwelling is acceptable, as is the use of render, which is used elsewhere in the village.

The NPPF, paragraph 60 states;

"Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness."

It is considered that this is an innovative design that reinforces local distinctiveness through the scale of the dwelling, plot size and use of the correct tone of render to blend with the natural and reconstituted stone used in the area.

It is considered that the proposed dwelling by reason of location, scale, design and materials will not cause significant harm to the setting of a listed building or the adjacent conservation area and does not adversely affect visual amenity in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan and the NPPF.

Residential amenity:

The proposed dwelling is single storey with windows in all the elevations. Eastfield House is situated to the east of the property; there is an existing boundary hedge and proposed additional hedging on the boundary. To the west is Symes Farmhouse, this too is obscured by boundary hedging. To the south is garden area and to the north is the highway.

It is considered that by reason of the dwellings scale, location and boundary treatments there will be no adverse overlooking or overbearing to neighbouring properties in accordance with policy EQ2 of the South Somerset Local Plan.

Highway Safety:

County Highways have referred to Standing Advice and the SSDC Highway Consultant has requested plans indicating the visibility splays for the existing access to Eastfield House and the site. Amended plans have been received that are out for consultation showing that Eastfield House is to create a new access onto Eastfield Lane, under permitted development rights.

This has been discussed with the SSDC Highway Consultant and County Highways who have verbally stated that if the existing access is to serve one dwelling only then there is no requirement for improvements to the visibility.

An objection has been received in regard to this access and the need for it to be assessed, however the new access to serve Eastfield House is classed as Permitted Development, as it is onto an unclassified road. The access is also not shown within the red site line, as such this access has not been assessed by highways and would not be able to be refused as it is permitted development. However as it is shown within the blue site line a condition can be imposed to ensure that the access to the new dwelling is not used for Eastfield House and the Permitted Development access to Eastfield House is implemented prior to works starting on the new dwelling.

The plans indicate that there will be parking for 3 no. vehicles and turning, this meets the requirements of the Somerset County Council Parking Strategy.

It is considered that the existing access is acceptable to serve one dwelling and that the site can accommodate the necessary off road parking spaces. As such the proposal will not adversely affect highway safety in accordance with policies TA5 and TA6 of the South Somerset Local Plan.

Other matters:

Objections have been received in regard to the new dwelling detracting from the appeal of the village to tourists. The overall design of the dwelling is assessed within the visual amenity element of this report. The effects on tourism are not a material consideration when assessing the design of a new dwelling within a sustainable location.

Affordable Housing Contributions:

Following the recent court of Appeal decision, South Somerset District Council will not be seeking affordable housing contributions from schemes of 10 or less dwellings or where the gross floor area of buildings is less than 1000 sq. m. in line with the statement made by the Minister for Housing and Planning.

Community Infrastructure Levy:

Outline consent was granted prior to the formal introduction of CIL, as such there is no need for Form 0 to be filled out and the site is not liable for CIL.

RECOMMENDATION

Approve with conditions

01. The proposal provides for an appropriate scale of development that, by reason of appearance, landscaping, layout, scale, and use of existing access would not cause significant harm to the adjacent Conservation Area, the setting of a listed building, visual amenity, residential amenity or highway safety and would facilitate the development approved at outline stage. As such the proposal accords with policies EQ2, EQ3, TA5 and TA6, of the South Somerset Local Plan 2006 - 2028 and the provisions of the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be carried out in accordance with the following approved plans (except where directed otherwise by the conditions below)
Drawing no. 01 Revision B received 11 December 2017
Drawing no. 03 Revision C received 11 December 2017
Drawing no. 04 Revision B received 11 December 2017
Drawing no. 05 Revision B received 11 December 2017

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

02. The external render of the dwelling hereby approved shall be Alsecco Creative Colour System 1024, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to safeguard the appearance of the Conservation Area and the setting of a listed building to accord with Policies EQ2 and EQ3 of the South Somerset Local Plan (Adopted March 2015).

03. The new natural stone wall, at the access point, hereby approved shall will be built from materials and in a style to match the north boundary wall ie. it will match in terms of the existing materials in

colour texture, bonding and mortar, as indicated on drawing no. 05 Revision B, unless otherwise agreed in writing by the Local planning Authority.

Reason: In the interests of visual amenity and to safeguard the appearance of the Conservation Area and the setting of a listed building to accord with Policies EQ2 and EQ3 of the South Somerset Local Plan (Adopted March 2015).

04. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows, doors or other openings other than those expressly authorised by this permission shall be constructed within the dwellinghouse hereby approved without the prior express grant of planning permission.

Reason: In the interests of visual amenity and to safeguard the appearance of the Conservation Area and the setting of a listed building to accord with Policies EQ2 and EQ3 of the South Somerset Local Plan (Adopted March 2015).

05. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), there shall be no extensions to the dwelling hereby approved without the prior express grant of planning permission.

Reason: In the interests of visual amenity and to safeguard the appearance of the Conservation Area and the setting of a listed building to accord with Policies EQ2 and EQ3 of the South Somerset Local Plan (Adopted March 2015).

06. The area allocated for parking on the submitted plan, drawing number 4 revision B, shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety further to policy TA6 of the South Somerset Local Plan 2006-2028.

07. Prior to commencement of works in connection with the dwelling hereby approved the access onto Eastfield Lane to serve Eastfield House, shown within the blue site line on drawing no. 01 Revision B, shall be fully implemented and only used in connection with Eastfield House.

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

08. The existing access onto East Street shall only be used in connection with the dwelling hereby approved.

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

09. The scheme of landscaping as shown on approved drawings nos. 04 Revision B and 03 revision C shall be carried out in the first planting and seeding season following the first use of the dwelling hereby approved or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and to safeguard the appearance of the Conservation Area and the setting of a listed building to accord with Policies EQ2 and EQ3 of the South Somerset Local Plan (Adopted March 2015).

Agenda Item 13

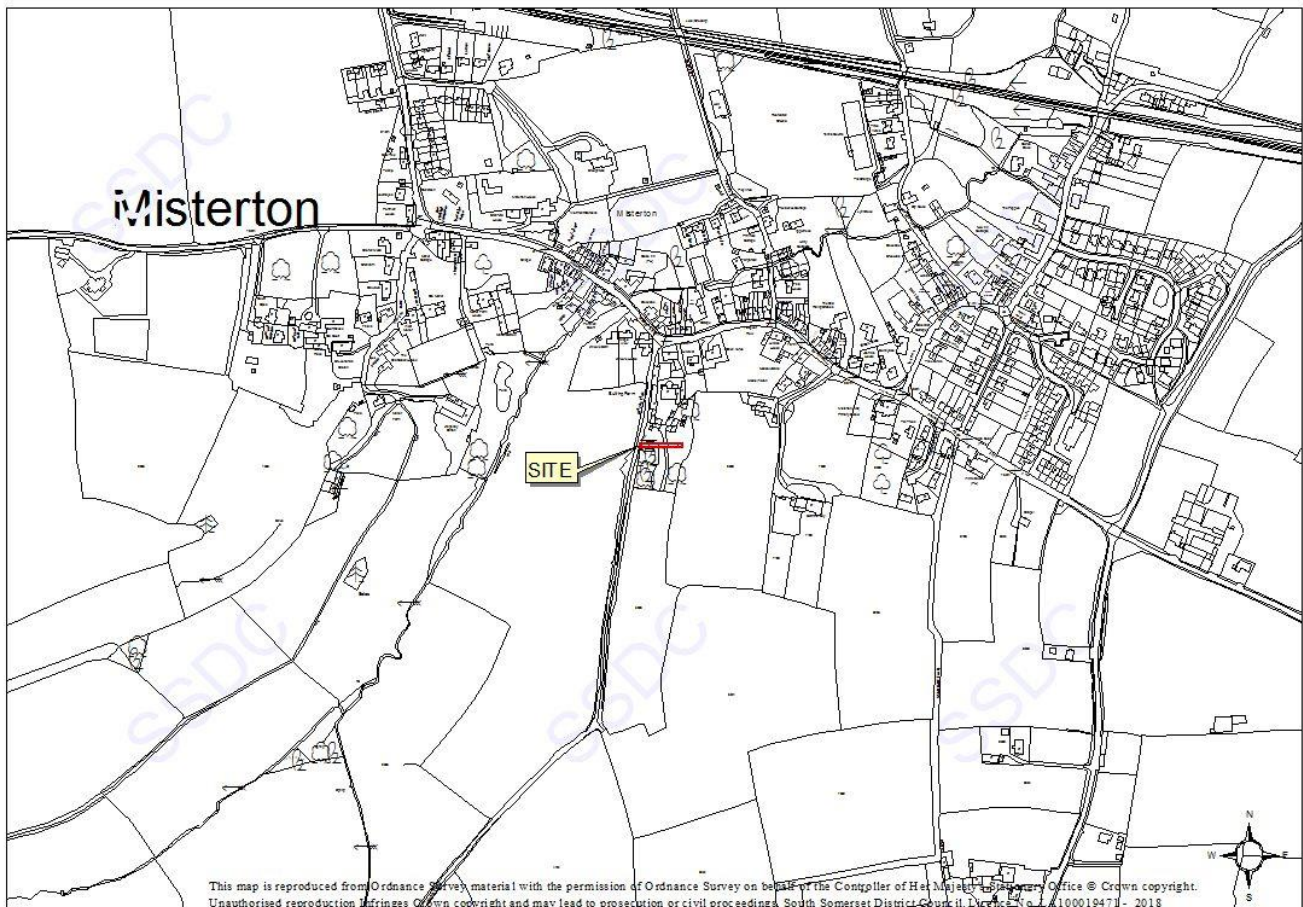
Officer Report On Planning Application: 17/02693/FUL

Proposal :	Alterations to widen access with associated landscaping
Site Address:	Land At Bullring Farm Knowle Lane Misterton
Parish:	Misterton
CREWKERNE TOWN Ward (SSDC Member)	Cllr M Barrett Cllr M Best Cllr A M Singleton
Recommending Case Officer:	Linda Hayden Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
Target date :	18th August 2017
Applicant :	Ms L Mason
Agent: (no agent if blank)	Greenslade Taylor Hunt Winchester House Deane Gate Avenue Taunton TA1 2UH
Application Type :	Minor Other less than 1,000 sq.m or 1ha

REASON FOR REFERRAL TO COMMITTEE

This application is referred for Committee consideration at the request of the Ward Member with the agreement of the Area Chairman in order to allow the planning issues to be debated.

SITE DESCRIPTION AND PROPOSAL





The application site relates to a piece of land 70m to the south of Bullring Farm, accessed from Knowle Lane in Misterton (but not within the ownership of Bullring Farm).

The application relates to works that have taken place to widen and excavate the existing access on to Knowle Lane. The work took place during the autumn/winter of 2014 and this application proposes the permanent retention of the works with improvements to the visibility, surfacing and landscaping. Permission was granted in 2015 (15/03379/FUL) for a period of 9 months to allow for clearing of scrap metal from the land subject to conditions requiring restoration of the site and improvements to the access within 2 months of the date of the permission (this has not taken place). An additional plan was received with updated visibility splays.

The application is accompanied by:

- Landscape Proposals
- Access Statement

HISTORY

15/03379/FUL - Alterations to widen existing access, works to reduce gradient of the access, provision of compacted gravel/stone surface for a temporary period. (Part Retrospective). Permission granted for temporary 9 month permission 22 September 2015.

15/01800/FUL - Alterations to widen existing access, works to reduce gradient of the access, provision of hard surfacing and provision of surface water drainage (Part Retrospective). Withdrawn 6 July 2015.

POLICY

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

Relevant Development Plan Documents
South Somerset Local Plan 2006-2028:

Policies:

SD1 - Sustainable Development
SS1 - Settlement Strategy
EQ2 - General Development
TA5 - Transport Impact of New Development

National Guidance

National Planning Policy Framework - March 2012:

7 - Requiring good design
11 - Conserving and enhancing the natural environment

National Planning Practice Guidance:

- Design
- Ensuring effective enforcement
- Natural Environment

Somerset County Council Highways Development Control - Standing Advice (June 2013)

CONSULTATIONS

Misterton Parish Council:

'...This application follows one made in 2015 (15/03379/FUL). This was submitted retrospectively and rejected albeit with leeway to remove scrap metal from the site within a nine month period. These conditions were not complied with and the land has yet to be restored. As this was a retrospective application and the conditions have not been met we object to the current application on the grounds of the site's planning history.

The application is for vehicular access to the site but does not indicate for what purpose. There is an access point to the south which is used by large goods vehicles as evidenced by the existence of a large commercial skip currently on site. This proves that the site is accessible without the need for an extra entrance. It is noted that the plans submitted do not show the existing entrance. This would suggest accessibility to the site is adequate.

The application quotes, 'that there would be minimal vehicular use' of the proposed entrance. There is no clarification of what type or number of vehicles.

With an entrance, already in existence it leaves the question why there is a need for another.

The entrance is in a 60mph zone. It is appreciated that vehicles travelling south would not be travelling at great speed. As the lane is reasonably straight for some distance there is a possibility that vehicles going north could be travelling at greater speeds than would be safe for vehicles exiting the site by the proposed new entrance. We object on the grounds that this is undefined use and the lack of clarity makes it impossible to assess the traffic impact on the lane and the village as a whole.

It was felt that the applicant has answered question 3 and 17 incorrectly. Work had been started prior to a retrospective application as mentioned earlier in this report. There has been recent flooding at the

junction of Knowle Lane and Middle Street. This was caused by run-off from the land along Knowle Lane overpowering the drainage system. It is proposed that the entrance would be using brushed concrete for part of its construction. The current drains and silt traps often become full of detritus and struggle with the current level of water. With increase in the width of the entrance and the use of non porous materials the prospect of increased run-off must be greater therefore increasing the flood risk. The impact on the current infrastructure has not been fully assessed, so we would object on the grounds of increased risk of flooding and again, the planning history of the site.

The tree schedule has recommended that four trees be felled because of root damage; one has to ask how the roots became damaged. Was by this previous action of widening the entrance? Our observations would be that any felling of the trees should be refused until a report by a tree officer or other qualified professional is obtained to ascertain the full extent of the damage and if the trees could be saved.

It is the reporting councillors recommendation that this application be refused.'

In response to the additional plan with updated visibility splays the Parish Council has advised that the alterations do not change their original objections to this application.

County Highway Authority:

Advise that Standing Advice is applicable. In response to the request for additional comments the County Highway Authority have advised:

'I am satisfied from my onsite observations that vehicles speeds will be lower than 60mph and from my onsite observations the speeds were approximately 30mph due to the nature of the road.'

Landscape Officer:

'..from the works undertaken to date, it is evident that the clearance has brought about a change in the character of Knowle Lane, with a wider, enlarged opening being created, along with some removal of the roadside vegetation to erode the enclosed character of the lane along this local stretch. I also note from the proposals plan, that the two trees to either side of the point of access will be lost to enable improved visibility. This I view as a negative landscape impact. Conversely I acknowledge that a case has been made for the 'improved' access, and its design has been configured to retain a steep-sided character, along with additional planting to regenerate a sense of enclosure. Whilst this does not fully mitigate the impact arising from the works and the revised profile of the entrance, I consider that with mitigation, the impact is no more than minor, and localised, and if the case for the access is accepted, then I do not consider the landscape impact to be sufficiently substantive to provide grounds for objection. '

REPRESENTATIONS

There was an issue with regard to neighbour notification when the application was first received; this was rectified as soon as the problem was made known.

There have been two letters/emails of objection to the application along with an email trail between a local resident, SSDC and the County Highway Authority that included a further set of objections/observations. The following concerns have been raised:

- Application should be totally rejected as it contravenes planning regulations and breaches highways guidance. It contained many factual errors.
- Land is agricultural and sits outside of the building line of the village with a suitable access at the southern end (with ideal visibility and turning).
- Not aware of any permission for an access (even pedestrian) at the position shown on the application. Access was created without any permission and never sought thereafter.
- Land used to belong to Bullring Farm but was separated some years ago (1980's).

- Do not believe any formal permission has been given for the access and whilst enforcement action has not been taken there is no implied agreement that the access should be permanent.
- The nature of the sought access and splay indicates it would never be possible to meet safety requirements at that point.
- An application for an access on land opposite the site required extensive splays in the 30mph limit. Do not believe that a 60 mph splay would be achievable at the application site and this would be inconsistent and require investigation.
- This part of the village suffers from flooding, since the unauthorised access the problem has become considerably worse.
- Query how the applicant's financial state can be used to justify proceeding with the application.
- The Lane carries approximately 20 movements per hour and is within the national speed limit part of the road. It is a single carriageway rural lane with a 20 degree incline. It is a back route to Bridport and is used by residents, farm and equestrian vehicles who are mostly familiar with the road and so travel quickly. There are quite frequent accidents which would increase if this application is permitted.
- The Doppler camera (used on Speed Watch) was used informally used within the 30 mph limit and this showed speeds of 20 - 29mph. A short experiment showed quite clearly that speeds would be between 35 and 50 mph past the access which is consistent with that experienced by adjacent residents.
- Due to the high banks from the access visibility would be restricted up the lane from where the faster traffic is approaching and minimal down the lane.
- Believe that other residents should be notified as they have also been adversely impacted by the flooding that has occurred in the area.
- Question the integrity of the Council's Highways Consultant who has supported the application which depends on facts that run totally opposite to the information uncovered by the local resident.

CONSIDERATIONS

Principle

It is important to recognise that there was an access in this location prior to the works that took place in 2014. Whilst there was no planning permission granted for the access, it has clearly been in existence for well in excess of the four years required to make it lawful. As such, the principle of an access has already been established and the matters for consideration are; the landscape impact of the alterations; and the highways impact from increased use of the access.

Landscape Impact

The proposals are supported by a landscape report that includes a landscape schedule and specification. The Landscape Officer recognises that the works that have taken place have changed the character of the lane at the site and the improvements for visibility will also require the removal of two trees to further impact upon the site. However, the Landscape Officer considers that the impact is no more than minor and localised and therefore does not consider that the landscape impact is sufficiently substantive to provide grounds for objection.

In the circumstances, it is considered that with an appropriate condition to require the landscape improvements that the proposals do not result in such demonstrable harm to the landscape and visual amenity as to justify refusal of the application and they therefore accord with Policy EQ2 of the South Somerset Local Plan 2006-2028.

Highway Safety

The application is accompanied by an Access Statement that sets out the applicant's case in relation to highway safety. The County Highway Authority confirmed that the proposal would be subject to their Standing Advice but in response to a request for their views on the proposal have advised that the site has been visited by a highways officer who has confirmed that from his on site observations vehicle speeds were approximately 30 mph due to the nature of the road. In response to this observation, the applicant's agent submitted a further plan indicating how splays of 43m (as required in a 30 mph zone) could be achieved from the access.

As noted above, the proposal relates to improvements to an existing access that has been used albeit infrequently to access the site over a number of years. Whilst the current use of the access maybe low, this is a lawful access the use of which could have increased at any time without the need for planning permission. As such, it is necessary to consider if the proposal would result in such a significant change in circumstance as to justify refusal of this planning application. The NNPF states that:

'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.'

In this case, as the proposal would make use of an existing access, the plans have been amended to show that visibility splays of 43m can be achieved in either direction and this would comply with that required in a 30mph zone. Whilst the site is outside of the 30mph part of the lane, both the applicant's access statement and the onsite observations of the highways officer indicate that vehicle speeds were approximately 30 mph. As such, it is considered that the development would not result in such an adverse impact upon highway safety as to justify refusal on highways grounds. As such, it is considered that to refuse this application on highways grounds would be unreasonable and would not accord with the advice given in the South Somerset Local Plan 2006-2028 and the NNPF.

Comments of Local Residents and Parish Council

- Land ownership - it is entirely accepted that this site is completely separate from Bullring Farm and has been determined on that basis.
- Flooding - The plans include proposals for a roadside drain to be connected to an onsite soakaway. The proposed surfacing and planting will assist with surface water from the site.
- Lack of compliance with previous permission - It is extremely unfortunate that works did not take place in accordance with the previous permission; this application has to be determined on its own individual merits.
- Existence of other access - There is another access to the site but this is over 300m from the site and comes with its own difficulties in relation to surfacing, drainage and provision of turning.

Summary

The proposed plans have addressed the issues of landscape impact and highway safety. The Landscape Officer does not object to the application and it is felt that the proposed planting will ensure that the development has a limited impact upon visual amenity. With regard to highway safety, the plans have been amended to show that visibility can be provided that accords with that required in a 30mph zone and whilst the access is located within the national speed limit zone the road conditions and levels of traffic mean that this is acceptable in this instance. In light of these circumstances, it is not considered that the cumulative impacts of development will result in a severe impact upon highway safety and as such it would not be reasonable to refuse the application on highway safety grounds.

RECOMMENDATION

Approve

01. Notwithstanding the objections from local residents and the Parish Council, the proposals for this site are considered to be acceptable in this location, and could be carried out, subject to detail, with respect to the character of the area, and without causing demonstrable harm to highway safety, in accordance with policies TA5 and EQ2 of the South Somerset Local Plan (2006-2028) and the core planning principles of the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No.'s 2244-PL-201, 2244-PL-03, 2244-PL-204 and 2244-PL-202 Rev B.

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

03. All planting, seeding, turfing or earth moulding comprised in the approved details of landscaping (Landscape Proposals by Clark Landscape Design June 2017 and Drawing No.'s 2244-PL-203 and 2244-PL-202 Rev B) shall be carried out in the first planting and seeding season following the date of this decision; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

04. The surface water drainage system hereby approved shall be fully implemented within three months of the local planning authority's approval, the use of the amended access shall cease until such time as the scheme is implemented. The approved scheme following its installation shall thereafter be permanently retained and maintained.

Reason: In order to manage surface water run-off from the development, in accordance with policy EQ1 of the South Somerset Local Plan (2006-2028) and Chapter 10 of the National Planning Policy Framework (2012).

05. At the proposed access there shall be no obstruction to visibility greater than 900 millimetres above adjoining road level within the visibility splays shown on the submitted plan (Drawing No2244-PL-202 Rev B). Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.

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

Informatives:

01. The applicant is advised that the Local Planning Authority will expect to see immediate progress at the site; failure to comply with the above conditions and commence work in a timely manner is highly likely to result in enforcement action.
-

Agenda Item 14

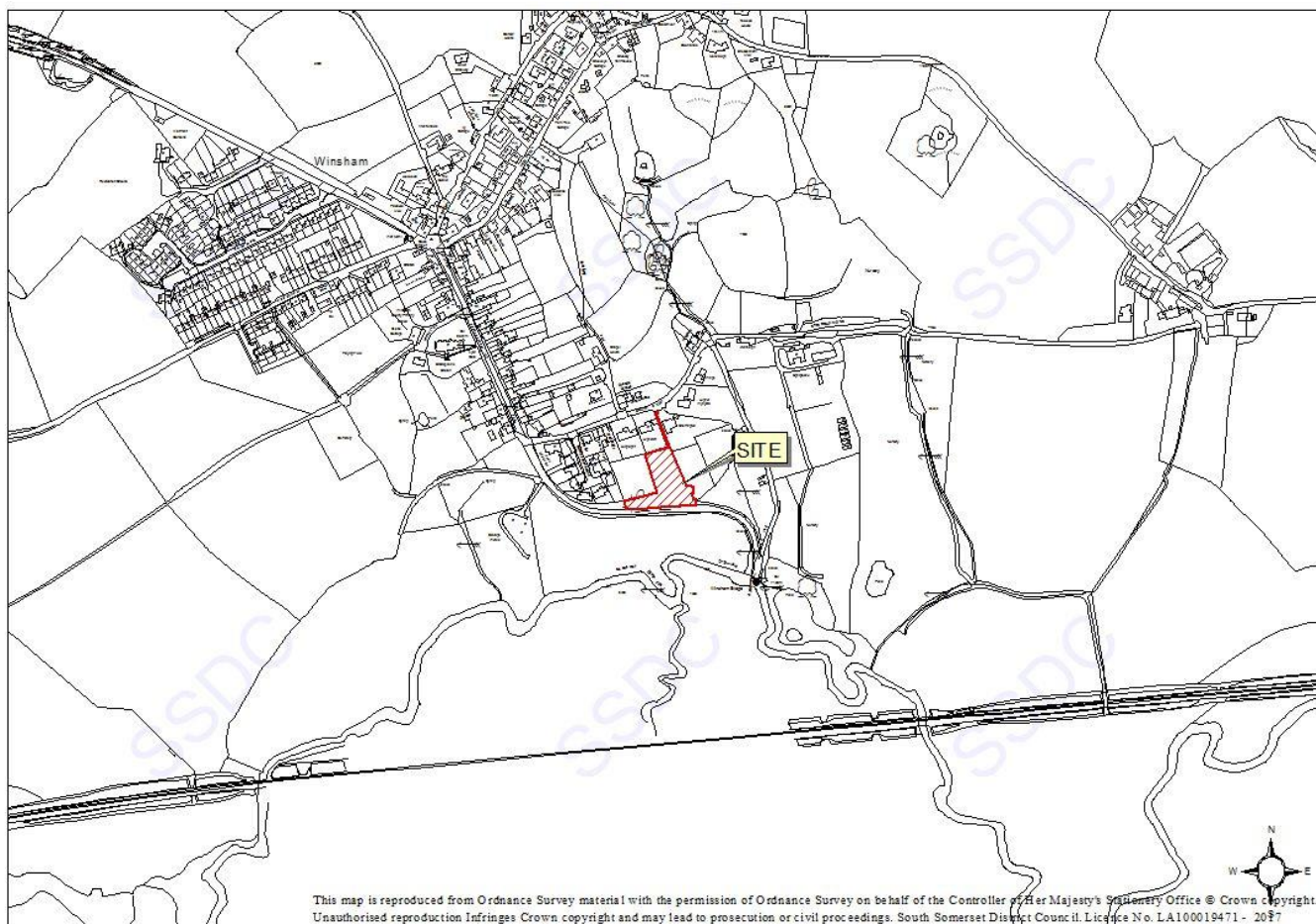
Officer Report On Planning Application: 17/03908/OUT

Proposal :	The erection of a dwellinghouse and detached double garage.
Site Address:	Land Os 7216 Part Church Street Winsham
Parish:	Winsham
WINDWHISTLE Ward (SSDC Member)	Cllr S Osborne
Recommending Case Officer:	Linda Hayden Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
Target date :	22nd November 2017
Applicant :	Mr & Mrs P Frecknall
Agent: (no agent if blank)	Greenslade Taylor Hunt 1 High Street Chard TA20 1QF
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

This application is referred for Committee consideration at the request of the Ward Member with the agreement of the Area Chairman in order to allow the planning issues to be debated.

SITE DESCRIPTION AND PROPOSAL





The application site is a small paddock situated to the south of a row of properties within Court Street in Winsham. The site slopes from north to south and west to east and is bounded by residential properties to the north and west with a tree lined bank along part of the southern boundary. There is an access to the site to the south from the B3162 (Church Street). Outline permission was granted in October 2016 for a single dwelling on the site (16/02521/OUT)

This is an outline application for the erection of a further house and detached double garage to be sited to the west of the dwelling approved in 2016. Layout and access are to be considered at the outline stage with appearance, scale and landscaping reserved for a later reserved matters application. The plans show improvements to the existing access from the B3162 to the south of the site which is to be consolidated over the first 6 metres with a new track running up the slope to the west to serve the new dwelling (as with the previous application). The plans include the footpath running along the northern boundary and exiting on to Court Street to the western side of the property known as 'Cherrington' (within the ownership of the applicant).

The application documentation includes a Landscape Statement, Arboricultural Impact Assessment and Highway Access Statement.

HISTORY

16/02521/OUT - The erection of 1 No. dwellinghouse and detached double garage (Outline). Approved 20/10/2016.

892312 - Formation of agricultural vehicular/access. Approved 27/9/1989.

891640 - Alterations and extensions to bungalow. Approved 10/7/1989.

891304 - Formation of vehicular/agricultural access onto the B3162 road. Refused 28/6/1989.

860035 - Reserved matters (850330) The erection of a dwelling and garage. Approved 21/2/1986.

850330 - Outline: The erection of a bungalow on land at Cherington. Approved 19/7/1985.

812299 - Outline: The erection of a bungalow on land at Court Farm. Refused 11/3/82.

782216 - Erection of dwelling and garage. Refused 22/3/1979

771932 - Erection of 2 bungalows and garages. Approved 3/2/1978.

740295 - Reserved matters - Erection of 2 bungalows and garages. Approved 10/2/1975.

86601 - Outline erection of 2 bungalows and garages. Approved 10/2/71

19705 (A-E) - Retention of garage. Approved 1953 - 1975.

POLICY

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

Relevant Development Plan Documents

South Somerset Local Plan 2006-2028:

Policies:

SD1 - Sustainable Development

SS1 - Settlement Strategy

SS2 - Development in Rural Settlements

HG4 - Affordable Housing Provision - Sites 1-5 Dwellings

TA5 - Transport Impact of New Development

TA6 - Parking Standards

EQ2 - General Development

Policies HG3 and HG4 of the adopted South Somerset Local Plan requires either on site provision of affordable housing (schemes of 6 or more units) or a financial contribution towards the provision of affordable housing elsewhere in the district.

In May 2016 the Court of Appeal made a decision (SoS CLG vs West Berks/Reading) that clarifies that Local Authorities should not be seeking contributions from schemes of 10 units or less.

It is considered that whilst policies HG3 and HG4 are valid, the most recent legal ruling must be given significant weight and therefore we are not seeking an affordable housing obligation from this development.

National Planning Policy Framework:

Part 4 - Promoting sustainable transport

Part 6 - Delivering a wide choice of high quality homes

Part 7 - Requiring good design

Part 8 - Promoting Healthy Communities

Part 10 - Meeting the challenge of climate change, flooding and coastal change

Part 11 - Conserving and enhancing the natural environment

National Planning Practice Guidance:
Design

Somerset County Council Parking Strategy (March 2012)

Somerset County Council Highways Development Control - Standing Advice (June 2013)

Other Material Considerations

In September 2017 a report was accepted by the District Executive that confirmed that the Council is currently unable to demonstrate that it has a 5 year supply of deliverable housing land as required by paragraph 47 of the NPPF. In such circumstances paragraph 49 is engaged, this states:-

"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

CONSULTATIONS

Winsham Parish Council:

'Recommend Refusal on the following grounds:

Road Safety - The Parish Council are still extremely concerned about road safety owing to the excessive road speeds the village experiences, and also without sufficient visibility and stopping distance at the point of proposed access. The entrance to the proposed property is after a sharp left bend, half way along a downward slope, but the speed limit on the popular B3162 goes from 30 mph to 60 mph (with no 40mph buffer zone) just before the point of access. The road is narrower at the point of access to the proposed property. Visibility splays have not been provided in the outline plan. The concern over speeding is further evidenced in a recent survey using SID's proved that speeding is an issue in the village. In the 30mph zone on Church Street, particularly coming from the Chard end, the average vehicle speed there was 37 mph. (Ref. Dave Grabham, SCC Traffic Engineer, April 2016). Therefore the proposed access, which includes a sloping driveway, represents a potential road safety hazard.

The Parish Council would wish to see a better access on the entrance with a slip road/escape lane.

These comments reflect our comments on application 16/02521/OUT on the same site.'

County Highway Authority:

'The Highway Authority has already commented on an application on this site previously and this application is for an additional dwelling.

The access was looked at during the previous application and no objections were raised to the principle of the access itself. The average dwelling generates 6-8 vehicle movements per day and it is the opinion of the Highway Authority that there is sufficient capacity to cope with the proposed level of vehicle movements from this junction.

It was apparent from my onsite observations that the B3162 did not have a high traffic flow and there is sufficient capacity to cope with the proposed level of vehicle movements that would be generated from this application.

The access would have to be fully consolidated over the first 6.0metres of the access to help prevent

loose material from being deposited onto the highway, which could represent a potential highway safety concern.

The applicant should also be made aware that it is an offence under the Highways Act (1980) to allow for water or detritus to be discharged onto the highway and as such would need to make sure that under no circumstance should water be discharged onto the highway. Assumption should not be made that connections can be made into any highway drainage.

Turning to the internal layout of the proposal, the applicant must ensure that there is sufficient space to allow vehicles to turn around. The proposal is to erect a double garage as well; this must be in line with the Somerset Parking Strategy (SPS). A double garage should ideally measure a minimum of 6x6 metres. The application falls within Zone C of the SPS and as such the optimum level of parking for this site would mean that 4 spaces (rounded up) should be provided within the site.

To prevent over reliance of vehicular movements, as well as preventing pedestrians from walking along the B3162, which could cause a potential highway safety concern, a pedestrian access would be required onto Court Street and would have to be maintained in such a condition that it can be utilised at all times.'

The Highway Authority therefore does not wish to raise an objection to the planning application but recommends that should planning consent be granted conditions are imposed in relation to; consolidation of access surface; visibility splays; access gradient; disposal of surface water; provision of parking and turning; provision of pedestrian route; and restriction on use of garage.

Landscape Officer:

'I recollect the earlier application for a single residence. This application intends a second dwelling to the east of that permitted last year. Reviewing the layout, and the landscape material that has been submitted in support of this application, my views are as expressed for the initial application, which follow below. My main concern remains that of the character of the site's access, and I note that there is no intent to amend the design agreed at that time. Consequently I have no further landscape issues to raise, and if you are minded to approve, please condition the hedgerow containment of the residential plot, and adjacent woody management works as set out on drawing no; 2271-PL-04.'

Previous comments in relation to permission 16/02521/OUT:

'...whilst laying outside the current village curtilage of built development, I note that the application site (a) is located within a field that is already characterised by development form within its historic boundaries, and (b) is sited such that existing residential plots lay to the immediate west and north of the site, to thus provide a residential context. This confirms that the proposal will not extend beyond an established traditional boundary, and is well-related to existing village form. A landscape statement is submitted with the application, which has reviewed the visual profile of the site. It finds that there are limited views of the site beyond the immediate boundary, and where seen from outside the site, the house would be viewed in relation with adjacent housing. Consequently, providing there is a planning case for the small-scale growth of village housing, I have no substantive landscape issues with the location of the application plot.

I have a greater concern relating to the access. The impact of a residential access created in a location that is not characterised by residential expression, upon the rural approach to Winsham, is potentially adverse. This has been recognised by the proposal, which has opted for a low-key highways approach, which offers a limited amendment to the existing entrance, with limited change in grade and alignment of the existing agricultural access, allied to a vegetation management proposal, that seeks to ensure a healthy, rejuvenated tree and shrub cover is perpetuated. Whilst I consider the landscape impact of the highway's works will create a local adverse effect, I am also aware that such works could be undertaken as PD. With that in mind, I advise that there is a minor degree of landscape harm associated with this

proposal, but I do not consider it to be sufficiently weighty to provide basis for an over-riding landscape objection. If minded to approve, please condition the woody vegetation adjacent the access to be managed as set out in the landscape statement, similarly the hedgerow containment of the residential plot.'

Crime Prevention Design Advisor

No objection or comments.

Environmental Protection Officer:

Recommends an Informative be attached in relation to the proximity of the site to a suspected landfill site.

Senior Historic Environment Officer:

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

South West Water:

No objections.

REPRESENTATIONS

17 letters of objection have been received making the following comments (summarised):

- Concerned about the vehicle exit onto the B3162 due to speed of traffic (it is outside of 30 mph limit) gradient and traffic levels; access has been described as substandard and dangerous by council officers.
- Visibility is poor at the access and situated between two dangerous bends; it fails to comply with national and local guidance, Manual for Streets 2.
- As one dwelling has already been approved an additional dwelling will double the danger at the access.
- First house has not been built yet.
- New residents may choose to park in Church Street rather than use the access and this could cause problems for existing residents.
- Access was granted for agricultural needs and lightly used.
- Parking of service vehicles on the highway (e.g. refuse lorries) will cause an obstruction to larger vehicles.
- The conditions from the 2016 permission should be imposed upon any consent.
- Concerned about damage to wildlife within the roadside bank.
- Have experience of near misses on the road.

CONSIDERATIONS

Principle

As set out above, the starting point for decision-making is the statutory development plan, which is the South Somerset Local Plan (2006 - 2028). Adopted in March 2015, this provides the policy framework for assessment of grant planning applications for development in the district.

However, the lack of a five-year housing land supply means that policies relating to the supply of housing should not be considered up-to-date. As such, proposals for residential development fall to be determined in light of Paragraph 14 which states that where development plan policies are out-of-date planning permission should be granted 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;
- or specific policies in this Framework indicate development should be restricted.

According to the recent High Court decision (Woodcock Holdings Ltd) in reaching a conclusion on an application, the appropriate weight to be attached to 'out-of-date' housing supply policies needs to be considered in the 'planning balance' of whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. It falls to the local planning authority to strike the appropriate balance between the very clear benefits stemming from the delivery of houses to meet the Council's shortfall and any harmful impacts arising from this proposal. The NPPF is very clear that, without a 5 year housing land supply, housing application should be considered "in the context of the presumption in favour of sustainable development" (para. 49) and that any adverse impacts would need to significantly and demonstrably outweigh the benefits when assessed against the policies in the framework taken as whole; or specific policies in the Framework indicate development should be restricted. (para.14).

In this case, whilst the development would only contribute a single dwelling towards the housing supply in the district, it is considered that given the proximity of the site to the village centre which includes a pre-school, primary school, shops/post office, church and recreation ground the site does occupy a sustainable location that is appropriate for development.

Highway safety and parking

The County Highway Authority (CHA) has assessed this application and determined that the impacts of the proposal would not be so adverse as to justify refusal of the application subject to the imposition of appropriate highways conditions.

It is noted that the highways issues were fully considered by the Committee prior to determining the 2016 application where it was determined that planning permission should be granted. Therefore, the principle of using this access to serve a residential dwelling has now been established. As such, it is necessary to consider if the use of the improved access by an additional dwelling would be acceptable and if the proposal would result in such a significant increase in traffic movements as to justify refusal of this planning application. The NPPF states that:

'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.'

In this case, both the CHA and the applicant's highways consultant have stated that, in their expert view, the development would not result in such an adverse impact upon highway safety as to justify refusal on highways grounds. As such, it is considered that to refuse this application on highways grounds would be unreasonable and would not accord with the advice given in the South Somerset Local Plan 2006-2028 and the NPPF.

In terms of parking provision, the proposed layout shows that there will be sufficient space within the site to provide the necessary levels of parking and turning to accord with the relevant standards.

Visual amenity and Impact on the setting of the locality

The application site is adjoined by residential development on two sides and is considered to be well related to the existing built form of the village. Given that there are only limited views of the site from the wider landscape it is not considered that the proposal will adversely impact upon the character of the rural surroundings. The Landscape Officer has no substantive issues with the location of the application plot.

The Landscape Officer has expressed some concern about the alterations to the access but given the

low-key approach that has been proposed in terms of the materials and vegetation management he does not object to this part of the proposal nothing that such works do not require planning permission.

In the circumstances, it is felt that a further dwelling on this site can be accommodated without demonstrable harm to the rural landscape and as such the proposal complies with policy EQ2 of the South Somerset Local Plan 2006-2028.

Residential Amenity

This is an outline application with layout and access to be considered at this stage, the application form states the development is for a 1.5 storey dwelling with ancillary garage.

It is felt that given the distances from the shared boundaries, a 1.5 storey dwelling in the location proposed would not result in demonstrable harm to the amenities of neighbouring residents. The proposed dwelling would be 43 metres from the rear of the property to the west (No. 6 Court Farm Close) and 35m from then dwelling to the north (Highcroft). The distances to the dwelling will ensure that the proposal will not result in a significant loss of light to the neighbouring properties and will not result in significant over shadowing. As such, it is not considered that the proposed dwelling would have an overbearing impact upon residential properties adjoining the site.

With regard to potential overlooking, the location of first windows will be considered at the reserved matters stage but it is felt that a property can be designed in the location proposed with no significant overlooking of neighbouring gardens.

Affordable Housing

Policies HG3 and HG4 of the adopted South Somerset Local Plan requires either on site provision of affordable housing (schemes of 6 or more units) or a financial contribution towards the provision of affordable housing elsewhere in the district.

In May 2016 the Court of Appeal made a decision (SoS CLG vs West Berks/Reading) that clarifies that Local Authorities should not be seeking contributions from schemes of 10 units or less.

It is considered that whilst policies HG3 and HG4 are valid, the most recent legal ruling must be given significant weight and therefore we are not seeking an affordable housing obligation from this development.

Summary

In light of the Council's lack of a demonstrable five year supply of housing land, the housing supply policies within the local plan can only be given limited weight. Given the sustainable nature of the site, it is considered that the proposal accords with the relevant requirements of the NPPF and as such can be supported in principle. This is an outline application and it is considered that a dwelling can be accommodated on the site without resulting in demonstrable harm to neighbouring amenity. In terms of the highways issues, the County Highway Authority have thoroughly assessed the application and determined that it is acceptable subject to conditions as such it is not considered that the proposal could be refused on highway safety grounds.

RECOMMENDATION

Approve

01. Notwithstanding the objections from local residents and the Parish Council, the proposed residential development of the site is considered to be acceptable in this location, and could be

carried out, subject to detail, with respect to the character of the area, and without causing demonstrable harm to residential amenity and highway safety, in accordance with policies SD1, SS1, SS2, TA5, TA6 and EQ2 of the South Somerset Local Plan (2006-2028) and the core planning principles of the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

01. Details of the scale and appearance of the building(s) and the landscaping of the site (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

02. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development shall begin no later than 3 years from the date of this permission or not later than 2 years from the approval of the last "reserved matters" to be approved.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

03. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No.'s 2271-PL-03 and 2271-PL-04.

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

04. Before the development hereby permitted is commenced, a properly consolidated and surfaced access shall be constructed (not loose stone or gravel) details of which shall have been submitted to and approved in writing by the Local Planning Authority. The access shall be constructed in accordance with the agreed design and shall be maintained in the agreed form thereafter at all times.

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

05. There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level forward of a line drawn 2.4 metres back and parallel to the nearside carriageway edge over the entire site frontage. Such visibility shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained at all times.

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

06. The gradient of the proposed access shall not be steeper than 1 in 8 and shall be maintained at that gradient thereafter at all times.

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

07. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before the site is first brought into use and thereafter maintained at all times.

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

08. The development hereby permitted shall not be occupied until 4 parking spaces for the dwelling and a properly consolidated and surfaced turning space for vehicles have been provided and constructed within the site in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such parking and turning spaces shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

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

09. Before commencement of the pedestrian path from the site to Court Street details of the pedestrian path (including proposed surfacing, lighting and lock/security measures) shall be submitted to and approved in writing by the Local Planning Authority. The path shall be fully implemented in accordance with the approved details before occupation of the dwelling hereby approved. Once constructed the pedestrian route shall be made available and maintained at all times in accordance with the details agreed.

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

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order), the use of any existing garage, or garage hereby permitted, as part of this development shall not be used other than for the parking of domestic vehicles and not further ancillary residential accommodation, business use or any other purpose whatsoever.

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

11. The dwelling hereby permitted shall not exceed 1.5 stories in height.

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

12. The landscaping details to be submitted as part of the reserved matters shall fully comply with the advice and guidance contained within the Landscape Statement dated September 2017 prepared by Clark Landscape Design and the landscaping details and planting shown on Drawing No. 2271-PL-04.

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

Informatives:

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

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

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

02. The application site is within 250 metres of a suspected landfill site. The applicant/developers attention is drawn to the fact that there is the potential for production and migration of landfill gas. You are reminded that the responsibility for safe development rest with the owner and/or developer. Accordingly, the applicant/developer is advised to seek independent expert advice regarding the possibility of the presence, or future presence, of gas and whether any precautionary measures are necessary. The Council's Environmental Health Service will make available to you, free of charge, any information data that it has in relation to the land to which the application applies. For further information please contact Tim Cox.
 03. The applicant is advised that the landscaping plan submitted as part of the reserved matters should include the recommendations of the Landscape Statement and Arboricultural Impact Assessment prepared by Clark Landscape Design that accompany this outline application. It is also suggested that the plan includes proposals for the maintenance of the leylandii boundary hedge.
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Agenda Item 15

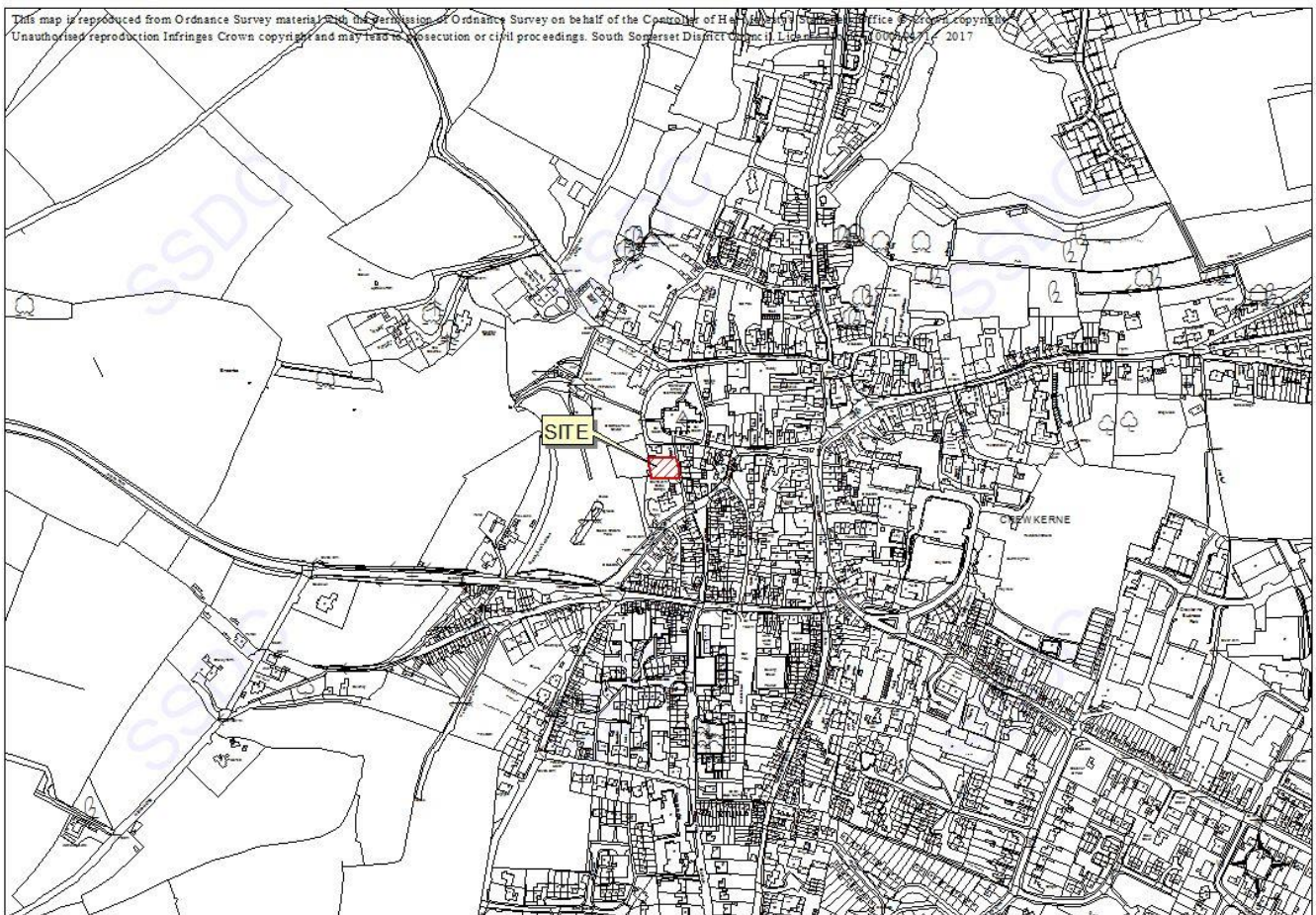
Officer Report On Planning Application: 17/03271/FUL

Proposal :	Demolition of existing dwelling and erection of replacement dwellinghouse
Site Address:	3 Church Path Crewkerne TA18 7HX
Parish:	Crewkerne
CREWKERNE TOWN Ward (SSDC Member)	Cllr M Barrett Cllr M Best Cllr A M Singleton
Recommending Case Officer:	Linda Hayden Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
Target date :	10th October 2017
Applicant :	Mr & Mrs B M Butt
Agent: (no agent if blank)	Mr Stephen Butt 11B Athenlay Road LONDON SE15 3EA
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

This application is referred for Committee consideration at the request of the Ward Member with the agreement of the Area Chairman in order to allow the planning issues to be debated.

SITE DESCRIPTION AND PROPOSAL





The application property is a detached bungalow situated on Church Path (public footpath CH 33/68), to the east of Crewkerne town centre. The lane is of mixed character including both single storey and two storey dwellings of a mix of designs with the Grade I listed St Bartholomews Church situated at the north end of the lane and Grade II listed rectory (Manse Manor House) to the south of the site. The site is also situated within the Crewkerne Conservation area.

The application proposes the demolition of the existing bungalow and the erection of a replacement two storey dwelling to be constructed in natural stone (with some slate tile hanging at the rear) and a slate tiled roof. The plans have been amended to delete the first floor rear terrace and balcony and reduce the size of some of the openings on the rear elevation.

HISTORY

The bungalow was granted consent in the late 1950's and there have been no applications since its original construction.

POLICY

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

Relevant Development Plan Documents

South Somerset Local Plan 2006 - 2028:

Policies:-

SD1 - Sustainable Development

SS1 - Settlement Strategy

TA5 - Transport Implications of New Development

TA6 - Parking Standards

EQ2 - General Development

EQ3 - Historic Environment

EQ4 - Biodiversity

The starting point for the exercise of listed building control is the statutory requirement on local planning authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses' (section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990).

Sections 16 and 66 of the Act require authorities considering applications for planning permission or listed building consent for works that affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of the building's character, especially if a garden or grounds have been laid out to complement its design or function.

Section 72 of the Listed Buildings Act requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area. This requirement extends to all powers under the Planning Acts, not only those that relate directly to historic buildings. The desirability of preserving or enhancing the area should also, in the Secretary of State's view, be a material consideration in the planning authority's handling of development proposals that are outside the conservation area but would affect its setting, or views into or out of the area.

National Planning Policy Framework (March 2012):

Chapter 7 - Requiring Good Design

Chapter 12 - Conserving and enhancing the historic environment

National Planning Practice Guidance:

- Design
- Conserving and enhancing the historic environment

CONSULTATIONS

Crewkerne Town Council:

In response to original application:

'recommend refusal on the grounds of loss of privacy and amenity.'

In response to amended plans:

'Council request that the consultation period be extended. If this is not possible their concerns are:

- 1. The potential loss of amenity space in the heritage setting*
- 2. The possibility of the owner adding a balcony at a later date.'*

Highways Consultant (SSDC):

'No highways issues on the basis that this is a like-for-like development. Seek to ensure that the level of on-site car parking provision accords with the Somerset Parking Strategy optimum standards.'

Conservation Officer:

Has verbally confirmed that he has no objection to the proposed dwelling and does not consider that the development would result in harm to the setting of the local heritage assets.

Historic England:

Advise that they do not wish to offer any comments and suggest that the views of the Council's specialist conservation and archaeological advisers are sought.

Rights of Way Officer (SCC):

Advise that Church Path is public footpath and any proposed works must not encroach on to the width of the public right of way.

Ecologist (SSDC):

Advise that the likelihood of bats being present is relatively low due to the age and condition of the bungalow but recommends an informative giving advice about what actions will be necessary if bats are found to be present in the structure.

Senior Historic Environment Officer:

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

REPRESENTATIONS

One letter of objection was received in response to the original plans making the following comments:

- The proposal includes a second floor balcony, 2 large windows and 2 balcony doors 4 metres from neighbour's garden. Even if the balcony is removed the windows will remain.
- The windows and balcony will completely overlook garden and are unacceptable.
- Two storey property is a change to the existing roofline and will create a stronger 'corridor' feel to the view of the church. A single storey building would be preferable.
- A two storey building would detract from the view from the A30. Objections were raised to a new dwelling in this location due to the impact on this view.
- Object on the grounds of increased light pollution and views to the church.
- Object on the grounds of mass of the building and proximity to neighbour living and bedroom areas.
- Do not object to a replacement dwelling but consider it should be single storey not two storey.
- Replacement dwelling should be switched by 90 degrees to improve relationship with church and neighbour.
- Issue of large lime trees is currently being addressed; they need significant management or removal.

A further unsigned letter was received from 'the viewpoint of Cottages 6-12' which is concerned that the open aspect down the path to the church will be lost and there will be a loss of light to neighbours. Also concerned that the proposal could impact upon the agreement to halve the height of the lime trees on the boundary with the rectory as the balcony could impact upon privacy to the neighbour. Also refers to the conservation area.

CONSIDERATIONS**Principle**

This is an application for a replacement dwelling within the development area of Crewkerne and as such can be supported in principle.

Impact upon conservation area and setting of listed buildings

This application is for a replacement of the existing bungalow with a two storey dwelling. The new dwelling would be set on the existing building footprint which sits at the rear of the plot with parking at the front and a small garden at the rear. Whilst the proposal is for a two storey replacement, it is not considered that the new dwelling would be overly intrusive or disruptive to the setting of the heritage assets given it is set back in the plot and the area is of a very mixed character (the buildings to either side are two storey properties).

Therefore, in terms of the impact of the proposed development on the significance of the surrounding heritage assets (listed buildings and conservation area) (paras 131-134 of the NPPF), it is considered that the proposal would lead to less than substantial harm to the significance of the conservation area/setting of listed building and the limited harm that would result would be outweighed by the provision of a dwelling within a sustainable location.

The proposal is therefore in accordance with Policy EQ3 of the South Somerset Local Plan 2006-2028 and advice contained within the NPPF.

Residential Amenity

The plans have been amended in order to remove the rear terrace and balcony to address the concerns about overlooking of the neighbour's garden; the site is relatively unusual in that the adjacent garden wraps around the rear boundary of the application property. In addition, the applicant's agent has submitted section drawings indicating that any overlooking from the first floor windows would be ameliorated by the existing outbuildings within the neighbour's garden. As such, it is not considered that the proposal could reasonably be refused on the basis that it would result in unacceptable overlooking of neighbouring gardens. It should be noted that planning permission would be required to install a balcony, terrace or raised platform.

In terms of the loss of light to the cottages opposite, whilst it is recognised that a two storey dwelling would have an impact upon light availability it is considered that the distances from surrounding properties mean that any loss of light would not be so substantial as to justify refusal on such grounds.

With regard to the impact upon the property to the north (No.1 Church Path), again, there will be some impact due to the change from a single storey to a two storey property but the new property will be separated by a single storey garage and a drive and it is therefore considered that the impact would not result in demonstrable harm to neighbouring amenity.

In summary whilst it is accepted that the proposal will have some impact upon neighbouring amenity it is not considered that the impact would be of such significance as to justify refusal of the application.

Highway safety and parking

As noted by the Highways Consultant this is a one for one replacement with no change proposed to the access details. Ample turning and parking (at least three spaces) can be provided on the site and in the circumstances the proposal is considered to be acceptable in relation to highway safety and parking provision.

Summary

This is considered to be well designed house that will preserve the character and appearance of the conservation without resulting in harm to the setting of nearby listed buildings. The plans have been amended in order to address the concerns about overlooking and it is not felt that the overall impact of the new dwelling would result in demonstrable harm to neighbouring amenity. The plans included

appropriate provision of parking and existing access arrangements will remain.

RECOMMENDATION

Approve

01. The proposed development is considered to be acceptable in this location, and due to its size, design and position, will preserve the character and appearance of the conservation area and will result in less than substantial harm to the area's heritage assets and the public benefits of the scheme outweigh the harm. The proposal will cause no demonstrable harm to residential amenity, highway safety or ecology. As such the scheme is considered to comply with policies SD1, SS1, EQ2, EQ3, EQ4, TA5 and TA6 of the South Somerset Local Plan 2006-2028 and the aims and objectives of the National Planning Policy Framework (2012).

SUBJECT TO THE FOLLOWING:

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

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

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

Drawing No.'s

006_100_A_01

006_500_N_01

006_50_A_01

006_100_O_01

006_200_A_01

006_50_A_02 Rev C

006_50_A_02 Rev C

006_100_A_02 Rev A

006_100_A_41 Rev A

006_100_A_42 Rev A

006_100_A_61 Rev C

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

03. No building operations above damp proof course level of the dwelling and garage shall take place until details of the materials to be used in the construction of the external surfaces (doors/windows/stonework/render/brick/roof finish) of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Stonework details shall be supported by a sample panel that shall be made available for inspection on site. The development shall be carried out in accordance with the approved details.

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

04. Prior to the development hereby approved being first brought into use the first floor bathroom window in the north elevation shall be fitted with obscure glass (minimum level 3) and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above

the floor of the room in which the windows are installed. Thereafter, the windows shall be permanently retained and maintained in this fashion.

Reason: In the interests of residential amenity and in accordance with Policy EQ2 of the South Somerset Local Plan (2006-2028).

Informatives:

01. The Rights of Way Officer (SCC) advises:

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

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

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

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

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

- make a PROW less convenient for continued public use; or
- create a hazard to users of a PROW,

then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure:

[http://www.somerset.gov.uk/environment-and-planning/rights-of-way/apply-for-a-temporary-closure-of-a-right-of-way/.](http://www.somerset.gov.uk/environment-and-planning/rights-of-way/apply-for-a-temporary-closure-of-a-right-of-way/)

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

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

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

03. There is a small possibility that bats could be using the existing roof void or parts of the roof structure for roosting (due to the close proximity to trees and open countryside). The presence of

droppings (with a crumbly/powdery texture and similar size to mouse droppings) usually indicates use by bats. Loose or slightly raised tiles may have bats roosting underneath or be a roost access point. If you know or suspect the presence of bats you should seek further professional advice before commencing work, to help conserve a beneficial species and to ensure compliance with wildlife legislation. Bat Conservation Trust helpline: 0845 1300228.

Particular care and vigilance should be taken when roof tiles are removed (remove by hand and check underside for bats before stacking, particularly the ones over the gable ends and ridge tiles.) Fascias, barge boards, flashing and external cladding may also provide roost opportunities for bats and should be disturbed with care. As a further precaution, undertaking roof work during the months of March to May, or September to November will avoid the main hibernation and breeding seasons when bats are most sensitive to disturbance.
