

South Somerset District Council

Notice of Meeting



Area West Committee

Making a difference where it counts

Wednesday 20th June 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 6.00pm.

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 12 June 2018.

Alex Parmley, *Chief Executive Officer*

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



INVESTORS IN PEOPLE

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 20 June 2018

Agenda

Preliminary Items

- 1. To approve as a correct record the Minutes of the Previous Meeting held on 16th May 2018**
- 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 18th July 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. Town Centre Events Programme - Interim Project Report** (Pages 6 - 9)
- 8. Area West Committee Working Groups and Outside Organisations - Appointment of Members 2018/19 (Executive Decision)** (Pages 10 - 14)
- 9. Scheme of Delegation - Development Control - Nomination of Substitutes for Chairman and Vice Chairman for 2018/19 (Executive Decision)** (Pages 15 - 16)
- 10. Area West Committee - Forward Plan** (Pages 17 - 18)
- 11. Planning Appeals** (Pages 19 - 24)
- 12. Schedule of Planning Applications to be Determined by Committee** (Pages 25 - 26)
- 13. Planning Application: 16/02874/FUL - Land Adjoining Holbear, Forton Road, Chard** (Pages 27 - 47)
- 14. Planning Application: 18/00754/FUL - Millers Garage, 22A East Street, Crewkerne** (Pages 48 - 58)
- 15. Planning Application: 16/02289S73 - Donyatt Garage, Donyatt, Ilminster** (Pages 59 - 73)
- 16. Planning Application: 17/03409/OUT - Lamb Inn, Horton Cross, Ilminster** (Pages 74 - 80)

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

Town Centre Events Programme - Interim Project Report

Assistant Director: Helen Rutter, Communities
Service Manager: Tim Cook, Area West Team Leader
Lead Officer: Dylan Martlew, Neighbourhood Development Officer (Economy)
Contact Details: dylan.martlew@southsomerset.gov.uk or 01935 462695

Purpose of the Report

To inform members about the progress of the Town Centre Events Programme and the funding decisions at the end of the second and final call for applications.

Public Interest

The Town Centre Events Programme was allocated £4,500 ring-fenced from Christmas parking savings to fund new events and activities to stimulate footfall and participation in the town centres of Crewkerne, Chard and Ilminster. Applications were invited in two calls from 1/9/17 to 31/11/17 and from 1/1/18 to 28/2/18. Applications were assessed and offers made at the end of each call. This report informs Members of the results of the first and second call and progress to date.

Recommendation

That Members note the content of the report.

Background

The Town Centre Events Programme (TCEP) was requested by Area West Members, developed by the Area West Development team under Area Lead Zoe Harris and approved by Area West Committee in August 2017.

The programme was created to fund new events and activities to stimulate footfall and participation in the town centres of Crewkerne, Chard and Ilminster. It was allocated a budget of £4,500 ring-fenced from Christmas parking savings in the three towns. The process was based on the existing community grants process with the requirement for 50% match funding removed and funding decisions delegated to Area West Development officers.

Applications were invited in two calls from September to November 2017 and January to February 2018. Applications were assessed and offers made at the end of each call. This report informs Members of the results of the calls and progress to date.

Report

The First Call

The first call opened on the 1st of September 2017. By late October no applications had been received and in consultation with Val Keitch (Chairperson, Area West Committee) and Tim Cook (Area West Development Manager) it was agreed to extend the first call from 31/10/17 to 30/11/17.

Seven enquiries were received and after consultation with applicants six application forms and guidance notes were sent out.

By the end of November deadline three applications had been received and were assessed by AW Development Team officers as follows:

| | | | |
|---------------------------|---|--|--|
| Event name | Family Christmas | Month of Saturdays | Crewkerne Charter Fair (Bartholomew's Fair) |
| Lead organisation | Chard Town Team | Chard Town Council | Crewkerne Rotary Club |
| | Family events Fri 22/12 & Sat 23/12 in Guildhall enabling parents to shop in town. | Celebration of creativity through four Saturdays in April 2018 with art and performances in shops. | Addition of street entertainment to established Crewkerne Charter Fair on 7 th & 8 th September 2018 |
| Request | £282 of £340 (83%) | £1,500 of £1,650 (91%) plus £2,240 in-kind | £950 of £950 (100%) part of larger event |
| Officer assessment | | | |
| A Eligibility | Y | Y | Y |
| B Equalities Impact | 2 | 3 | 3 |
| C Aims of Project | 4 | 5 | 4 |
| D Capacity of Org' | 5 | 4 | 4 |
| E Financial need | 4 | 4 | 5 |
| F Innovation | 3 | 3 | 2 |
| Total | 18 | 19 | 18 |
| Recommendation | £282 *subject to provision of additional documentation. (83% of project 100% of request) | £1,000 (61% of project 67% of request) | £750 (79% of project 79% of request) |

Offer letters were sent to the three applicants.

The first call committed £2,032 (45%) of the total programme allocation of £4,500 from the community grants revenue budget agreed by Area West Committee in August 2017.

The Second Call

The second call opened on the 1st of January and closed on the 28th of February 2018. By the end of February deadline two applications had been received and were assessed by AW Development Team officers as follows:

| | | |
|---------------------------|--|--|
| Event name | Creative Crewkerne Pom Pom Event | Crewkerne in Bloom |
| Lead organisation | A Better Crewkerne & District | Crewkerne Town Council |
| | Pom Pom launch day on 28 th April 2018, part of the larger week long Pom Pom event. | Collaborative provision of planters and hanging baskets to make Crewkerne more attractive and colourful. |
| Request | £1,477 of £1,477 (100%) | £1,175 of £1,825 (64%) |
| Officer assessment | | |
| A Eligibility | Y | Y |
| B Equalities Impact | 3 | 2 |
| C Aims of Project | 6 | 4 |
| D Capacity of Org' | 5 | 4 |
| E Financial need | 2 | 4 |

| | | |
|-----------------------|--|---|
| F Innovation | 2 | 3 |
| Total | 18 | 17 |
| Recommendation | £1329 (90% of project 90% of request) | £1,057 (58% of project 90% of request) |

Offer letters were sent to the applicants.

The second call committed £2,386 (53%) of the total programme allocation of £4,500.

Progress to date

Two of the five events supported by the programme have been delivered and one is on hold due to staffing issues. One claim has been received.

| Event name | Lead organisation | Date | Status |
|---|-------------------------------|--|-------------------------------|
| Family Christmas | Chard Town Team | 22 & 23/12/17 | Delivered, claim in progress. |
| Month of Saturdays | Chard Town Council | April 2018 | On hold |
| Crewkerne Charter Fair (Bartholomew's Fair) | Crewkerne Rotary Club | 7 th & 8 th Sept. 2018 | Pending |
| Creative Crewkerne Pom Pom Event | A Better Crewkerne & District | 28/4/18 | Delivered |
| Crewkerne in Bloom | Crewkerne Town Council | Through 2018 | Pending |

Lessons learned

1. Developing, agreeing, promoting and administrating a new programme required additional time, effort and materials, resulting in higher overheads than the conventional community grants programme. The required officer time was redirected from other activity.
2. A greater promotional effort and a longer lead time may have produced more applications.
3. Funding events which were already successful was discouraged. Anecdotal feedback from one source commented that there were already enough events in their town.
4. Delegating decisions to officers with the £1,000 delegation threshold waived and no authorisation required, reduced normal checks and balances putting officers in a vulnerable position.
5. Officers attempted to balance funding between the three towns and between the two funding calls. This resulted in a variation in the percentages of awards granted.
6. The application process limited applicants to formally constituted groups with a bank account and the required policies in place. A broader base might have encouraged wider participation, for example from individuals, local businesses and smaller community groups.
7. The application process presented a large overhead to groups not familiar with the service. Likewise the overhead was disproportionate for smaller grants. A simpler, lighter process may have encouraged others to participate.
8. One event has been delayed and may not go ahead. While officers assess the viability of proposals it is in the nature of events that some will not go ahead. Funding allocated to these events will not be reallocated, at the expense of other proposals. There may be an argument for funding in smaller amounts to off-set this risk.

Financial Implications

The Town Centre Events Programme committed £4,418 (98%) of the total programme allocation of £4,500 from the community grants revenue budget agreed by Area West Committee in August 2017.

Council Plan Implications

The SSDC Council Plan 2016 – 2021 states:

Focus on economy: “We will work with businesses and use our assets to grow our economy.”
Focus on Heath and communities: “Support communities so that they can identify their needs and develop local solutions.”

Carbon Emissions and Climate Change Implications

None directly arising from this report.

Equality and Diversity Implications

Rural communities are vulnerable to isolation from services & markets and face higher transport costs. This programme provides an opportunity to support locally important economic initiatives.

Privacy Impact Assessment

None directly arising from this report.

Background Papers

Report to Area West Committee ‘Town Centre Events Programme’ August 2017.

Agenda Item 8

Area West Committee Working Groups and Outside Organisations - Appointment of Members 2018/19 (Executive Decision)

Specialist: Angie Cox, Specialist – Democratic Services
Lead Officer: Jo Morris, Case Services Officer – Support Services
Contact Details: Jo.morris@southsomerset.gov.uk or 01935 462055

Purpose of the Report

As the Council has entered a new municipal year, the Committee is asked to review the appointment of its members to serve on outside organisations and working groups within Area West, having regard to the policy on the Roles and Responsibilities of Councillors appointed to Outside Bodies, which was adopted by District Executive on 1st May 2014.

Recommendations

The Committee is asked to:

1. appoint members to serve on the various Area West Working Groups for the municipal year 2018/19;
2. review and appoint members to the outside organisations as set out in the report.

Area West Working Groups

The following internal working groups were appointed by Area West Committee for the last municipal year 2017/18. The Committee is asked to agree the representatives to the working groups for the municipal year 2018/19.

| Working Group & Purpose | 2017/18 Representative |
|--|-------------------------------|
| Crewkerne and Area Community Office - Board Representation The Crewkerne and Area Community Office Board maintains a watching brief over the Community Office. The Board is made up of one officer and one member from the Crewkerne Town Council and South Somerset District Council. | Angie Singleton |
| Click Into Activity Steering Group The purpose of the Group is to help support and shape the delivery of the CLICK into Activity Programme in Area West. | Val Keitch |

Outside Organisations

The organisations and groups to which representatives have been appointed by this Committee are set out below. Members will be aware that they reviewed this list of organisations and made several recommendations towards the final policy on the Roles and Responsibilities of Councillors appointed to Outside Bodies, which was adopted by District Executive on 1st May 2014.

Members are asked to review and appoint members to the outside bodies for 2018/19, having regard to the adopted policy.

| Organisation | Representation 2017/18 |
|---|-----------------------------------|
| A Better Crewkerne & District (ABCD) | Mike Best |
| Blackdown Hills AONB | Martin Wale |
| Chard Improvement Action Group | New appointment |
| Chard and District Museum Society | Amanda Broom |
| Crewkerne Heritage Centre | Marcus Barrett |
| Crewkerne Leisure Management (Aqua Centre) | Angie Singleton |
| Ile Youth Centre Management Committee (Ilminster) | Val Keitch |
| Ilminster Forum | Carol Goodall |
| Making It Local Executive Group | Martin Wale |
| Meeting House Arts Centre, Ilminster | Carol Goodall |
| Stop Line Way Steering Group | Andrew Turpin |

Financial Implications

None for the Area West Committee. Mileage claimed by Councillors attending meetings of outside bodies to which they are appointed is approximately £1,000pa and is within the existing budget for Councillors travelling expenses held by Democratic Services. There may be a small saving resulting from any decision to reduce the number of SSDC appointed outside bodies, however, a number of Councillors do not claim any mileage for their attendance at these meetings.

Council Plan Implications

There are several of the Council's Corporate Focuses which encourage partnership working with local groups, including:-

- Work in partnership to deliver investment and development that local people value with particular emphasis on Yeovil and Chard;
- Work with partners to contribute to tackling youth unemployment;
- Work with partners to combat fuel poverty;
- Ensure, with partners, that we respond effectively to community safety concerns raised by local people and that the strategic priorities for policing and crime reduction in South Somerset reflect local needs;
- Work with and lobby partners to help communities to develop transport schemes and local solutions to reduce rural isolation and inequalities to meet existing needs of those communities.

Carbon Emissions and Climate Change Implications

None

Equality and Diversity Implications

Full consideration to equalities was given in producing the Policy on the Roles and Responsibilities of Councillors appointed to Outside Bodies.

Background Papers

Minute 14, Area West Committee, 19 June 2013

Minute 184, District Executive, 1 May 2014

SSDC Policy on the Roles and Responsibilities of Councillors appointed to Outside Bodies.

AREA WEST OUTSIDE ORGANISATIONS INFORMATION

| Name of Organisation | Number of Council Nominees | Period of Appointment | Aims & Objectives | Legal Status | Status of Councillor | Frequency of Meetings | Venue of Meetings |
|--------------------------------------|----------------------------|-----------------------|--|------------------------------|----------------------------|-----------------------|--------------------------------------|
| ABCD (A Better Crewkerne & District) | 1 | 1 Year | The promotion of regeneration and the provision, improvement and preservation of amenities for Crewkerne and district. | Registered Charity | Member of Steering Group | Every other month | Crewkerne Heritage Centre |
| Blackdown Hills AONB Partnership | 1 | 1 Year | To safeguard the distinctive landscape, wildlife, historical and architectural character of the Blackdown Hills whilst fostering the social, economic well being of its people. | Partnership | Member of Management Group | Quarterly | Village Halls in the Blackdown Hills |
| Chard Improvement Action Group | 1 | 1 Year | To improve the social, economic and physical attributes of Chard and surrounding areas for the benefit of all the people that live or visit it. To positively promote Chard to encourage a stronger sense of pride within the town. | Action Group | Voting Member | Quarterly | Eleos Cafe, Chard |
| Chard and District Museum | 1 | 1 Year | The advancement of education, learning and knowledge by the provision and maintenance of a Public Museum. The exhibition of artefacts, pictures, maps, letters and other items of historical, geographical or geological interest. | Charitable Trust | Trustee | Quarterly | Chard and District Museum |
| Crewkerne Museum & Heritage Centre | 1 | 1 Year | The provision and maintenance of a museum and heritage centre in Crewkerne for the display of exhibits of historical, scientific, literary or artistic significance or interest. The provision of facilities for the display of works of arts. | Company Charitable Trust | Observer | Quarterly | Crewkerne Heritage Centre |
| Crewkerne Leisure Management Ltd. | 1 | 1 Year | To promote awareness of the benefits of swimming and associated sports. | Company Limited by Guarantee | Board Member | Bi-monthly | Crewkerne Town Hall or Aqua Centre |

| Name of Organisation | Number of Council Nominees | Period of Appointment | Aims & Objectives | Legal Status | Status of Councillor | Frequency of Meetings | Venue of Meetings |
|--------------------------------------|----------------------------|-----------------------|---|---|----------------------|-----------------------|--------------------------------------|
| Ile Youth Centre | 1 | 1 Year | To help and educate young people through their leisure time & activities so as to develop their physical, mental & spiritual capacities that they may grow to full maturity as individuals & members of society. | Management Committee | Committee Member | Every three months. | Ile Youth Centre |
| Ilminster Forum | 1 | 1 Year | To work for the benefit of the community of Ilminster and promote, enhance and further the quality of life of its community in response to their needs. | Company Limited by Guarantee | Voting Member | Monthly | Various |
| Making It Local Executive Group | 1 | 1 Year | To work with local people and businesses to develop opportunities for improving the rural economy and quality of life for people living and working in the area through a targeted grants programme called LEADER. To use the outstanding environmental quality and local human potential as a 'springboard' for sustainable economic growth. | No legal status | Voting Member | Every other month | Honiton area |
| Meeting House Arts Centre, Ilminster | 1 | 1 Year | To provide a financially self-supporting centre for the use and enjoyment of the people of Ilminster. To encourage involvement in the organisation by an increasing range of members and non-members. | Company Limited by Guarantee with Charitable Status | Observer | Quarterly | Meeting House Arts Centre, Ilminster |
| Stop Line Way Steering Group | 1 | Not limited | To guide development of Stop Line Way Cycle Route | Advisory Group | Member | As needed | Various |

Agenda Item 9

Scheme of Delegation – Development Control – Nomination of Substitutes for Chairman and Vice-Chairman for 2018/19 (Executive Decision)

Director: Martin Woods – Service Delivery
Lead Officer: Simon Fox, Lead Specialist - Planning
Contact Details: simon.fox@southsomerset.gov.uk or 01935 462509

Purpose of the Report

As the Council has entered a new municipal year, the Committee is asked to review the appointment of two members to act as substitutes for the Chairman and Vice-Chairman in the exercising of the Scheme of Delegation for planning and related applications. The previous member substitutes were Cllrs. Angie Singleton and Paul Maxwell.

Recommendation

That, in line with the Development Control Scheme of Delegation, two members be nominated to act as substitutes for the Chairman and Vice-Chairman to make decisions in the Chairman's and Vice-Chairman's absence on whether an application should be considered by the Area Committee where a request has been received from the Ward Member(s).

Background

The Council's scheme of delegation for Development Control delegates the determination of all applications for planning permission, the approval of reserved matters, the display of advertisements, works to trees with Tree Preservation Orders, listed building and conservation area consents, to the Development Manager except in certain cases, one of which being the following:-

"A ward member makes a specific request for the application to be considered by the Area Committee and the request is agreed by the Area Chairman or, in their absence, the Vice-Chairman in consultation with the Development Manager. (This request must be in writing and deal with the planning issues to ensure that the audit trail for making that decision is clear and unambiguous). In the absence of the Chairman and Vice-Chairman there should be nominated substitutes to ensure that 2 other members would be available to make decisions. All assessments and decisions to be in writing."

Financial Implications

None from this report.

Council Plan Implications

None from this report.

Carbon Emissions and Climate Change Implications

None from this report.

Equality and Diversity Implications

None from this report.

Background Papers: Minutes 36, Council meeting of 21st July 2005

Agenda Item 10

Area West Committee - Forward Plan

Communities Lead: Helen Rutter, Communities Lead
Service Manager: Tim Cook, Locality Team Manager
Agenda Co-ordinator: Jo Morris, Case Services Officer (Support 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

| Meeting Date | Agenda Item | Background / Purpose | Lead Officer(s) SSDC unless stated otherwise |
|---------------------------------------|--|---|---|
| 18th July 2018 | <i>Grant Applications</i> <ul style="list-style-type: none"> • <i>Speedwell Hall, Crewkerne</i> • <i>Avishayes Football Club</i> | <i>To consider applications for funding.</i> | <i>Alison Baker, Area Development Officer</i> |
| | <i>AONB Management Plan</i> | <i>To approve the draft AONB Management Plan</i> | <i>Tim Cook, Locality Team Manager Nicky Doble, Neighbourhood Development Project Officer</i> |
| 15th August 2018 | <i>Update on LEADER programmes in Area West</i> | <i>Update report</i> | <i>Helen Rutter, Communities Lead</i> |
| 19th September 2018 | <i>Chard Regeneration Scheme</i> | <i>Update report</i> | <i>David Julian, Economic Development Manager</i> |
| 19th September 2018 | <i>Impact of closure of Ilminster Community Office</i> | <i>At the November 2017 meeting a decision was taken to provide face to face services in an alternative way to best suit customer demand including the withdrawal from Ilminster Community Office with effect from 1 February 2018.</i> | <i>Debbie Haines, Deputy Community Office Support Manager</i> |

Agenda Item 11

Planning Appeals

Director: Martin Woods, Service Delivery
Lead Specialist: Simon Fox, Lead Specialist - Planning
Contact Details: simon.fox@southsomerset.gov.uk or 01935 462509

Purpose of the Report

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

Recommendation

That the report be noted.

Background

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

Report Detail

Appeals Received

17/04872/FUL – Bridgefield, Middle Street, Misterton, Crewkerne, TA18 8LX (Officer Decision)
Alterations to create off road parking area

Appeals Dismissed

17/04237/FUL – 18 Abbey Street, Crewkerne, TA18 7HY (Officer Decision)
Demolish existing rear wing of building and open shelter. Erection of 2 storey rear extension comprising 4 No. one bedroom flats and 1 No. studio flat within the roof. Erection of two storey side extension comprising 1 No. one bedroom dwelling

Background Papers

Appeal decision notice attached



Appeal Decision

Site visit made on 28 March 2018

by **J J Evans BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: **1st June 2018.**

Appeal Ref: APP/R3325/W/17/3192686

Land of 18 Abbey Street, Crewkerne, Somerset TA18 7HY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by First Court Accommodation Ltd against the decision of South Somerset District Council.
 - The application Ref 17/04237/FUL, dated 16 October 2017, was refused by notice dated 24 November 2017.
 - The development proposed is one semi-detached cottage, one studio flat and four flats.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. There are a number of listed buildings close to the appeal site, including The Former Shirt Factory and the factory next to 3 Abbey Street, 5 Abbey Street, and The Chimes. These buildings and the appeal site are also within the Crewkerne Conservation Area. As required by the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) I have paid special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses, and of preserving or enhancing the character or appearance of a conservation area.

Main Issues

3. The main issues are *firstly*, the effect of the proposal on the character and appearance of the building and upon the area, having particular regard to whether the scheme would preserve the settings of nearby listed buildings and preserve or enhance the character or appearance of the Crewkerne Conservation Area; *secondly*, whether the size of the dwellings and the level of outdoor amenity space would provide acceptable living conditions for future occupiers; *thirdly*, the effect upon the living conditions of neighbouring residents, with particular regard to privacy, outlook, and light; *fourthly*, whether the proposal would make adequate provision for parking and sustainable methods of transport; and *fifthly*, the impact of the proposal upon the mix of housing within the area.

Reasons

Character and Appearance

4. 18 Abbey Street is a two storey building with attic that is part of the long row of historic buildings to either side of the street. Due to the large size and detached form of the building, including its set back from the footway behind a front garden, the building is a distinctive contrast to the terraced forms of many of the nearby houses and former factories. The form and size of the building along with its rich architectural detailing and use of traditional local materials, makes a positive contribution to the conservation area, complementing and adding to the presence of the many high quality historic buildings found nearby.
5. Details of the materials of the proposed side and rear extensions have not been provided, but whatever they would be constructed from, the extensions would form bulky and incongruous additions to the building. This and the style of the extensions would fail to harmonise with the high quality of the host building, particularly its architectural detailing and the nature of its joinery. Even though set back from the face of the house, the form and height of the side extension, along with its small windows, would disrupt the imposing proportions and detailed dominance of the front elevation of the building. Moreover, the proposed roofs of both extensions would be overly contrived having little regard to the main building and the presence of existing windows.
6. The excessive size and height of the extensions would not only dominate the host building, but would also cover much of the site, bringing development very close to the neighbouring terrace. The extended building would appear cramped within its plot, particularly as what remains of both the front and rear gardens would be mostly utilised for parking. The distinctive detached form of the building and its contribution to the conservation area would be unacceptably diminished. The building has been previously extended to the rear, and these extensions are not of the same high quality as the main building. Nevertheless unlike the proposed extensions they have a clearly subservient position, form and size that retains the dominance of the house.
7. As such the extensions would make the building incongruously conspicuous within the area. The discordance of the extensions with the main building would be unacceptably dominant. This would erode the harmony of the high quality historic buildings in the conservation area, which is an important part of the significance of the settings of the nearby listed buildings. The extensions would be an unacceptably harsh contrast with the quality of these buildings and the cohesive historic nature of the street.
8. The harm to the significance of the conservation area and to the settings of nearby listed buildings would be less than substantial because of their size relative to that of the proposal. The National Planning Policy Framework (the Framework) requires that this harm should be weighed against the public benefits of the proposal. The building is currently unoccupied, but it has not been explained why this is the case or why the extensions would be necessary to allow the building to be used. The provision of additional housing would be at a time when the Council have no five year housing land supply. Even taking into account the objective in the Framework to boost the delivery of housing, such benefits would be modest, and would not outweigh the harm to the

settings of the listed buildings or to the character and appearance of the conservation area.

9. The Framework advises that when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. For the reasons given the proposed extensions would harm the host building, and would neither preserve nor enhance the character or appearance of the conservation area, nor preserve the settings of nearby listed buildings. This would be contrary to the requirements of the Act, to those of the Framework, and also to those of Policies EQ2 and EQ3 of the South Somerset Local Plan (2015) (LP). These policies seek amongst other things the conservation of heritage assets and development that respects local context and distinctiveness.

Living Conditions

10. Most of the proposed dwellings would be smaller than those already permitted on the site, and would offer very cramped living conditions for future occupiers. Whilst other flats within the main house do not have windows serving all their rooms, within the proposed dwellings most would only have windows for bedrooms and living rooms. The small size and roof shape of the bedsit would severely restrict the standing room available, and the positioning of its proposed rooflights would be so low on the roof slope that levels of natural light would be compromised.
11. Furthermore, the size of the extensions as well as the provision of seven parking spaces would restrict the areas that could be used for waste, recycling and cycle parking. Future occupiers would not have any informal garden space. Of the areas that would be used for refuse and cycle parking they would be set to one side of the building, and due to the constrained nature of this area, they would become inaccessible if cars were parked upon the site.
12. Turning now to the impact upon nearby residents, the height, size and close proximity of the proposed extensions to the neighbouring dwelling would be an oppressive outlook for the occupiers of 16 Abbey Street. The proposed side extension would have no windows within its eastern wall. Although there would be no direct overlooking of the neighbouring property, as it would be very close to the rear upper floor windows of No 16, it would form an oppressive outlook to the occupiers of this house. Furthermore, side windows within the rear extension would provide future occupiers with views into the neighbouring garden, thereby unacceptably impacting upon privacy. Having regard to the position and size of the appeal building, No 16 would already experience a degree of shading, and as such the proposed extensions would not significantly reduce levels of light to the neighbouring house and its garden.
13. Thus, the proposal would not provide acceptable living conditions for either existing or future residents, contrary to the requirements of LP Policy EQ2. This seeks, amongst other things, high quality design that protects residential amenity, thereby reflecting objectives of the Framework.

Parking

14. The provision of seven on-site car parking spaces would be much lower than the 18 resident spaces required by the Council. LP Policy TA6 requires parking provision to be design-led, based upon site characteristics, location and

accessibility. Having regard to the location of the dwellings close to the town centre future occupiers would have a range of services, facilities and employment opportunities that could be accessible without being reliant on the private car. Whilst noting the busy nature of the public car park, it would provide an opportunity for future occupiers to park nearby, albeit having to compete with other users.

15. However, a requirement of LP Policies TA1 and TA5 is to maximise the potential for sustainable transport. Charging points for electric vehicles could be provided, but the small and cramped nature and the positioning of the car parking spaces would make accessing the proposed cycle parking very difficult. Furthermore, the shape and size of this area would limit the amount of cycle parking that could be provided, nor would there be any provision on the site for motorbikes.
16. Thus, the constrained nature of the external areas, along with the dominance of parking on what space does exist, would unacceptably limit the provision of sustainable means of transport for future occupiers. Although some future residents could park off-site, the shortfall of on-site parking provision would not be compensated by maximising the opportunity for sustainable methods of transport. This would be contrary to the LP policies referred to above and also to an objective of the Framework.

Housing Mix

17. There are a variety of housing sizes and types near the appeal site, including flats and houses. The site as a whole would provide 12 one bedroomed units, and the Council consider such a concentration would not provide the mix of housing types and sizes required by LP Policy HG5 to achieve sustainable, balanced communities.
18. However, neither of the main parties has provided any detailed assessment of the type and variety of dwellings found within the area, nor how the proposal would disrupt the balance of the community. Having regard to the diversity of homes present in the nearby area, the proposal would not significantly disrupt the balance of what appears to be a mixed community. Based on the evidence before me, the proposal would accord with the LP policy referred to above, and would contribute towards the wide choice of homes required by the Framework.

Other Matters

19. Local residents have raised a number of other matters, including surface water issues, the presence of an invasive plant on site, and land ownership. However, many of these concerns are not directly connected with the planning considerations of the proposal before me, and of those that are, following my findings on the main issues I have not considered them further.

Planning Balance and Conclusion

20. The Framework states that the relevant policies for the supply of housing should not be considered up-to-date if a Council cannot demonstrate a five year supply of deliverable housing. In such circumstances, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate

development should be restricted. Restrictive policies include those concerning heritage assets.

21. Given that there would be significant harm to the settings of nearby listed buildings and to the character and appearance of the conservation area that would not be outweighed by the public benefits of the proposal, it follows that the appeal scheme does not constitute sustainable development. There would also be unacceptable harm with regard to the living conditions of existing and future residents, and the proposal would not maximise the potential for sustainable transport. Thus, there are no material considerations that would warrant a decision other than in accordance with the development plan, and as such the scheme would be contrary to the LP policies referred to above and also to objectives of the Framework.
22. Thus for the reasons given above, and having considered all other matters raised, the appeal is dismissed.

J J Evans

INSPECTOR

Agenda Item 12

Schedule of Planning Applications to be Determined by Committee

Director: Martin Woods, Service Delivery
 Service Manager: Simon Fox, Lead Specialist - Planning
 Contact Details: simon.fox@southsomerset.gov.uk or 01935 462509

Purpose of the Report

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

Recommendation

Members are asked to note the schedule of planning applications.

Planning Applications will be considered no earlier than 6.00pm.

Members of the public who wish to speak about a particular planning item are recommended to arrive for 5.50 pm.

| SCHEDULE | | | | | |
|---------------|---------------------|---------------|--|--|---------------------------------|
| Agenda Number | Ward | Application | Brief Summary of Proposal | Site Address | Applicant |
| 13 | TATWORTH AND FORTON | 16/02874/FUL | The erection of 315 No. dwellings with associated access and infrastructure and provision of off site playing pitches | Land Adjoining Holbear, Forton Road, Chard | Persimmon Homes SW |
| 14 | CREWKERNE | 18/00754/FUL | Demolition of existing buildings and the change of use of site to a tarmac 'pay and display' car park for 60 vehicles to include lighting columns. | Millers Garage 22A East Street Crewkerne | South Somerset District Council |
| 15 | NEROCHE | 16/02289/S73A | Application to vary condition 02 (approved plans) of planning permission 12/02295/FUL to amend site layout | Donyatt Garage Donyatt Ilminster | Mr Fred Coate |
| 16 | NEROCHE | 17/03409/OUT | Erection of 24 bed residential home and formation of new vehicular access (outline) | Lamb Inn Horton Cross Ilminster | Mr Chris Churchill |

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 13

Officer Report On Planning Application: 16/02874/FUL**

| | |
|---|---|
| Proposal : | The erection of 315 No. dwellings with associated access and infrastructure and provision of off site playing pitches |
| Site Address: | Land Adjoining Holbear Forton Road Chard |
| Parish: | Tatworth and Forton |
| TATWORTH AND FORTON Ward (SSDC Member) | Cllr Andrew Turpin |
| Recommending Case Officer: | Andrew Gunn Tel: (01935) 462192 Email: andrew.gunn@southsomerset.gov.uk |
| Target date : | 4th October 2016 |
| Applicant : | Persimmon Homes SW |
| Agent:(no agent if blank) | |
| Application Type : | Major Dwlgns 10 or more or site 0.5ha+ |

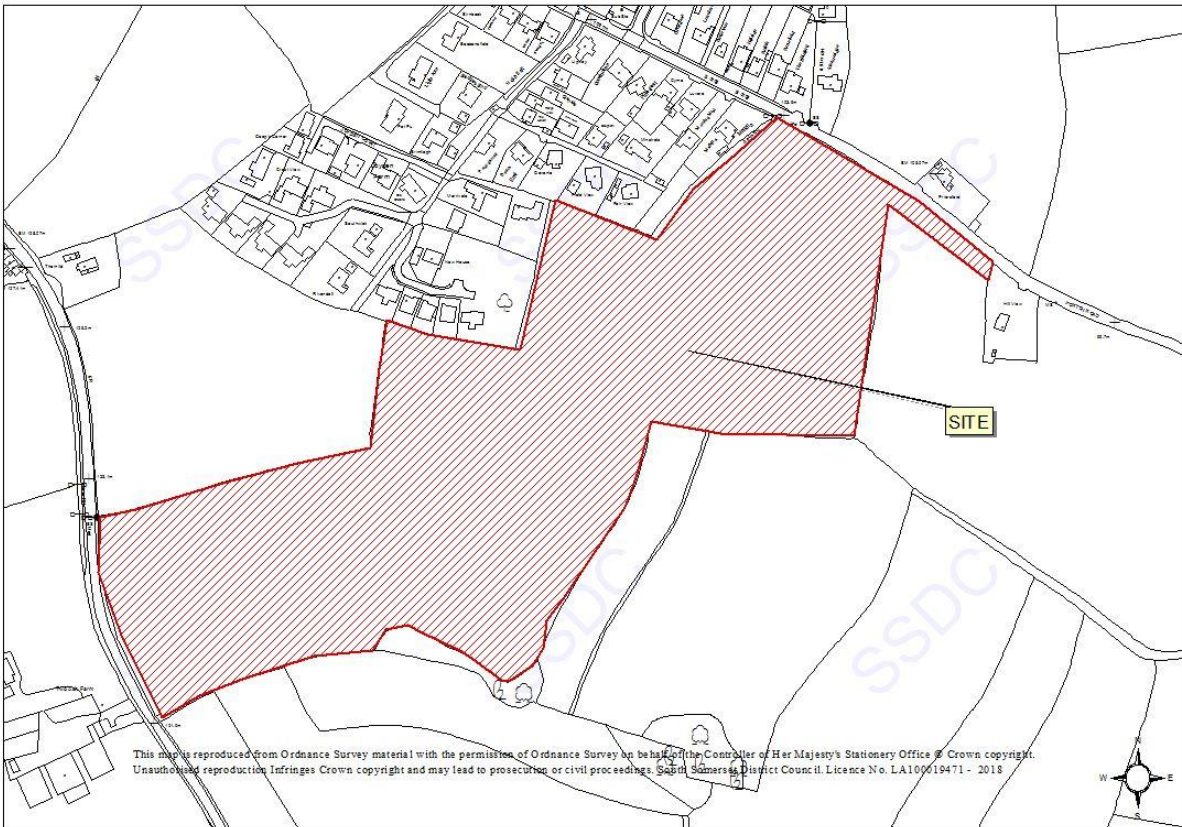
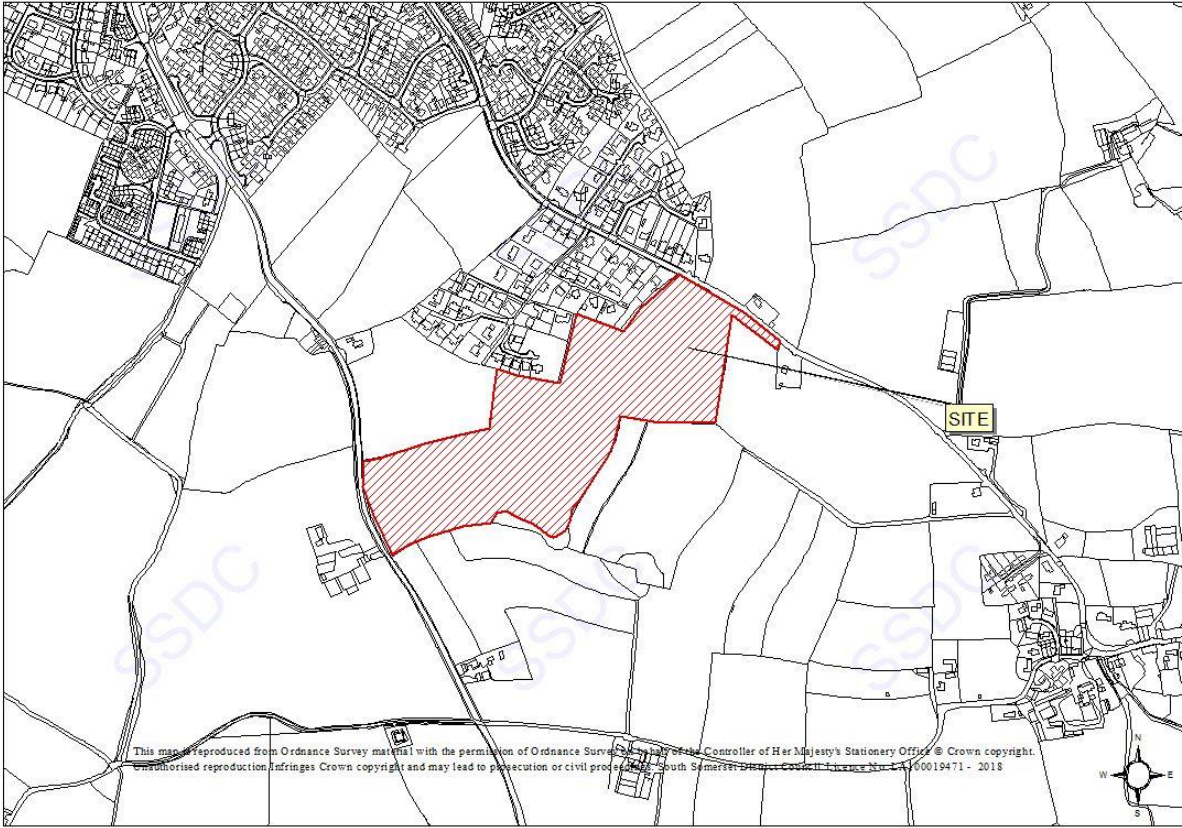
REASON FOR REFERRAL TO COMMITTEE

The application is referred to Area West Committee as it is classed as a 'major-major' application i.e. any proposal for over 200 dwellings.

This application has also been 2-starred under the Scheme of Delegation - referral of applications to the Regulation Committee for determination. In collective agreement with the Leader, Portfolio Holder, Area Chairs, Director (Service Delivery), Monitoring Officer, and Lead Specialist (Planning) all major applications will be 2-starred for the immediate future to safeguard the Council's performance, pending a more substantive review.

The Area Committees will still be able to approve and condition major applications. However, if a committee is minded to refuse a major application, whilst it will be able to debate the issues and indicate grounds for refusal, the final determination will be made by the Regulation Committee.

SITE DESCRIPTION



The application site is located between the A358 (Tatworth Road) and the B3162 (Forton Road) on the southern edge of Chard. However, the site lies wholly within the parish of Tatworth and Forton. The site is currently a grassed field with an agricultural access from Forton Road and one from Tatworth Road. Hedgerows bound the site with a number of trees spread around the boundaries of the site. The site is largely surrounded by fields other than the residential area known as Holbear, which is located along the top half of the north west boundary. 3 dwellings face the site on the opposite side of Forton Road with a single dwelling located to the east of the site. Two Ash Farm is located to the west of the site on the opposite side of Tatworth Road.

PROPOSAL

This scheme, as amended, seeks full planning permission for the erection of 315 dwellings along with vehicular access and associated infrastructure works. The site forms part of the wider Chard Regeneration Plan which seeks the delivery of 1852 houses over the current local plan period (2006-2028), employment land, 2 new primary schools, highway infrastructure and sport and play facilities.

The scheme will comprise a number of different house types with a range of dwellings sizes from 1 bed apartments through to 4 bed dwellings. The external materials will be a mix of brick, render with tiled and slate roofs. The main access road will run through the site accessed via a roundabout from Tatworth Road leading to a turning head at the northern end of the site. Dwellings have been laid out to largely front the main access road with some gable end onto the road. Infiltration ponds will be provided at the northern end and along the southern boundary as part of the surface water drainage strategy.

This scheme originally proposed 2 new access points, with one each from Tatworth and Forton road. This has now been amended with 1 access point only from Tatworth Road and an emergency access only onto Forton Road. The reason for this approach will be explained under the highway section later in this report.

The scheme layout has been amended several times seeking to address comments and concerns raised by local residents, Tatworth and Forton Parish Council, Chard Town Council, the case officer and various consultees. The amendments have included replacement of the single large apartment block at the western end of the site with dwellings, reconfiguration of the green space in the centre of the site to provide a formal play area and buffer zone, the cycle route extended to the existing highway to provide a continuous route through the whole development, the inclusion of land to the east of the site to the south of Badger's Lane to provide football pitches, removal of car parking spaces adjacent to the main road, the removal of 3 storey dwellings along the north west boundary adjacent to Holbear and a reduction in the density of units adjacent to Holbear.

HISTORY

No relevant planning applications have been submitted on this site. The following was a formal request from Persimmon Homes for a Screening Opinion under the Environmental Impact Assessment Regulations.

14/04444/EIASS - Screening opinion in respect of proposed residential development (335 dwellings), Land off Tatworth Road, Chard, Somerset. EIA not required.

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 decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise,

Relevant Development Plan Documents

South Somerset Local Plan (Adopted 2015)

SD1 - Sustainable Development

SS1 - Settlement Strategy

SS4 - District Wide Housing Provision

SS5 - Delivering New Housing Growth

SS6 - Infrastructure Delivery

PMT1 - Chard Strategic Growth Area

PMT2 - Chard Phasing

HG3 - Provision of Affordable Housing

TA3 - Sustainable Travel at Chard and Yeovil

TA4 - Travel Plans

TA5 - Transport Impact of New development

TA6 - Parking Standards

HW1 - Provision of open spaces, outdoor playing space, sports, cultural and community facilities in new development

EQ2 - General Development

EQ4 - Biodiversity

Relevant Policy Material Considerations

National Planning Policy Framework

Core Planning Policy Principles

Chapter 6 - Delivering a wide choice of high quality homes

Chapter 7 - Requiring Good Design

Chapter 8 - Promoting Healthy Communities

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

Chapter 11- Conserving and Enhancing the Natural Environment

Chard Regeneration Plan.

Adopted Somerset County Council Parking Standards

CONSULTATIONS

Due to the number and length of some responses, most have been summarised below. The Town and Parish Council comments have been included in full. Where more than 1 response has been received, the latest comments are included first. Copies of all the responses received are available in full online via the Council's website.

Tatworth and Forton Parish Council: (March 2018)

The Council does not support these amended plans and wishes to re-affirm its opposition to the development per se, in light of the fact that none of Councils original concerns and objections appear to have been addressed or acknowledged by the applicant. The Council does not believe that any support can be countenanced for such piecemeal amendments whilst the overriding materials concerns remain unanswered.

Tatworth and Forton Parish Council: (September 2017) Repeated previous comments plus the following:

The Forton road B3162 could not accommodate the volume of traffic from a total of 500 houses.

The distributor road should bypass this development and not intermingle with it as this proposal does.

This development should be the last phase of the implementation of the Chard local plan so that the distributor road can be introduced at each stage.

There is concern about the impact on the small hamlet of Forton less the half a mile away and the village

of Tatworth.

There is no sustainable transport provision in or adjacent to Chard. The local station Chard Junction should be re-opened (with a bus link from Chard to the station) This would provide access to more employment, educational and recreational facilities in Exeter.

The proposed site for the recreational land is some distance from the proposed development.

No access is outlined on the plan and none is forthcoming from the Council.

Badgers Lane is not a public footpath and is unsuitable as pedestrian access especially considering that to use this, pedestrians will have to use Forton Road which is totally unsuitable for pedestrians with particular reference to the fact that children could be seen to be the main users of such a facility.

The site is too remote as to be suitable for children in that it is not easily seen from any residential properties or public.

In what form are these attenuation ponds? Is there an element of risk?

Is there any parking facilities to go with the football pitches?

Tatworth and Forton Parish Council: (first comments July 2016)

Recommend Refusal with the following reasons:

Traffic Assessment was done in January 16 which was poorly timed. Failed to collect correct statistical data.

Incorrectly used household data.

Walking distances involved in the development assessment are incorrect.

Infrastructure of Chard is not adequate. There are insufficient doctors surgeries and Schools.

Number of cars would be increased dramatically as there is insufficient bus services in the area.

Forton Road is too narrow and hazardous.

The surrounding area is a quiet area with a large number of elderly people living there.

Topography runs down towards Forton Lane which will increase the risk of flooding.

Wildlife would suffer.

There is already a large number of accidents on the A358 which may be exacerbated.

Flooding issues are a major factor and should be considered.

Density of the properties is not appropriate for the land proposed.

Housing should support employment in the area.

The size, scale, mass and type of houses that are proposed are not in keeping with the other houses in the area, either in Chard or in Tatworth and Forton in a rural setting.

Social Housing square footage is larger than some of the private houses proposed and should be peppered and not together on the site.

Infrastructure is not in place to support the new houses so is not sustainable.

Overlooking is an issue with some of the properties, particularly the three storey buildings.

Apartments are not appropriate in a rural setting.

The route of the road should be moved and be much further south on the development.

Two bedroomed house size is between 50 sq. metres and 59 sq. metres. The Government guidelines state a 2 bedroomed dwelling should be 90 sq. metres, therefore these houses do not meet the government guidelines.

Chard Town Council: (Adjacent TC). March 2018

Resolved: That this application should be refused due to the flood risk and risk of vehicles having to reverse onto the main road.

Chard Town Council: (May 2017)

Resolved: That this application is refused for the following reasons:

Chard Town Council do not see enough difference in the amended plans to the original proposal to change their view on this development.

Capacity of physical infrastructure

The Somerset Local Plan 20006-2028 (5.69) states that: The growth planned in the local plan needs to be supported by infrastructure, community facilities, and services to ensure the development of

sustainable places. If infrastructure and the needs of the community are not achieved alongside growth, there will be unacceptable impacts on local areas and residents and the quality of the environment will be adversely affected.

Chard Town Council does not believe that the current infrastructure of Chard is adequate to support a development of this size. In their opinion this leads the proposed development to be unsustainable. For example, the Estates and Planning Advisor at Somerset County Council has advised that this application will further increase the need for capacity within the Chard Schools which is not forecast to be available at the time this development comes forward.

Highway issues

The number of cars would be increased dramatically by this development as there is insufficient bus services in the area; for example, Stagecoach have just curtailed services to both Taunton and to Yeovil recently. Forton Road is too narrow and hazardous to cope with the increased traffic flow this development will bring. Chard Town Council wish to see traffic using the A358 only until the access / egress onto Forton Road has been addressed.

Detrimental impact upon residential amenities

The Somerset Local Plan 2006-2028 states: New homes will be of the highest standard of design and locally distinctive. Therefore, proposals for development should be of good design and respect the character of the surroundings. The Local Planning Authority will have regard for i) the appearance and treatment of spaces between and around buildings ii) the amenities of neighbouring residents.

Chard Town Council believe that the density of the properties is not appropriate for the land proposed. The size, scale, mass and type of houses that are proposed are not in keeping with the other houses in the area, either in Chard itself, or in Tatworth and Forton which is within a rural setting. It does not respect local context and street pattern or, in particular, the scale and proportions of surrounding buildings, and would be entirely out of the character of the area, to the detriment of the local environment.

The periphery of Chard is characterised by one and two storey buildings and this development, which includes three storey buildings is at odds with this characteristic, meaning these proposals therefore fail to align with the Somerset Local Plan Policy EQ2.

Within EQ2 it states that there is a requirement to provide an appropriate relationship with existing residential developments; nearby, Holbear is characterised by large executive style detached houses and bungalows set in generous grounds. The proposal of 3 storey flats and 2 storey terraced houses, with no buffer between the proposed site and the existing dwellings of Holbear offers no privacy and also show a lack of respect for the existing development.

The National Planning and Policy Framework (NPPF Chapter 67, para 4) states that permission should be refused for the development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

In addition, the topography of the site runs down towards Forton Lane which will increase the risk of flooding. Chard Town Council believe that flooding issues are a major factor and should be considered alongside the potential impact on wildlife by employing a lifetime maintenance condition on the development.

Chard Town Council: (July 2016)

Resolved: that this Council recommends refusal for the following reasons - the density of the plan is not acceptable; the green space and total site layout is not acceptable; there needs to be a transport assessment as a whole for the area and we need to know when the infrastructure to support this development will be in place. This Council do feel that given the high standard of development in Holbear this development is not in keeping with the existing properties.

Highway Authority: (May 2018 - in response to the single vehicular access and updated Transport Assessment)

Following submission by the applicant of a Technical Highway Note to assess the traffic impacts of the proposed single access point, the Highway Authority had this independently assessed and confirmed that the conclusions of the Technical Note are robust. In conclusion, the new roundabout to serve the development onto Tatworth Road would operate well within capacity. In addition, with the removal of development traffic on Forton Road, the performance of the junction of Tatworth with Forton Road would improve due to less queueing from Forton Road. The Highway Authority have sought an emergency access onto Forton Road. A condition to secure this has been recommended. Technical elements of the internal spine road and estate roads layout will need to be revised in order to meet the Highway Authority's adoption standards, otherwise would remain in private ownership. An agreed Travel Plan will be required as previously advised - a condition will be attached accordingly.

On this basis, the Highway Authority conclude that the proposed 1 vehicular access is acceptable and the traffic impacts could not be considered as severe in terms of the NPPF policy approach.

Highway Authority: (April 2018 - Single access option)

The Highway Authority objected due to the lack of a revised Transport Assessment (TA) to demonstrate the traffic effects/impacts of a significantly revised proposal and lack of an agreed Travel Plan.

Highway Authority: (June 2017)

No objection subject to conditions. The Transport Assessment submitted with the application was independently reviewed for the Highway Authority - it concluded that the traffic modelling was acceptable. Following criticism of the robustness of the TA, in particular the collection of base data in January, rather than a potentially busier month, the Highway Authority asked their consultants to review this again. They were satisfied that whilst seasonal variations do occur, this tends to affect overall weekly/daily flows rather than the peak hour flows. The TA did confirm that the proposed development would create additional congestion within Chard. The key issue then is whether under the NPPF policy guidance the traffic impact would be severe.

Junction modelling was undertaken for 8 different junctions including 1) Forton Road/Tatworth road/Church St Junction, 2) A358 Old Town/Holyrood St Junction, 3) High St/Crowshute Link Junction, 4) Furnham Rd/ Millfield Roundabout, 5) East street/Taptone Road/ Crewkerne road/Victoria Avenue Junction, 6) Furnham Road/East St/ Fore St, 7) Tatworth Road/site access and 8) Forton Road/site access.

The TA concluded that the traffic impact at 3 these junctions (2, 4 and 6 respectively) would result in significant queues and delays. The Highway Authority point out that these are worst case scenarios and would be reduced by the introduction of Travel Plan measures to encourage modal shift and the construction of link road infrastructure. The Highway Authority conclude that all 3 of these junctions would be operating at or over capacity by 2023 without development traffic. Moreover, the traffic levels generated by the development are relatively low with just over 1 additional vehicle per minute. On this basis, the HA do not conclude that the highway impact would be severe and refusal on traffic impact grounds is not reasonable.

Also the Highway Authority commented on the need for changes to be made to the submitted Travel Plan, technical revisions required to the layout of the spine and estate roads in order to become adoptable, otherwise would remain in private ownership, concerned about a large number of properties having their access adjacent to the main spine road, and sought a more suitable junction with Forton Road rather than a simple priority T junction, particularly given the future role of this junction/ road as part of the wider Chard spine road. A number of conditions are recommended including approval of an appropriate junction design at Forton road and Tatworth Road.

Landscape Officer:

3 responses have been received from the Landscape Officer in response to the original application and subsequent amended plans.

(September 2017)

Reduction in density along the northwest boundary is an improvement and the additional brick finish to the material range is welcome. Still have an issue with the non-traditional dual finish to some of the units.

(May 2017)

Layout more legible, coherent frontage onto the main area of open space, large areas of parking and frontage parking have now been reduced, 3 storey blocks are in less prominent areas, however density next to Holbear remains incongruous. Good surveillance around the open space, play area, and open space linkage along the eastern boundary. Landscape impact of the scheme can be mitigated via sympathetic landscape treatment. Still concerned about the lack of variety of materials/finishes across the development and dual finish approach unless this is constructed using a horizontal plinth or vertical quoins.

(August 2016)

No objection raised on landscape grounds to the principle of development in this location. Agrees that the visual impact of development on the site would be localised and with additional planting to support the existing landscaping, the development would integrate with both the adjacent town edge and rural landscape pattern.

Supports the general grain of development, but identifies the following areas for improvement: use of standard house types do not reflect local vernacular and unimaginative layouts, not agree with the reliance on two choices for walls and roofs, nor the houses finishes of part brick part render - should be a uniform finish. Slate should be essential. Lack of characterisation within the development with too many cul-de-sacs, too much frontage parking, need details of boundary treatments, not support 3 storey apartment blocks at the highest point of the site, provides advice on use of certain tree species, and need details for the open space areas.

Council Arborist:

Originally raised an objection due to concerns about the provision of insufficient tree protection measures, landscaping proposals and a proposed access to the rear garden of Meiktila as it appears to compromise the 13 metre radial Root Protection Areas of x 2 large oaks. However, following clarification, the access road does not run along this boundary, rather rear gardens will adjoin this boundary. In addition, it was agreed that a condition can be imposed to ensure tree protection measures are provided before and remain during construction.

Following initial comments and concerns about the landscape proposals, a Landscape Management and Maintenance Plan (LMMP) has been prepared which sets out the Landscape Management prescriptions for the various green spaces within the development. The arborist supports this approach and a condition will be attached to secure its delivery.

Ecologist:

No objection. The Ecologist has read the submitted ecological report and doesn't raise any issues with its conclusions. 3 conditions are recommended in regard to badger mitigation and to enhance biodiversity within the site.

Natural England:

No objection.

Open spaces officer:

The designs provided on the 'Site Masterplan' identify 1.48 hectares of useable Public Open Space, a

provision in excess of that required by SSDC.

We are happy with the design and location of public open space; in particular the two areas 'centrally' located within the two halves of the site, breaking up the built form and creating community focus points. The green entrances at both ends of the site are also an encouraging feature, although we would like to confirm whether the area around the properties to the south of the western entrance would be privately managed if these are apartment blocks or would it be incorporated within the sites public open space.

The inclusion of a green corridor along the southern boundary of the site is a very positive feature, linking the entrances through the basins and creating a useable buffer between the surrounding areas. Although we haven't included the basins within the POS calculation, we would still be keen to work with the developer to create landscaped areas here that can be enjoyed by the community. Finally, we would like to clarify who the intended ownership is for the hedgerow/buffer strip along the northern boundary of the site. We would like to see the ownership transferred to the properties rather than with the adoption of public open space, which we are keen to see come to SSDC.

Housing Officer:

Confirmed that they seek 35% of this site as affordable housing. This would total 110 units. The split would be 80/20 in favour of social rent with 20% for intermediate affordable housing solutions. The affordable dwellings should be pepper potted throughout the site and in clusters of no more than 15 units.

The following property mix has been requested although this may be subject to slight amendment:
37 x 1 bed, 39 x 2 bed, 30 x 3 bed, 2 x 4 bed and 2 x 4 bed parlour

The s106 agreement should contain appropriate trigger points to guarantee that some of the affordable housing provision is delivered in the event that the site gains permission but is only ever partially built out. The s106 should also include a schedule of approved housing association partners for delivery of the affordable units. Recommended space standards are also outlined.

Environmental Health Officer:

No objection subject to a condition to deal with any contamination of the site if this is found during construction.

County Archaeologist:

An Archaeological Assessment has been submitted and considers the archaeological potential to be low. This is based on the lack of information concerning the site rather than a systematic evaluation. The report acknowledges this and the County Archaeologist has required a field evaluation to be undertaken prior to the determination of the application. The applicant has been asked for an update on this issue and an oral update will be given to members.

Crime Prevention Design Advisor:

Seek provision of rear or front garden access gates. A very high proportion of dwelling burglaries occur through the rear of properties. Lack of garden gates facilitates criminal activity to an area with minimal surveillance opportunities. The lack of gates creates long dark alleyways giving cover to the criminal. Avoid blank gable ends abutting public space and parking areas
The removal of parking spaces alongside the main road is support if they are by the play area.

Wessex Water:

Wessex Water is the statutory undertaker for Chard and South of Chard for potable water supply. Wessex Water is the statutory undertaker for Chard for waste water services. The proposed development south of Chard at Land adjoining Holbear Forton Road is within South West Water's statutory area for the provision of waste water services.

Wessex Water is currently updating the water supply model for Chard to consider the implications of this

site upon the existing network. Results will be communicated in due course.

There is an existing 250mm public water main which crosses the site. This main must be accurately located on site and marked on deposited drawings. There must be no building within 5 metres or tree planting within 6 metres of this main. Subject to application, engineering agreement and at the developers cost, it may be possible to divert this main to provide easements within the proposed site layout. The applicant will need to demonstrate that the existing water main will be protected with the appropriate easement or diverted in agreement with Wessex Water.

We note from the submitted Planning Statement that South West Water is modelling the impact of the development upon South West Water's foul drainage infrastructure in the Tatworth catchment. We believe South West Water will promote a pre-commencement condition on this full planning application to ensure a foul drainage strategy can be agreed prior to commencement on site.

The applicant has indicated that surface water will discharge via Suds arrangements and Highway Drain. Matters will require the approval of the LLFA and Highway Authority.

Officer comment: The developer has verbally indicated that the existing water main will be diverted as required.

South West Water:

SWW have advised that the public foul drainage network does not have capacity to support the development without causing downstream sewer flooding. In recognition of this, the applicant has funded investigations to establish the extent of improvements required to accommodate the development. As such if the scheme is approved, a condition regarding foul drainage would need to be imposed.

Officer comment: A condition in regard to foul drainage is recommended requiring the developer to submit an application to the relevant Sewerage Undertaker for a public foul sewer requisition under s98 of the Water Industry Act 1991 (which shall include the provision of public sewerage improvement works identified as necessary).

No dwelling hereby approved can be occupied or brought into use until the scheme of improvement works identified by the Sewerage Undertaker as necessary to accommodate the discharge of foul sewage from the development has been installed. SWW have advised that this is not uncommon on large developments and one Persimmon have undertaken previously.

Local Lead Flood Authority:

The LLFA has no objection to the proposed development. They advise that the development indicates an increase in impermeable areas that will generate an increase in surface water runoff. This has the potential to increase flood risk to the adjacent properties or the highway if not adequately controlled. The applicant has not provided sufficient details of the proposed drainage designs for the capture and removal of surface water from the development. Due to the location of the site and the proposed increase in impermeable areas it will be necessary to provide these details and a surface water drainage condition, to include a lifelong maintenance programme is recommended.

County Education:

The three primary schools in Chard have a total pupil capacity of 1049 which is made up as follows:
Avishayes Capacity 239
Redstart capacity 420
Manor Court capacity 390

The latest published forecasts indicate that by 2018 a total pupil capacity of 1050 will be required within Chard. This forecast data includes; demographic data as available, and some approved full and reserved matter planning applications. However, there are a number of approved applications in Chard that are not included in this published forecast which will add an additional 27 pupil places to the figure of

1050 - thus 1077 places will be required in Chard by 2018 to meet pupil numbers.

This application together with any others that come forward in Chard will further increase the need for capacity within the Chard schools which is not forecast to be available at the time this development comes forward. It will therefore be necessary to request education contributions. A development of 323 dwellings would generally bring forward the need for an additional 65 primary school places at a notional cost of £14,007 per place. If you are minded to approve this application SCC as education authority would wish to seek an education contribution of £910,455.

In addition to primary contributions as previously advised SCC will be seeking contributions towards providing additional places at Holyrood in Chard and contributions towards pre-school places in Chard.

A development of 323 dwellings would bring forward the need to provide an additional;

- 65 primary school places at a notional cost of £14,175 per place (£921,375)
- 47 secondary school places at a notional cost of £21,359 per place (£1,003,873)
- 10 pre-school places at a notional cost of £14,175 per place (£141,750)

Officer comment: The number of dwellings has been reduced from 323 to 315 and a slight adjustment may be required to the figures but this can be checked during preparation/discussion of the legal agreement.

Somerset Waste Partnership

No objection raised to the scheme. They did advise though that the vehicle tracking undertaken didn't cover the largest waste collection vehicle for the new internal estate roads. Their largest vehicle is 11.4m long whereas the tracking covered vehicles up to 11.18 m long. The applicant has been informed and the Highway Authority asked for their advice. A verbal update will be given in regard to any response received.

Sport and Play Officer

A full response is expected from the Sport and Leisure team prior to the committee meeting in terms of the planning obligations sought in regard to sport and play provision. A verbal update will be given at the meeting. Sport and leisure officers have been in discussion with the applicant during the course of the application in regard to securing adequate play and sport provision. This has resulted in the play area in the centre of the development with an appropriate buffer zone and the off site sports pitch.

Sport England: (May 2017)

It would appear that the application has now been revised to include the provision of playing pitches at a separate site to the south of the application site. I understand t- these will form an extension of an existing playing field site and are broadly in line with the Council's aims for this area. It is my understanding that there is a Playing Pitch Strategy emerging (though not yet finalised) which would support this. The principle of this provision is therefore welcomed.

However, before I can offer Sport England's full support for this option, I require further information about the proposed pitches - currently none is provided beyond their location. These will presumably require their own planning permission; has planning permission been applied for?

I also require more information as to what is proposed at the site - such as earthworks or any drainage required to make the site suitable for playing pitches, in order to better ascertain exactly what is offered, and input usefully into the pitch design with the aid of my NGB colleagues. I look forward to receiving further information in due course.

Officer comment: The off-site pitch has now been included within the application as there would have been a clear risk of not securing land for a pitch if a separate application to the housing scheme was sought and was subsequently refused. Sport England have stated that to secure their support the pitch

would need to be up and running at the very least - they want to make sure this site comes forward. Without a permission in place, there is a risk that no sporting provision is provided.

Sport England: (July 2016)

Sport England are unable to support this application due to the lack of provision for sport and lack of detail in regard to younger children and youth play provision.

REPRESENTATIONS

36 letters/emails were received objecting to the original application raising the following points:

- Increased levels of traffic in the local area
- Local roads will not be able to cope with the additional traffic
- Poor public transport provision will only add to congestion on roads.
- The baseline data collected for the Transport Assessment was collected during January - has not taken account of seasonal variations
- Criticism of the figures used to support the Transport Assessment
- Not appropriate to place heavy goods vehicles onto the estate road
- Insufficient parking
- Distances to services and facilities not accurate

- Site is poorly located
- Density too high
- Poor quality of layout
- Proposed dwellings not in character with existing dwellings at Holbear
- 3 storey dwellings adjacent to existing dwellings will be overbearing and cause loss of privacy
- Harmful impact on the amenity of existing dwellings
- A large number of affordable dwellings next to Holbear

- Harmful impact on local services
- Local infrastructure including schools, medical services will not be able to cope with additional population
- Lack of infrastructure provision
- Uncertain if the proposed drainage proposals will be adequate
- Surface water accumulates on site
- Green spaces not in the best locations within the development
- The scheme is not in accord with the phasing of the Chard Plan

- Lack of employment opportunities
- Loss of a large area of countryside
- Harmful impact on wildlife

1 letter was received supporting the principle but seeking advice on measures to enable disabled residents to access services

15 letters/emails were received in regard to the first set of amended plans making changes to the layout. All of the comments received stated that the amendments do not address the fundamental concerns originally raised about the scheme, and as outlined in summary above.

14 letters/emails were received in regard to the further amendment to include the off-site sports provision and further changes to the site layout. Previous concerns were reiterated about the scheme. In regard to the proposed sports pitch, concerns were raised about access, location of changing facilities, noise, and that there are enough pitches.

5 letters/emails have been received in regard to the latest amended plans in regard to the single vehicular access. Previous objections were reiterated but adding that the proposed single access won't address the highway problems the development will create. Criticism raised again about the collection of the baseline data used to inform the Transport Assessment.

CONSIDERATIONS

Principle of Development

The site is included as part of the wider Chard Plan Regeneration Area which seeks to provide housing, employment, education facilities, new highway infrastructure and sport and play facilities during the current Local Plan period (2006-2028) and beyond. The Chard plan includes this site for housing with areas of green infrastructure. Therefore, the principle of residential development on this site is accepted. In accord with the NPPF, development should be supported provided that no significant adverse harm can be demonstrated that would warrant refusal of the scheme.

Highway issues

It is not surprising that one of, if not the biggest local concern about the proposed development, is the highway impact of the proposal. A Transport Assessment was undertaken and submitted with the application which has been assessed by the Highway Authority and also independently reviewed by highway consultants for the Highway Authority. Criticism has been made of the methodology for collecting and forming the base data used to inform and create the traffic modelling figures for the development. However, both the Highway Authority and independent consultant have confirmed that the base data figures are robust.

As outlined above in this report, the Highway Authority have not raised an objection to the development concluding that the traffic impact of the scheme would not be severe. The TA did conclude that 3 local junctions would be at or over capacity by 2023 but that would be the case without this development. With development traffic, additional queueing would occur at these junctions and hence additional delays. However, the Highway Authority concluded that with Travel Plan measures in place to encourage use of other modes of travel and the creation of the wider link road, the impact will not be severe. Thus, whilst there are some technical details to agree, the Highway Authority have not objected. Whilst it is clear that there will be an adverse highway impact as a result of this development, on the basis that the Highway Authority have not objected, it would make it unreasonable to recommend refusal on highway grounds.

As outlined earlier in this report, the application was amended to provide 1 vehicular access only from the Tatworth Road with emergency access only onto Forton Road. This revision arose following discussions with Persimmon about how to address the genuine concerns about the highway impact of the scheme. As confirmed by the Highway Authority, taking development traffic away from Forton Road would assist with the functioning of the Tatworth Road and Forton Road junction.

The site, if approved, would come forward earlier than the Chard plan proposes under its phased recommendations. The Chard Plan advises that this site would come forward towards the latter end of phase 3 once the sites to the north have been implemented with their respective sections of the main spine road in place. The Chard Plan does also advise that sites can come forward out of sequence but must not prejudice the delivery of other sites from coming forward. In this case, delivery of the current application site would not physically prevent other sites to the north from coming forward. However, if permission were to be granted for this site, there is a risk that with this and the site to the west (outline permission for 200 homes) the build out /sales would take a number of years with no other development coming forward providing the new highway infrastructure that the town needs.

One option suggested to the developer was to phase delivery of this site to ultimately only allow the whole site to be built and houses sold once the road was in place to the north of this site. However, this was not accepted for contractual reasons. Instead, a Memorandum of Understanding has been submitted by Persimmon which states that they would work closely with the Council to assist with

delivery of the required road infrastructure. Whilst this is not legally binding, it is a clear indication that the developer recognises the importance of securing the road infrastructure.

Residential Amenity

Objections to the scheme have been received in regard to the harmful impact that the proposed dwellings along the northwest boundary would have upon the amenity of those existing adjacent residents in Holbear. The scheme as originally submitted included 3 storey dwellings along this boundary. These were considered unacceptable given the overbearing nature and harmful overlooking that would occur. Those have now been removed and replaced with 2 storey units.

In addition, the original scheme also included a significant number of terrace blocks running along the northwest boundary which contributed to a significantly higher density of development compared with the large detached dwellings in Holbear development. The original scheme included a total of 49 units along this boundary which was considered to be incongruous with the form of dwellings in Holbear. The current scheme has now reduced this number to 34 with predominantly semi-detached units, 7 detached units and 1 no 3 block terrace. Whilst concern remains that this density is still too high, it is considered that this has satisfactorily addressed the original concerns. Moreover, it is not reasonable to expect that the new development would replicate the form or density at Holbear. In addition, the Chard Regeneration Plan identifies that the northern part of this site to be higher density than the southern countryside edge with 40-50 dwellings per hectare. Given the revised layout and a distance of 20 metres between new and existing dwellings where they would face each other, it is considered that there would be no significant adverse harm to neighbouring amenity warranting refusal.

Density

Concern has been raised that the density of the scheme is too high for the site and not in character with adjacent development. Whilst it is accepted that the density is high, approximately 51 dwellings per hectare, the scheme has been revised to secure green linkages running through the development and with an implemented landscaping scheme will assist with breaking up the development form across the site. The density adjacent to existing dwellings has been reduced as outlined above. Moreover, the Chard Plan suggests a density of between 40-50 dwellings per hectare on the northern part of the site, with between 30-40 on the southern section. On this basis, and with the lack of objection from any statutory consultees on the density, it is not considered that the density is significantly adverse to warrant refusal.

Affordable housing

The scheme makes provision for 110 affordable housing units which is in accord with the Council's policy of 35% affordable housing. Concern has been raised that the location and spread of those units is not acceptable and that they should be pepper potted throughout the whole site. The scheme proposes a block of 14 affordable units in the far western corner adjacent to the roundabout. 9 will front Tatworth road and the new roundabout. A further block of 14 will be created further to the east of those with market houses located in between. A further block of 24 will be located midway along the southern boundary opposite the play area and adjacent to an infiltration pond, with 5 dwellings and one of the apartment blocks fronting the main road. A group of market dwellings will then separate those from a further block of 19 affordable units. A final block of 34 will be located directly opposite on the other side of the main road.

Whilst it is accepted that these units are not spread evenly throughout the development, separate blocks have been created with over a quarter occupying a prominent position fronting the main road. There is no national or local policy that explicitly requires pepper potting or that they should not be adjacent to existing market housing. On this basis, the proposed layout and location of the affordable units is considered acceptable.

Ecology

The Council's Ecologist has reviewed the submitted ecological report which identified the existence of

badger setts along part of the southern boundary. He supports the recommended mitigation measures contained within that report. Subject to the imposition of conditions in regard to badger mitigation and to secure biodiversity enhancement within the development, the proposed development would not adversely harm ecological interests and, accordingly, no objection is raised on ecology grounds.

Flooding/Drainage

A Flood Risk Assessment was undertaken and submitted with the application. This confirmed that the site is located in Flood Zone 1 which means low probability of flooding from river or sea. Some local concern has been raised about surface water flooding on parts of the site. Site surveys undertaken by the applicant have confirmed historic flooding issues at the west part of the site and down slope on Forton Road. Infiltration studies have been undertaken to assess the potential for infiltration across the site. There is a clay top layer with a gravel layer 3 metres below ground level - this provides sufficient infiltration to manage the runoff from the site. The strategy will therefore be to collect rainwater into infiltration ponds along the north west part of the site and mid southern boundary allowing water to naturally soak into the ground. In regard to foul water disposal, as per South West Water's advice above, improvements will be required to the local foul water infrastructure. This will be undertaken by the developer. A condition shall be attached to any consent to require that the necessary works are agreed and undertaken prior to first occupation.

Play and sports facilities

A site on the northern side of the spine road has been included as the area for a formal play area. The play officer has been involved in discussions with the developer to secure this site and to ensure that there is a sufficient buffer zone from residential properties. Appropriate safety measures will be required along its southeastern boundary to ensure safety of all users as it is adjacent to from the main road. This would be carried out in accord with guidance from the Council's play officer.

In regard to sport provision, the application provides an area of land to the east of the main site, to the south of Badger's Lane and adjacent to Forton Rangers, for playing pitch provision. The Council's playing pitch strategy has identified a shortage of pitches in Chard. Whilst it is acknowledged that this site is in the Tatworth and Forton parish, finding suitable land for pitches in Chard has proven to be very difficult. In the absence of any viability issues, securing monies from development through an obligation is not usually a major issue, rather securing land upon which to site a pitch is the issue. In this case, the opportunity to secure land was offered by the developer and in agreement with the sports officer, it was concluded that it would make sense being adjacent to existing football provision. It is accepted that details will need to be finalised in regard to access and how it may practically operate possibly with Forton Rangers. However, on the basis that the sports officer was supportive of this approach rather than on site provision, in this case off site provision is considered acceptable.

Open space/landscape

The development proposes areas of green space throughout the development with main areas in the northwest, 2 areas along the southern boundary and around the play area. There is also a green link/pathway running along the whole length of the southern boundary connecting Forton Road with Tatworth Road. The Open Spaces officer is supportive of this approach, seeking that the management of those areas are handed over to the Council.

SECTION 106 PLANNING OBLIGATION

The application be approved subject to:

a) The prior completion of a section 106 planning obligation (in a form acceptable to the Council's Solicitor(s) before the decision notice granting planning permission is issued, the said planning permission to cover the following terms/issues:

- 1) The provision of 35% affordable housing with a split of 80:20 rent /intermediate product;
- 2) Contribution towards the provision of sport, play and strategic facilities,
- 3) Contribution towards education provision;
- 4) Submission of a Travel Plan;

- 5) Provision and maintenance of open space;
- 6) Provision and maintenance of compensatory ecological habitat, and
- 7) Provision of land for off-site sports pitch use.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

CIL is a fixed levy that Councils can charge on new developments to fund infrastructure needed to support development. For viability reasons, CIL is not charged on the Chard Eastern Regeneration sites.

RECOMMENDATION

Grant Permission.

01. This proposed development is located within part of the Council's designated area for growth in the Chard Plan and will provide much needed market and affordable housing. The scheme would not adversely harm residential amenity, provide a safe means of vehicular, pedestrian and cycle access and not harm ecological interests. The development will also make contributions towards education provision, sport, play and community facilities and travel planning. The development will also provide the southern section of the crucial new strategic road link between the A30 and the A358. The site is in a sustainable location within reasonable distance of the town centre accessible by foot, and cycle. The proposal is therefore in accord with Policies SD1, SS1, SS4, SS5, SS6, PMT1, PMT2, HG3, TA4, TA5, TA6, HW1, EQ2, and EQ4 of the South Somerset Local Plan (adopted 2015), the Core Planning principles, Chapter 6 and Chapter 7 of the NPPF and the Chard Regeneration Plan.

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 approved shall be carried out in accordance with the following approved plans:

Drawing numbers: 2016/CHD 110 P1, 2016/CHD 300 P5, 2016/CHD 121 P14, 2016/CHD 107 P10, 2016/CHD 108 P9, 2016/CHD 122 P12, 2016/CHD 123 P13, 2016/CHD 120 P13, 2016/CHD 100 P14, 2016/CHD 301 P5, 2016/CHD 500-1 P5, 500-2 P5, 501-1 P5, 501-2 P5, 501-4/P5, 503-7 P5, 503-8,P5, 503-9 P5, 503-10 P5, 503-1 P6, 503-2 P6, 503-3 P6, 503-4 P6, 503-5 P6, 503-6 P6, 503-7 P6, 503-11 P6, 503-12 P6, 504-1 P3, 504-2 P3, 504-3 P3, 506-4 P6, 506-5 P6, 506-6 P6, 506-7 P6, 506-8 P6, 506-9 P6, 506-1 P5, 506-2 P5, 506-3 P5, 507-1 P6, 507-2 P6, 507-3 P6, 508-3 P5, 508-4 P5, 508-5 P5, 508-1 P5, 508-2 P5, 509-1 P6, 509-2 P6,510-1 P6, 510-2 P6, 510-3 P6, 510-4 P6, 516-1 P4, 525-1 P5, 526-1 P5, 526-2 P5, 526-3 P5,530-1 P4, 530-2 P4, 550-1 P4, 550-2 P4, 550-3 P4, 550-4 P4, 551-1 P5, 551-2 P5, 551-3 P5, 552-1 P4, 553-1 P5, 553-2 P5, 553-3 P5, 553-4 P5, 560-1 P6, 560-2 P6, 560-3 P6, 560-4 P6, and 630-1 P5.

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

03. No development shall commence on the dwellings and apartments hereby permitted until particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of the area to accord with Policy EQ2 of the South Somerset Local Plan.

04. Before the development hereby permitted is commenced, foul and surface water drainage details to serve the development, shall be submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: To ensure that the development is properly drained to accord with the NPPF.

05. No part of the development hereby permitted shall be occupied or brought into use until an emergency access onto B3162 Forton Road has been constructed in accordance with a design and specification to be approved in writing by the Local Planning Authority and to be fully implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

06. No part of the development hereby permitted shall be occupied or brought into use until the developer has applied for a Traffic Regulation Order (TRO) as may be determined by the Local Planning Authority as necessary to control access to B3162 Forton Road. The TRO shall then be advertised and, if successful, implemented at the developer's expense to the satisfaction of the Local Planning Authority prior to first occupation of the development, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

07. No part of the development hereby permitted shall be occupied or brought into use until the construction of the spine road and its junctions with the A358 Tatworth Road has been carried out in accordance with a design and specification to be approved in writing by the Local Planning Authority and to be fully implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

08. The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to the commencement of works, and thereafter maintained until the completion of construction works.

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

09. No development shall commence unless a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

Construction vehicle movements;
Construction operation hours;
Construction vehicular routes to and from site;
Construction delivery hours;
Expected number of construction vehicles per day;

Car parking for contractors;

Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;

A scheme to encourage the use of Public Transport amongst contractors; and

Measures to avoid traffic congestion impacting upon the Strategic Road Network.

Reason: In the interests of highway safety and residential amenity to accord with Policy TA5 and EQ2 of the South Somerset Local Plan.

10. No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

11. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: in the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

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

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

13. In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: To promote sustainable modes of transport to accord with the NPPF and Policy TA3 of the SSLP.

14. The new development shall not be commenced until a detailed Travel Plan has been submitted to and approved in writing by the Local Planning Authority. No part of the new development shall be occupied prior to implementation of those parts identified in the Approved Travel Plan as capable of being implemented prior to occupation. Those parts of the Approved Travel Plan that are identified therein as capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

Reason: To promote sustainable modes of transport in accord with Policy TA3 of the South Somerset Local Plan.

15. Before the new development is brought into use, the new pedestrian and cycle arrangements to include cycling and walking accesses through the boundary of the site where deemed necessary shall be laid out, constructed and drained in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: To promote sustainable modes of transport in accord with Policy TA3 of the South Somerset Local Plan.

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

Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with Policy EQ2.

17. The development shall not commence until there has been submitted to, and approved in writing by the Local Planning Authority, a badger mitigation plan detailing measures for protection of badger setts, minimising disturbance and harm to badgers, and enabling badgers continued access within their territory as appropriate for their welfare. The works shall be implemented in accordance with the approved details and timing of the plan, unless otherwise approved in writing by the local planning authority.

Reason: For the conservation and protection of legally protected species in accordance with Policy EQ4 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981, and Protection of Badgers Act 1992.

18. Prior to, (and within 2 months of), commencement of each significant stage of ground works, an update survey for badger setts will be undertaken by a competent person, and if any are present within 30 metres (including on adjoining land) of the area of activity, the works shall not commence until a method statement for the protection of badgers has been produced and any necessary Natural England licences have been obtained. The method statement shall be implemented in full.

Reason: For the conservation and protection of legally protected species and to ensure compliance with the Wildlife and Countryside Act 1981, and The Protection of Badgers Act 1992.

19. No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details.

These details shall include: -

Details of phasing (where appropriate) and information of maintenance of drainage systems during construction of this and any other subsequent phases.

- Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (x metres minimum), the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.
- Any works required off site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).
- Flood water exceedance routes both on and off site, note, no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100yr (plus 40% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties.
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained in accordance with the approved details throughout the lifetime of the development, in accordance with paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, Paragraph 103 of the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework (March 2015).

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

Reason: In the interests of the amenity of the area to accord with Policy EQ2 of the South Somerset Local Plan.

21. Prior to commencement of the development, site vegetation clearance, demolition of existing structures, ground-works, heavy machinery entering site or the on-site storage of materials, a scheme to protect trees during construction shall be submitted to and approved in writing by the Local Planning Authority. The approved tree protection requirements shall remain implemented in their entirety for the duration of the construction of the approved development (inclusive of hard and soft landscaping operations) and the protective fencing and signage may only be moved or dismantled with the prior consent of the Council in-writing.

Reason: To preserve the health, structure and amenity value of existing landscape features (trees) in accordance with the following policies of The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

Informatives:

01. In relation to conditions 5 and 7, the provision of these works will require a legal agreement and contact should be made with the Highway Authority well in advance of commencing the works so that the agreement is complete prior to starting the highway works.
02. The Highway Authority have advised the following:

The applicant should be aware that it is likely that the internal layout of the site will result in the laying out of a private street, and as such, under Sections 219 to 225 of the Highway Act 1980, will be subject to the Advance Payment Code (APC). Given the constraints of the existing access, it will not be possible to construct an estate road to a standard suitable for adoption. Therefore, in order to qualify for an exemption under the APC, the road should be built and maintained to a level that the Highway Authority considers will be of sufficient integrity to ensure that it does not deteriorate to such a condition as to warrant the use of the powers under the Private Streetworks Code.

The applicant will be required to secure an agreement under Section 278 of the Highways Act 1980 for the highway works necessary as part of this development, and they are advised to contact Somerset County Council well in advance of the development starting.

Agenda Item 14

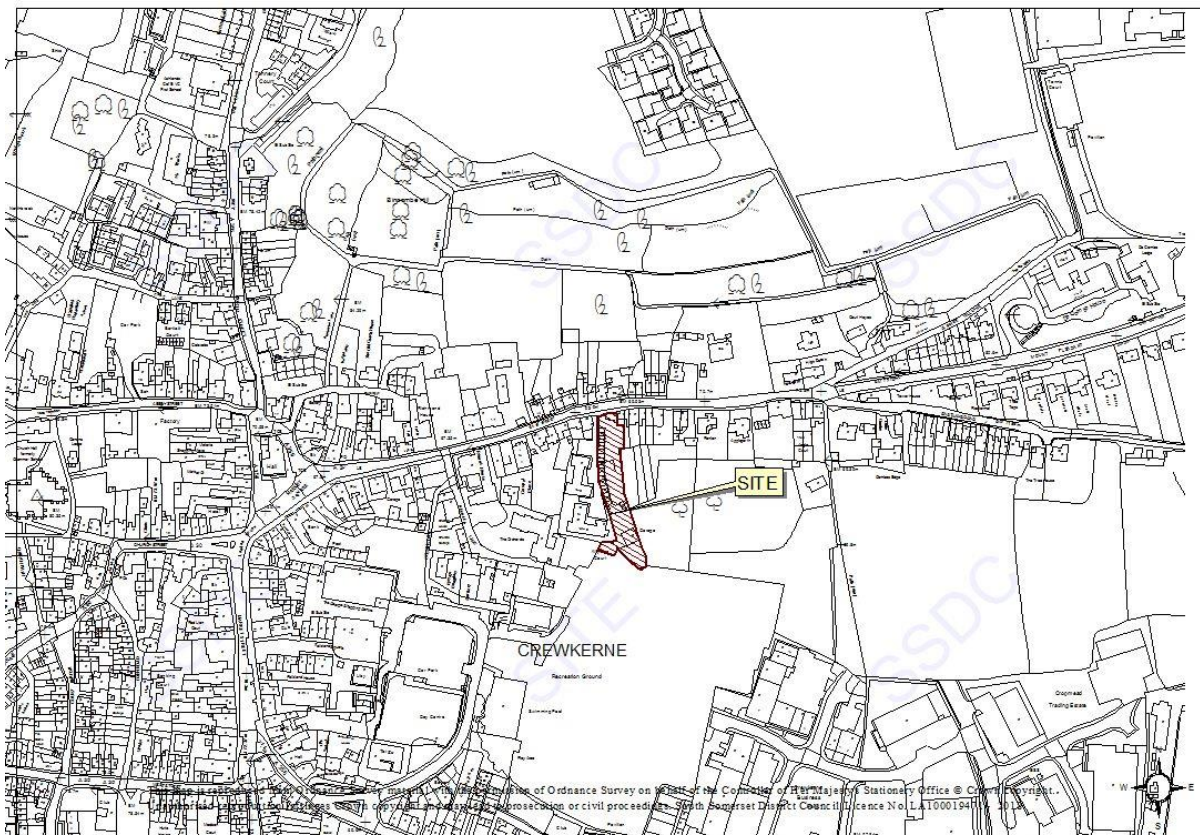
Officer Report On Planning Application: 18/00754/FUL

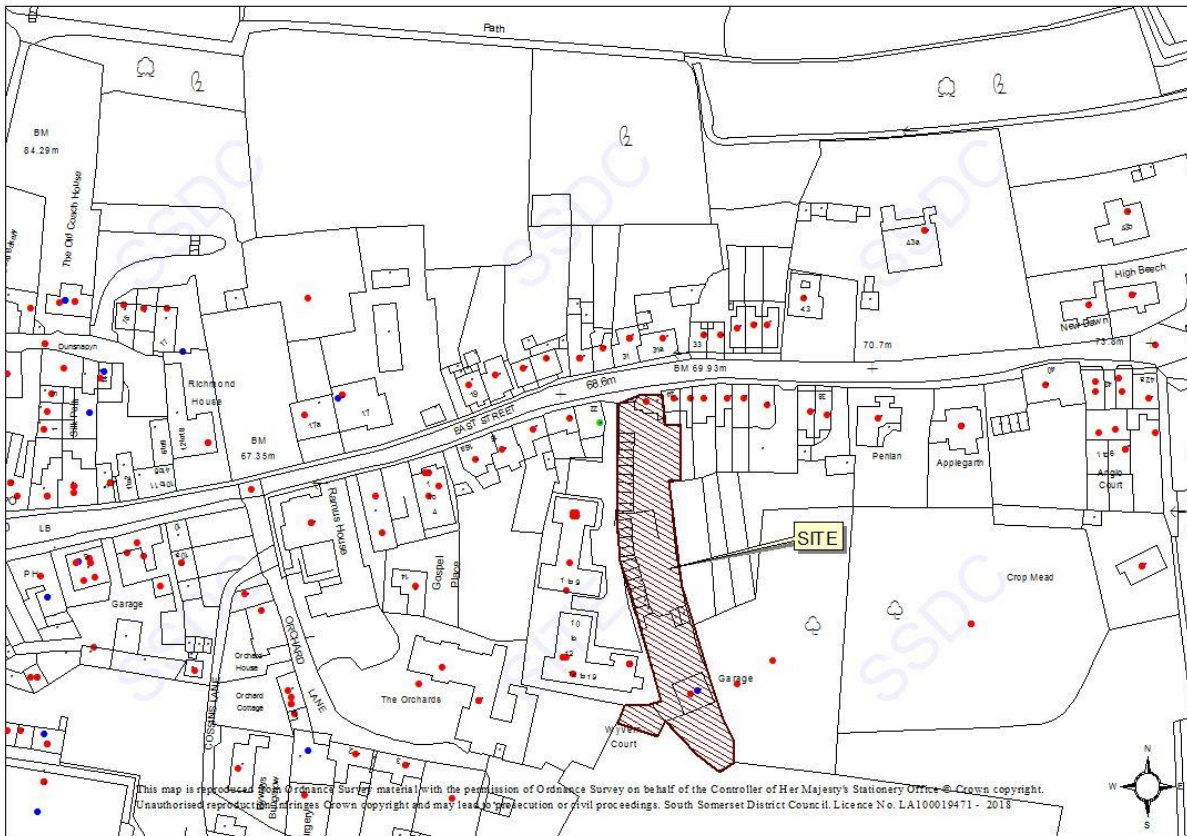
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| Proposal : | Demolition of existing buildings and the change of use of site to a tarmac 'pay and display' car park for 60 vehicles to include lighting columns. |
| Site Address: | Millers Garage 22A East Street Crewkerne |
| Parish: | Crewkerne |
| CREWKERNE TOWN Ward (SSDC Member) | Cllr Marcus Barrett Cllr Mike Best Cllr Angie Singleton |
| Recommending Case Officer: | Andrew Gunn Tel: (01935) 462192 Email: andrew.gunn@southsomerset.gov.uk |
| Target date : | 12th June 2018 |
| Applicant : | South Somerset District Council |
| Agent: (no agent if blank) | |
| Application Type : | Major Other f/space 1,000 sq.m or 1 ha+ |

REASON FOR REFERRAL TO COMMITTEE

This application is referred to Area West Committee as the District Council is the applicant and owns the majority of the land.

SITE DESCRIPTION





The site is located on the southern side of East Street, Crewkerne, on the former Millers Garage site. The site is currently vacant with a number of redundant buildings and structures connected with its former use. These contain the existing showroom which sits on East Street, a number of garage blocks running throughout the site and a workshop towards the southern end of the site. The site adjoins a private retirement residential complex known as Wyvern Court to the west, residential dwellings either side of the access to the north, a field running along most of the eastern boundary and the Crewkerne recreation ground to the south.

PROPOSAL

The application seeks consent to demolish all of the current buildings and structures on site and the construction of a long stay car park in Crewkerne, providing 60 spaces. The supporting statement submitted with the application states that the South Somerset Car Parking Strategy identifies a shortfall of long stay parking in the town. In 2015, the District Council approved a recommendation to purchase the Millers Garage site, and subject to planning permission being granted, for a change of use to a public car park.

Access into the site will be from both East Street and South Street with access for the latter being provided via a new 2 way section of road at the northern end of the Henhayes car park. This will allow vehicles to enter the new car park if Henhayes is full rather than having to travel back through the town and via the East Street access. Pre-application discussions with the County Highway Authority were held and they indicated no objection to this arrangement. Moreover, that the South Street junction has the capacity to deal with the additional traffic. Engineering measures will be put in place (alligator teeth) to stop vehicles from exiting onto East Street with traffic calming measures to deter a potential 'rat run' scenario through the car park on to South Street.

Much of the current site surface is covered with a mix of tarmac and concrete with some grassed areas. The car park site will be surfaced with porous tarmac with drainage of surface water through existing

sewers along with the construction of new soakaways and gullies. Landscaping will be provided and the site will be illuminated with 5 metre columns fitted with 60w LED units.

HISTORY

There have been a number of applications dating back to the 1960's in connection with the former garage use. Of interest is the permission granted in 1965 for change of use of land to a car park. This permission was later renewed in 1968 and 1971.

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 decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise,

Relevant Development Plan Documents

South Somerset Local Plan (Adopted 2015)
SD1 - Sustainable Development
TA5 - Transport Impact of New Development
EQ2 - General Development
EQ3 - Historic Environment
EQ4 - Biodiversity

National Planning Policy Framework
Core Planning Principles
Chapter 2 - Ensuring the Vitality of Town Centres
Chapter 12- Conserving and Enhancing the Historic Environment

South Somerset Car Parking Strategy

CONSULTATIONS

Crewkerne Town Council: (original comments April 2018)

Councillors were concerned that the application lacked some essential details. In particular, they would like clarification of the following design aspects:

- Councillors are very concerned about the potential for the car park to turn into a "rat run". They would like to understand exactly what measures are to be put in place to avoid this.
- The arrangements for car park signage.
- For the adjoining strip of land between the new car park and the existing Henhayes car park, is this all to be tarmac? The plan suggests that a street light is to be erected on this strip and there appears to be some shrubs on the plan.
- There are several trees on the Town Council's land, which closely border the old Millers garage site. In fact these are shown on the plan. Clearly, at least some of these trees will need to be removed in order to lay down a connecting strip of tarmac to join the two car parks. It would be useful to understand which trees are required to be removed.

The Town Council elected to defer making comments on the application, pending clarification of the above points.

Officer comment:

Following receipt of the above comments, the case officer asked for and received the following reply

from the Council's engineer:

The car park will be accessed from East Street but also from South Street. However, from East Street this will be restricted by an 'alligator teeth' arrangement to allow access only.

There will also be three traffic calming ramps along the run of the car park. We believe this will prevent the 'rat run' concerns.

The ticket on egress and a barrier would require considerable infrastructure requirements and would be out of sync with our current operating model of pay and display car parks.

The connecting strip between Henhayes and the new car park will be kerbed and tarmac surfaced.

There are a number of trees that will need to be removed to provide the link with Henhayes. These are shown on the attached plan but it is believed they will be around 14 in number. We will of course minimise this but we need to be mindful of future damage by roots of the surfacing.

Crewkerne Town Council: (additional comments received May 2018)

At the Town Council meeting last week, Councillors expressed the following concerns over the application:

- Councillors remain very concerned that insufficient consideration had been given to ensuring that the car park does not become a short cut to South Street.
- SSDC should consider utilising "no through road" signage combined with cameras, to deter use of the car park as a short cut.
- Concern over noise generated by the crocodile teeth.
- Further detail required of the lighting, in particular the light shrouding arrangements.
- Concern that the low height of the wall between the car park and Wyvern Court would not be high enough to prevent people from sitting on it.

Officer comment: Following the TC comments, the Council's engineer replied as follows:

I believe we have given consideration and that the traffic calming will deter all but the most determined. It will effect become self-policing but as we have said, it will remain under review and if it becomes a problem we will look at measures as appropriate.

The no through road signage would be impractical because if it is no through road how do they get out? How would cameras work if we could not enforce because the only route out is through South Street?

The crocodile teeth are not normally noisy in operation and we have positioned them so vehicles will traverse them straight. They will be inspected and maintained regularly so we are not envisaging significant noise.

The lights are of the sort commonly used as LED lighting and the technology directs the light more efficiently towards the car park.

Not sure from what side the concern is but the wall will be higher on the car park side due to the relative levels. Again we will review if this becomes a problem.

Landscape Officer:

The application for 60 parking spaces is at last with us. It is disappointing that potentially larger and more comprehensive schemes that better juxtapose with adjacent land have not materialised, such that this proposal is a single, rather utilitarian alignment, with little scope for landscape treatment that is fitting

for its location within the setting of the town's conservation area. The access off East Street does lay within the conservation area; hence it is essential that treatments and material use are appropriate to the historic environment. Within the site, it will be essential that bands of planting are introduced running across the grain of the car park, to ensure that view of the long north-south lines of parked cars are softened and broken-up. A new soft east boundary treatment will also be essential, to visually contain the parking area. These details should be offered pre-determination, to ensure landscape and material mitigation is appropriate to context.

You will be aware that during the past 15 years, the conservation team has looked at a number of options that provide a two-way connection from East Street to South Street, either via the Henhayes edge and the road by Waitrose to the South Street junction; or to link with Cropmead, facilitated by additional development to the east of this application site to facilitate a road link. Either option offers that essential second route through the town, to improve vehicular permeability, and to avoid the prospect of impasse within the town when there is a traffic incident in Market Street. However this scheme might be received, for the good of the town's future growth and related urban design, I would urge both officers and the local politicians to ensure that approval of this scheme does not compromise the possibility of this two-way link coming forward in the future, as a remedy for the town's traffic problems, and to avoid a continued dependency upon the current sole route through the town.

Conservation Officer:

You will be aware that the northern part of the site lies within the conservation area, the rest borders it. The site has been previously developed with a minster stone building onto East Street, and various concrete garages to the west boundary, with a steel framed shed to the south.

To the east of the site is a field, to the south playing fields, and a poor modern development to the west (in the conservation area). To the north the building facing onto the road is on the east side with two entrances, one to the site, being together on the west.

Opposite the site is a listed building, No 31, and to the west on the south side of the road is a row of listed buildings. Further to the east is the curtilage of the grade II* No 17 with its II* listed boundary walls onto the road.

Any development here must take into account our statutory duties under section 66, setting of the listed buildings, and section 72, duty to preserve and enhance the character of the conservation area.

The proposal is to remove all the buildings from the site and form an access to a new public car park which runs south in the site and connects to the existing car park to the south.

The building at the front of the site is of some interest, being of minster stone it will be 20th Century and the design would appear to make it 1930s. Other buildings on the site are mid to late 20th Century and are of no special interest. None of the buildings are considered to be heritage assets in themselves, and could be removed.

The character of the conservation area is of buildings that on the back of the pavement with any openings being narrow and informal. The effect of removing the building and forming a new central access with 1m high walls set back will result in a wide opening in the otherwise built up frontage which would result in my view to a street scene which is a noticeable change and cause slight harm to the conservation area and the setting of the listed building.

It is for you and the Council to balance the public benefit against the harm, but I do feel that there is room for improvement by bringing the 1m high walls to the back of the radii to the rear of the pavement. These walls should be natural stone (Crewkerne or the Sherborne equivalent - not Ham Stone) laid to course and pointed in lime with an appropriate capping (not cement in a low D). Tall planting (trees) to the rear of the wall with naturally enclose the opening further. The height restrictor bar should be carefully

designed, and whilst the top may need to be yellow, the rest should be dark colour and perhaps a none standard design such as below.

I would also agree with the Landscape architects comments on the need to soften the entire development, and you should also consider how intrusive the lighting is at this time.

County Highways:

I have now reviewed the plans for the proposed car park to be accessed from East Street, Crewkerne (planning reference 18/00754/FUL) and had the opportunity to visit the site to understand the likely effects on the existing public highway.

I note that the proposal is to maintain one way operation into the car park from East Street, with exit provided through the existing Henhayes car park and its access. The Highway Authority has no objection to the principle of this arrangement, but maintaining this one-way operation of the northern access, to prevent vehicles entering A30 East Street to the north, will be essential as acceptable visibility is unlikely to be achievable to allow vehicles to safely egress. A suitable condition should be included on any planning consent to ensure there is no egress onto A30 East Street from the proposed car park.

The current design does not provide suitable space for vehicles to turn at the northern end of the car park, and drivers may be encouraged to continue northwards onto East Street. Suitable turning facilities should be provided to ensure vehicles can safely turn at the northern limit of the car park.

The proposals do include 'Alligator teeth' to prevent traffic exiting northwards from the car park, but the design of these should be robust enough to minimise the need for ongoing maintenance (bearing in mind the risk of abuse of the one way arrangements should any maintenance or repairs be outstanding). A condition should be imposed to ensure suitable measures are installed and maintained to prevent vehicles exiting the car park onto A30 East Street.

There is a risk of the car park being used as a 'rat-run' to avoid delays within the town centre, and the car park layout, including any traffic calming measures, should be such that this is discouraged as far as possible and to ensure speeds are kept appropriately low within the car park itself.

County Archaeologist:

No objection on archaeological grounds.

Crime prevention Design Advisor:

- I have concerns that this proposal will create a short cut for vehicles to avoid the heavy traffic experienced, backing up the A30. This could lead to conflict with pedestrians using the lower carparks and create pressure on the traffic leaving the shopping areas and the South Street junction
- Please ensure that the gap between the wall and any bollards is less than 1.2 metre. To prevent vehicle access across the footway back onto the A30 East Street
- Stone walls to have a hostile topping (Uneven topping such as Cock & Hen) to prevent being used as seating

Environmental Health Officer:

No objection raised subject to a condition to deal with contamination if found during construction.

REPRESENTATIONS

7 letters/emails have been received with 5 supporting the principle but raising some concerns/points and 2 objecting.

Comments received are as follows:

- Welcome the car park and access to the car park only from East street

- Seek reassurance that the lighting will not be intrusive to neighbouring properties
- Sought advice regarding parking permits
- A brownfield site suitable for a car park.
- Link between 2 car parks should be narrower to allow for planting.
- Provision of car park should be linked to the introduction of a one way system outgoing on North Street and entrance from East Street allowing a natural flow of incoming traffic towards the car park.
- An opportunity to provide coach parking in the town
- Car park will be asset to the town.

Those objecting raised the following points:

- Traffic heavy in East Street and vehicles will likely have to wait to gain access
- Access from East Street through Henhayes to South Street has the potential to become a 'rat run' - a ticketed barrier on exit should be installed, rather than pay /display.
- Lighting would have an adverse impact on neighbouring amenity.
- Loss of privacy to adjacent occupiers
- Proposed boundary between Wyvern Court and site should be a solid wall to similar height as current garages
- Proposed number of spaces too high and will create manoeuvring issues
- Should allow 2 way access onto East Street with a roundabout to slow down traffic on East Street.
- Loss of area of amenity space to create link road.
- A back door bypass to the town centre - should be a pedestrian link only.
- Concerned about the level of noise generated by the use of alligator teeth and speed humps
- Need to prevent construction workers blocking entrances/parking spaces.

CONSIDERATIONS

Principle of Development:

The site is located close to Crewkerne town centre on land formerly used as a car repair business. The site currently contains a number of redundant garages and workshop buildings, along with a showroom on the site frontage (East Street). Given its current brownfield status and location, it is considered that the principle of redevelopment of this site is acceptable.

Need for a long stay car park.

South Somerset's Car Parking Strategy identifies a shortfall of long stay parking in the town. In 2015, the District Council approved a recommendation to purchase the Millers Garage site, and subject to planning permission being granted, for a change of use to a public car park. No-one has questioned the need for the car park during the consultation for this application. Thus, it is considered that the need for the car park has been justified.

Highways

Based on the comments received from the Town Council and those local residents who wrote in, a key concern/issue was that the proposal would result in the provision of a 'rat run' from the entrance in East Street, through Henhayes, and onto South Street. It is acknowledged that traffic passing through the town can be very busy with queues forming along East Street and into the town centre. Thus some vehicle users may be tempted to use the car park as an alternative route to South Street. In order to deter this from occurring, the proposal includes 3 traffic calming ramps within the car park. A suggestion has been made to install a barrier system upon exit. On asking the engineer about this option, the advice given was that this would require considerable infrastructure requirement and would not be in line with the Council's current operating model of pay and display car parks.

The Highway Authority has not objected to the entry only option at East Street but have requested that measures are in place to prevent exit onto East Street. In addition, they have raised the 'rat run' concern and seek appropriate traffic calming measures to deter this activity. Moreover, they have not raised any objection or concern about the increased use of the South Street Junction. It is accepted that it won't be possible to stop every road user from using this as an alternative route. However, with the traffic calming measures in place, it is considered that this would act as an appropriate deterrent. In addition, the operation of the car park will be kept under review and the Council would look at appropriate measures should this become an issue.

The option of making the East Street entrance 2-way has been fully explored by the Council. However, without being able to secure adequate visibility upon egress, this would not be acceptable in highway safety terms. Comment has also been received about additional development/road proposals for the town that may require use of this site as a road link. However, those proposals are not currently being put forward and the merits of this proposal need to be assessed. Moreover, it is not considered that this car park scheme would compromise any adjacent scheme coming forward provided all of the necessary highway and any other requirements could be secured.

Conservation Area/ Setting of Listed Buildings.

Most of the site, apart from the southernmost section, is located within the Conservation Area. A listed building is located opposite the proposed entrance on East street with a further listed building located to the west of the site entrance but not adjacent to the application. The site is currently redundant with a number of disused buildings, none of which are particularly attractive nor preserve or enhance the character and appearance of the Conservation Area. Indeed, it is considered that the removal of these buildings would improve the character and appearance of the Conservation Area.

Whilst the Conservation officer has no objection to the scheme, he did conclude that slight harm would be caused by the removal of the ex-showroom building and the creation of a wider opening than at present in order to provide the vehicular access. It is accepted that this is a change to the current character of this part of the Conservation Area. Constructing a 1 metre high boundary wall following the rear line of the pavement as suggested would help narrow the widening caused by the new vehicular entrance. This can be conditioned accordingly. On this basis, it is considered that the public benefit of the scheme outweighs the slight harm caused to the setting of the Conservation Area

In terms of the impact on listed buildings, due to their location in relation to the proposed development, it is not considered that either the removal of the existing buildings or the works associated with the new development would harm their setting.

Impact on residential amenity

Concern has been raised by some local residents about the adverse harm that would be caused by the proposed car park, in particular noise and intrusive lighting. Lighting columns with a height of 5 metres are proposed throughout the car park site to provide a safe environment for users of the car park. However, it is important to ensure that the lights do not cause adverse harm to neighbouring occupiers. The lights to be used will be 60Watt LED units which are often used in car parks. They will be designed to direct light more efficiently into the car park rather than spreading elsewhere beyond the site. On this basis, it is considered that no adverse harm would be caused by the proposed lighting. Specific details of the lighting design will be conditioned accordingly. It should be added however, that as the Council will manage the car park, any issues that may be raised about the lighting can be assessed and any appropriate remedial measures taken by the Council.

Concern has also been raised about potential noise created by the proposed use. Whilst it is accepted that there would be the usual noise associated with a car park use, it is not considered that this would be so adverse as to warrant refusal. It is also important to note that the site has and could still have a commercial use with the potential for greater noise generating activities and uses. Some concern has been raised about the noise that may be generated by the use of alligator teeth at the entrance from East

Street. These are not considered to be noisy in operation and will be positioned so that vehicles will traverse them from a straight angle. These will be inspected and maintained regularly. On this basis, it is not considered that the use of the alligator teeth should give rise to adverse noise.

One point was raised about the boundary treatment along the western side of the development, adjacent to Wyvern Court. Much of this is currently formed by the rear walls of the garages which are to be demolished. However, it is proposed to retain the rear walls of the garages as a boundary wall with replacement walling where there may be structural deficiencies. This would assist with providing a visual screen and reduce noise levels to the adjacent residents.

Landscape

In visual terms, the current site when viewed especially from the recreation ground is particularly unattractive with its range of redundant garages and workshops. The removal of those would provide an enhancement to the local landscape. However, the view of the site is currently screened by a row of Beech trees along the southern boundary. A number of these will need to be felled to provide the link road between the new and existing car parks. In this case, there is no other available option. Therefore, as per the Landscape Officer's advice, it is important that appropriate bands of planting are introduced within the car park, to ensure that the view of parked cars are softened and broken-up, plus a soft east boundary treatment. Planting has been shown within the car park and along the eastern boundary. A fully detailed landscape plan will be conditioned accordingly.

Concern has been raised at the loss of a section of the recreation ground. It is accepted that a small area of the current recreation ground will be lost in the far northwest corner to provide the link road. In this case, the link road can only be formed across a section of the recreation ground. It is considered that there is no other option and the greater public benefit to the town of the car park outweighs the harm caused by the loss of a small area of the recreation ground.

SECTION 106 PLANNING OBLIGATION

Not applicable to this application.

RECOMMENDATION

Grant permission.

01. The proposed development would make a significant contribution to meeting the identified long stay car parking needs in Crewkerne, would not adversely harm the amenity of adjacent occupiers, would provide a safe means of vehicular and pedestrian access and the public benefit attributed to the provision of the car park would outweigh the slight harm caused to the setting of the Conservation Area. The proposal is in accord with Policies SD1, TA5, EQ2, EQ3 and EQ4 of the South Somerset Local Plan, the Core Planning Principles and Chapters 2 and 12 of the NPPF and the South Somerset Car Parking Strategy.

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 approved shall be carried out in accordance with the following approved plans:

Drawing Numbers: AW/009-21, AW/009-23 and AW/009-24.

Reason: For the purpose of clarity and in the interests of proper planning.

03. The car park hereby approved shall not be first brought into use until details of the boundary treatment along the whole length of the western boundary and the walling to be erected on the rear side of the new pedestrian paths at the site entrance from East Street, has first been submitted to and approved in writing by the Local Planning Authority. Once agreed and constructed the walls shall be permanently retained and maintained.

Reason: To protect the amenity of adjacent occupiers and the setting of the Conservation Area in accord with Policy EQ2 of the South Somerset Local Plan.

04. The lighting columns to be installed within the car park shall be located as shown on the approved plan. The bulkhead lighting system to be installed shall be as per the submitted details i.e. the Appollo LED 60 watt light. Once installed, there shall be no change to these agreed details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of adjacent occupiers to accord with Policy EQ2 of the South Somerset Local Plan.

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

Reason: To protect the amenity of the area to accord with Policy EQ2 of the South Somerset Local Plan.

06. No construction work or construction deliveries shall take place outside the hours of 08.00-18.00 Monday to Friday, 08.00 - 14.00 hours on Saturdays with none on Sundays or Bank/Public holidays.

Reason: To protect residential amenity to accord with Policy EQ2 of the South Somerset Local Plan.

07. Before the development hereby permitted is commenced, surface water drainage details to serve the development, shall be submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: To ensure that the development is satisfactorily drained to accord with the NPPF.

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

submitted to and approved in writing by the LPA and then implemented in accordance with the submitted details.

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

09. The car park use hereby approved shall not be first brought into use until the details of and the construction of a suitable turning area has been provided to ensure vehicles can safely turn at the northern end of the car park.

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

Agenda Item 15

Officer Report On Planning Application: 16/02289/S73A

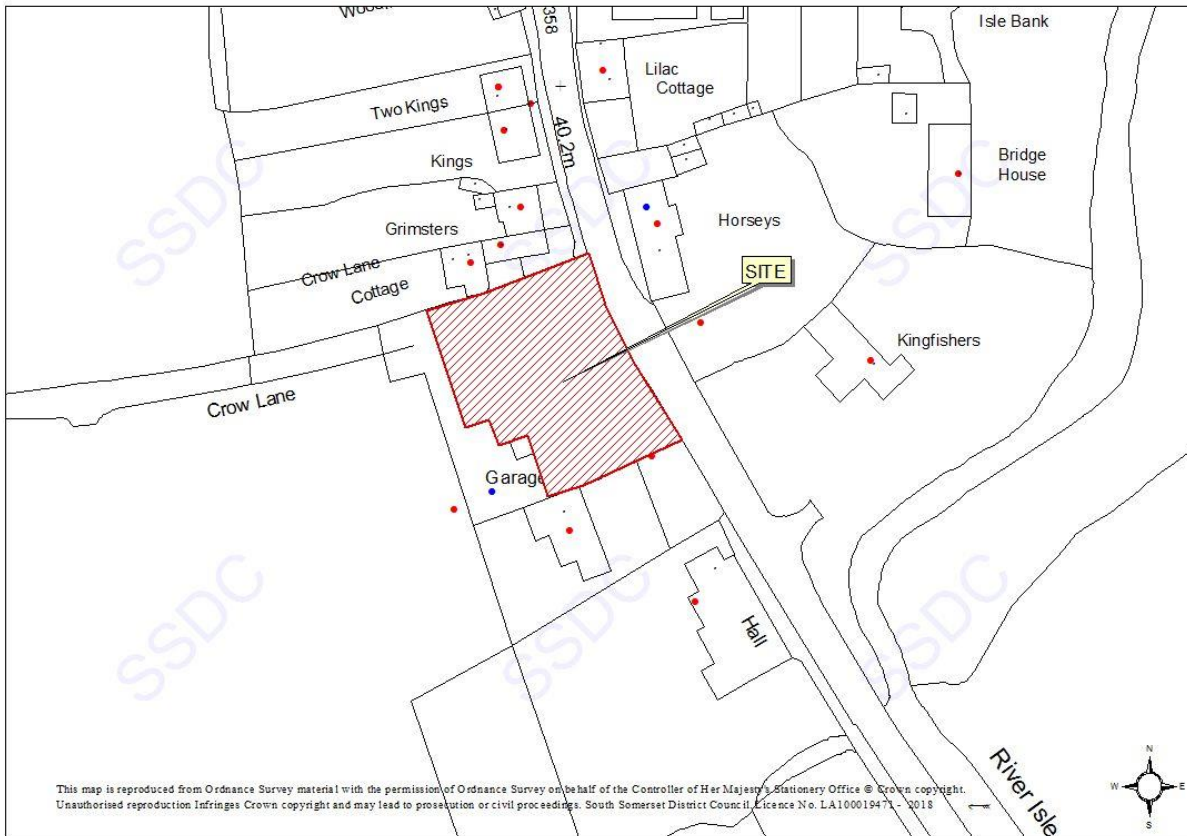
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| Proposal : | Application to vary condition 02 (approved plans) of planning permission 12/02295/FUL to amend site layout |
| Site Address: | Donyatt Garage Donyatt Ilminster |
| Parish: | Donyatt |
| NEROCHE Ward (SSDC Member) | Cllr Linda Vjeh |
| Recommending Case Officer: | Linda Hayden Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk |
| Target date : | 11th July 2016 |
| Applicant : | Mr Fred Coate |
| Agent: (no agent if blank) | Mr Jim Bletcher 44 Mount Street Bishops Lydeard Taunton TA4 3LH |
| Application Type : | Minor Dwellings 1-9 site less than 1ha |

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to committee by the Ward Member with the agreement of the Area Vice Chair to allow discussion of the planning issues.

SITE DESCRIPTION AND PROPOSAL





This application relates to the former Donyatt Garage site which has been redeveloped to provide three dwellings, situated in the centre of Donyatt on the western side of the A358. Permission was granted in 2012 for the removal of all existing buildings on the site and the erection of three four-bedroom dwellings along with a covered parking area at the rear which is accessed from Crow Lane (12/02295/FUL).

The site sits just outside of the village Conservation Area.

The proposal seeks consent to vary condition 02 (approved plans) of planning permission 12/02295/FUL to allow the substitution of plans to accommodate alterations to the boundary wall and site layout. The plans have been amended to remove part of the boundary wall and re-site the electricity pole. In addition, a revised ownership certificate has been submitted confirming that an Article 14 Notice has been sent to Somerset County Council as it became apparent through the course of the application that some of the land adjoining Crow Lane was within the ownership of the County Council.

HISTORY

Relevant history:

16/02808/FUL - Alterations to include the erection of extensions to rear of dwelling to accommodate additional residential accommodation and hydrotherapy unit for dogs. Approved 02/08/2016.

15/03963/FUL - The erection of 1 No. detached dwellinghouse (revised application). Approved 28/2/2017.

14/05208/FUL - Renewal of temporary permission for the change of use of part of land to hydrotherapy unit and the retention of 2 No. associated buildings. Approved 19/12/2014.

13/00088/FUL - Temporary change of use of part of land to hydrotherapy unit and the erection of 2 No.

associated buildings. Approved 15/3/2013.

12/02296/FUL - The erection of extension to dwelling to accommodate a hydrotherapy unit for dogs and the erection of a detached double garage to be used as ancillary accommodation to dwelling. Approved 31/7/2012.

12/02295/FUL - Redevelopment of garage to include the erection of 3 No. detached dwellinghouses and the erection of a car port. Approved 26/7/2012.

05/02391/FUL - Demolition of existing buildings and erection of 6 houses and 2 bungalows with associated garages and parking (renewal 01/01654/FUL). Approved 12/10/2005.

01/01654/FUL - Demolition of existing buildings and erection of 6 houses with associated garages and parking. Approved 29/5/2002.

97/02836/COU - Use of garage building as offices and storage in connection with heating and plumbing business. Approved 9/2/1998.

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:

Policies:-

SD1 - Sustainable Development

SS1 - Settlement Strategy

EQ2 - General Development

EQ3 - Historic Environment

TA5 - Transport Impacts of New Development

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 4 - Promoting sustainable transport

Chapter 7 - Requiring good design

Chapter 12 - Conserving and enhancing the historic environment

National Planning Practice Guidance:

- Conserving and enhancing the historic environment
- Design

CONSULTATIONS

Donyatt Parish Council:-

Initial response (23/6/2016):

'Donyatt Parish Council strongly does not support this application on the following grounds:

Thorough and detailed investigations must be carried out to ascertain whether Crow Lane has been narrowed as a result the recent development of the new dwelling's boundary wall that the Council is convinced has not been built according to the original plans. The Council visited the site and measured the width of Crow Lane at its access to the A358 which is now 4.95m. The Council has seen evidence that Crow Lane previously, when a garage site, was 6.4m in total. (Please see Land Registry Document attached) This development has caused immense difficulties for all users of Crow Lane and is potentially dangerous for a serious accident to occur when accessing onto the very busy A358 or accessing into Crow Lane from the A358. Issues are as follows:

- Vehicles egressing Crow Lane, especially turning to Chard do not have sufficient visibility to exit Crow Lane safely as they must protrude onto the A358 to see if it is clear to proceed. The situation is exacerbated by a telegraph pole in the line of sight and black railings on top of a wall in front of the new development*
- Large vehicles especially farm vehicles cannot access Crow Lane from the south without going onto the northern carriageway facing oncoming traffic to 'swing' into the Crow Lane. Crow Lane is regularly used by a tenant farmer so movements will be high. Drivers of large delivery vehicles will also suffer the same problem.*
- The Council, together with Somerset Highways are monitoring the speed of traffic along the A358; the speed limit through the village is 30mph. There is substantial evidence of a continuing problem with vehicles travelling well in excess that limit, with SID data showing the median speed to be 37 mph and an average of some 30 vehicles per day travelling through the village at greater than 50 mph.*
- The vehicle flow for Crow Lane will increase substantially when all the houses are occupied together with the hydrotherapy business and other residents along Crow Lane which will only exacerbate the problem. Most families have at least two cars and households will have visitors and deliveries with resulting increased traffic flow There is a strong possibility that cars will be parked along Crow Lane which will make the present situation worse and there could be a situation where a vehicle has to reverse out of Crow Lane onto the A358 because there is nowhere to turn*
- There is also a problem for the tenant farmer at the rear of Crow Lane as a wall has been built directly in front of the access which leaves insufficient room to access and exit his fields.*
- It would be extreme to demolish the present buildings if found that the development of 12/02295/FUL was not built according to the plans however this present situation must be rectified. The Council suggest that the developer should be made to:*
 - Remove the perimeter wall along the entire length along Crow Lane and reinstate the original boundary along its length and its access onto the A358*
 - The air conditioning unit will also have to be moved*
 - Move the telegraph pole, but not on to Crow Lane itself*
 - Take down the black railings along the top of the front wall.*
 - Remove the wall around the parking spaces at the back of the development so the farmer can*

access his fields in the appropriate manner

If the developer is not willing to implement the above, then the variation of condition 2 should not be granted.'

Response to additional information dated 27/6/2016 from applicant's agent (22/7/2016):

'Donyatt previous response, dated 23.6.16, still stands and the Parish Council concurs with the SSDC Highways Office's response of 17.7.16.'

Response to amended plans dated 22/12/2017 (1/2/2018):

'Donyatt Parish Council does not support this application on grounds that the amendments have not addressed the serious safety issues

In June 2016 the Council responded to this application to vary condition 2 as follows: (in italics)

1) *Thorough and detailed investigations must be carried out to ascertain whether Crow Lane has been narrowed as a result the recent development of the new dwelling's boundary wall that the Council is convinced has not been built according to the original plans. The Council visited the site and measured the width of Crow Lane at its access to the A358 which is now 4.95m. The Council has seen evidence that Crow Lane previously, when a garage site, was 6.4m in total. (Please see Land Registry Document attached)*

The Council is still convinced that part of the Highway, Crow Lane, has been built onto with the end of the dwellings wall and the stone wall.

2) *This development has caused immense difficulties for all users of Crow Lane and is potentially dangerous for a serious accident to occur when accessing onto the very busy A358 or accessing into Crow Lane from the A358. Issues are as follows:*

- Vehicles egressing Crow Lane, especially turning to Chard do not have sufficient visibility to exit Crow Lane safely as they must protrude onto the A358 to see if it is clear to proceed. The situation is exacerbated by a telegraph pole in the line of sight and black railings on top of a wall in front of the new development*
- Large vehicles especially farm vehicles cannot access Crow Lane from the south without going onto the northern carriageway facing oncoming traffic to 'swing' into the Crow Lane. Crow Lane is regularly used by a tenant farmer so movements will be high. Drivers of large delivery vehicles will also suffer the same problem*
- The Council, together with Somerset Highways are monitoring the speed of traffic along the A358; the speed limit through the village is 30mph. There is substantial evidence of a continuing problem with vehicles travelling well in excess that limit, with SID data showing the median speed to be 37 mph and an average of some 30 vehicles per day travelling through the village at greater than 50 mph.*
- The vehicle flow for Crow Lane will increase substantially when all the houses are occupied together with the hydrotherapy business and other residents along Crow Lane which will only exacerbate the problem. Most families have at least two cars and households will have visitors and deliveries with resulting increased traffic flow There is a strong possibility that cars will be parked along Crow Lane which will make the present situation worse and there could be a situation where a vehicle has to reverse out of Crow Lane onto the A358 because there is nowhere to turn*

Unfortunately, over 18 months on, the Council's concerns are justified as follows.

- Vans have entered Crow Lane in a forward gear on several occasions and then find that they cannot turn around, their only option is to reverse out onto the A358.***

- **The speed of traffic has increased with evidence that vehicles travel at median speed of 45mph**
- **It is noted that the telegraph pole is proposed to be moved but there is still not sufficient visibility for vehicles to access Crow Lane safely**
- **When all of the dwellings are occupied which they are not at present, more vehicles will be using Crow Lane with most families having two cars, households will have visitors and there will be more delivery vehicles.**
- **Vehicles are parking along Crow Lane presumable on a visit and, as Crow Lane has been made narrower, larger vehicles will not be able to access the lane at all**

3) *There is also a problem for the tenant farmer at the rear of Crow Lane as a wall has been built directly in front of the access which leaves insufficient room to access and exit his fields.*

The wall around the parking area at the rear of Crow Lane is causing problems with farm vehicles blocking six of the seven residences for some considerable time. If the wall was not there, the vehicle could have reversed up to the gate of the field.

In June 2016 the Council made the following recommendations for the Council to approve the application

- *Remove the perimeter wall along the entire length along Crow Lane and reinstate the original boundary along its length and its access onto the A358*
- *The air conditioning unit will also have to be moved*
- *Move the telegraph pole, but not on to Crow Lane itself*
- *Take down the black railings along the top of the front wall.*
- *Remove the wall around the parking spaces at the back of the development so the farmer can access his fields in the appropriate manner*

The Council are now recommending:

- **Remove the perimeter wall along the entire length along Crow Lane and reinstate the original boundary along its length and its access onto the A358. The boundary of the development site should be along the end wall of the dwellings**
- **Remove the air conditioning unit as this is unsightly adjacent to a Conservation Area. The Conservation Area boundary runs along Crow Lane so it could be said that the air conditioning unit and the perimeter wall on Crow Lane actually jut out into the Conservation Area.**
- **Move the telegraph pole, but not on to Crow Lane itself**
- **Remove the boundary wall as indicated on the plan and also approximately 10 metres of the front wall with the railing so to create the necessary visibility splay**
- **Remove the wall around the parking spaces at the back of the development so the farmer can access his fields in the appropriate manner**

If the developer is not willing to implement the above, then the variation of condition 2 should not be granted.'

In response to an email from the County Highway Authority in response to the Parish Council's comments of 1/2/2018, the Parish Council commented:

'...the Parish Council has agreed that the response made on 1.2.2018 still stands.

In response to the latest set of plans (14/5/2018), the Parish Clerk has advised that the Parish Council have not yet held a meeting to discuss the changes but councillors have said by email that *'they welcome the removal of the boundary wall and whether Crow Lane has been built upon or not - we are*

now leaving this to the experts to decide'. The Parish Clerk has advised that a further consultation with the councillors has taken place and they would like to add that the heat exchanger is sited in a conservation area and would like it moved.

County Highway Authority:

1st response (22/6/2016):

'It is self-evident that there are no visibility splays provided with the amended plans package as submitted to the LPA, showing what actual visibility splays that can be achieved on site at this point in time. As this is an application seeking to vary a highway related condition, then there is a possibility that there will be an impact on highway safety and visibility.

As such I would require the developer to submit a revised plan showing the visibility splays that can be achieved on site at this point in time so that they can be formally assessed. If these are not provided, I would have no alternative other than to recommend a refusal on lack of information.'

2nd response (6/7/2016):

'...following a site visit on the same day have the following observations on the highway and transportation aspects of this proposal:-

The application is to vary condition 2, which is to amend the boundary wall and the site layout.

It is the opinion of the Highway Authority that if the variation of condition 2 is allowed this will mean that there is a potential highway safety concern with the junction with Crow Lane and the A358. The variation of the condition will also narrow the width of Crow Lane. This could obstruct the flow of traffic which again could cause a potential highway safety concern. If the variation of conditions is allowed it will also mean that the width of Crow Lane will be narrowed. This will have an impact on road users as well as highway safety. The narrowed lane would not allow vehicles to pass one another. As such any vehicle wishing to turn into Crow Lane while a vehicle has parked or is waiting to exit the junction will cause an obstruction on the A358, again which could be a potential highway safety concern.

The proposed variation of condition has also meant that visibility has been reduced. The A358 has a speed limit of 30mph and using Manual for Streets (MfS) the required visibility for a 30mph speed limit would be 2.4x43metres. Drawing titled "As Built Site Layout" shows that the visibility that can be achieved is only 2.4x20metres, less than half of the required amount and this could potentially lead to a highway safety concern.

The Highway Authority would recommend that the variation of condition is not approved due to the implications that the proposal would have on highway safety and the proposal is contradictory to section 4 of the National Planning Policy Framework (NPPF).'

3rd Response (19/1/2017):

'After our meeting on site on Tuesday 22 November 2016 and meetings with Somerset County Council Property Services the Highway Authority has the following comments as agreed during our site visit.

The Highway Authority does have concerns over the works that have been undertaken on Crow Lane on the site of the former Donyatt Garage. Further conversations with Somerset County Councils Property Services have also raised concerns over land ownership and a conflict between the dwellings that have been constructed as Somerset County Council owns some of the land beyond the adopted Highway.

From onsite observations, there are safety concerns with the access onto the A358 from Crow Lane,

including the location of the telegraph pole and the newly constructed wall that are both directly in the visibility splay. The restricted visibility poses a severe highway safety concern especially taking into consideration that the A358 has such a high traffic flow. The junction should have sufficient visibility to allow safe movement to and from Crow Lane and it is apparent the wall that has been constructed has not allowed for visibility.

The Highway Authority deemed that the visibility from the access in application 12/02295/FUL would have been sufficient taking into account that the wall both on Crow Lane and the A358 was to be set further back, there was sufficient radii on the junction with the A358 and the plan shows that there was no wall after the access into the parking area on Crow Lane and these are shown in the original plans, Drawing Number 1206.05. Taking this into account, the telegraph pole would have to be moved and the wall either splayed at 45 degrees or altogether removed as this would open up the visibility splays to enable the required visibility from the junction.

The details for visibility can be found in Manual for Streets (MfS) where the Highway Authority would require 2.4x43metres with no obstruction greater than 300mm

It was also noted that the wall leading from the parking area has a wooden fence above which increased the height and this also represents an obstruction to visibility and was not part of the original planning conditions. When leaving the area that has been allocated for car parking, the wooden fence now obstructs the level of visibility that can be achieved and as such would need to be removed to allow vehicular visibility along Crow Lane.

From onsite observations it was apparent that the developer has constructed a wall that runs adjacent to Crow Lane to the allocated parking area from the junction with the A358. The original plans showed that this wall was set back from the edge of the carriageway which would have a margin on the side of the carriageway. The applicant should be aware that although the wall has been constructed on or adjacent to the edge of the adopted highway, any construction should be set back from the edge of the highway a minimum of 450mm and would need a license from the Highway Authority to undertake such works on or adjacent to the highway.

When observing Crow Lane it was apparent that patched resurfacing had taken place and there was considerable damage to the carriageway surface. The developer would have to resurface crow lane along its entirety to have a fully consolidated surface. It is also noted that the works to resurface Crow Lane were not done so with an appropriate agreement, consent or license. The applicant must ensure that any future works on the highway are done so with the appropriate agreement, consent or license in place.

Ultimately the encroachment onto and adjacent with the highway represents a severe highway safety issue and as such this would need to be addressed in order for the Highway Authority to be satisfied that the highway safety element has been satisfactorily remedied and would allow for the safer movement of vehicles to and from Crow Lane.

Having consulted colleagues and the land registry office, it is apparent that the end dwelling is on land that is owned by Somerset County Council, although it is not Highway Land. As such the applicant should:

- Move the wall on Crow Lane back*
- Move the telegraph pole out of the visibility splay with the junction with the A358*
- Change the access to the parking area to allow sufficient visibility along Crow Lane*
- The Developer would have to liaise with Somerset County Councils Property Services with regards to the acquisition of land.*

Taking the above into account, there are concerns from the Highway Authority over the access and

highway safety implications of the access and from Somerset County Councils Property Services over land the developer has built on that was not (and is still not) under the control of the developer.'

4th response (24/1/2018) following receipt of amended plans and new ownership certificate:

'There are still land ownership issues that the applicant will need to address with Somerset County Council Property services.

When looking at the highway related aspects of this planning application, the submitted plans would appear to have taken into consideration the concerns that were raised by the Highway Authority and therefore would not raise an objection to application to vary the condition.'

The County Highway Authority has also responded to a number of emails from a local resident and have stated the following:

- *'The Highway Authority cannot give a definitive position statement to confirm (or deny) if the development (boundary wall) has been built on the adopted public highway. It is however clear that the wall has not been set back from the edge of the carriageway as originally intended.*
- *It is however clear that the development has been built on land in the ownership of the County Council (which is not adopted public highway). The land issue is being dealt with by Somerset County Council's property services team.*
- *The telegraph pole is proposed to be moved (again) and the wall reduced in height as part of the S73 planning application 16/02289/S73A and the visibility increased to 2.4x22metres. However, Manual for Streets 2 (MfS2) does allow for the 'X' distance to be 2.0m rather than 2.4m in some circumstances which would provide visibility of 2.0x43m.*
- *As part of the S73 proposal, the telegraph pole has been moved and the wall splayed (rather than being at right angles) which will aid vehicles entering and exiting Crow Lane. This will help to reduce conflicting traffic movements at this junction.*
- *The Highway Authority cannot recommend to the Local Planning Authority that visibility splays greater than the posted speed limit are provided. The Highway Authority cannot insist on greater visibility splays, as a result of illegal activity. It would be a police enforcement matter if there is regular speeding concerns.*
- *It is anticipated that the traffic generated by the permitted dwellings will not be significantly different to that from the former garage. With regard to indiscriminate parking, should there be vehicles blocking or obstructing the highway, this is a police enforcement matter.*
- *The adopted highway on Crow Lane has never had the benefit of a turning head as part of the highway. Whilst it is acknowledged that vehicles were able to turn on private land prior to the residential development being constructed, the situation now with the adopted highway is no different than it has been historically.*
- *It should be noted that the average dwelling generates 6-8 vehicle movements per day which would mean that the site would generate an additional 24 vehicle movements which equates to approximately 2 in the peak hours. This is likely to be similar to (or less than) the traffic generated by the garage when it was in operation.*
- *It must be remembered that the development has been built on county council owned land but (probably) not on the adopted highway land. It is acknowledged that with the wall being built on*

or at the edge of the adopted highway, the effective width of the carriageway is narrower, but the actual width is likely to be unchanged or only minimally altered.

- *The wall defines the boundary of the private land. If the farmer had the benefit of use of private land previously, then this is not a consideration through the planning process. It should however be noted that the wall 'regularises' the parking arrangements and would prevent vehicles from parking to far across and potentially creating an obstruction on the access to the rear of the site.'*

There has been no response from the County Highway Authority to the latest set of amended plans.

Rural Estates Manager (Somerset County Council) (15/6/2016):

'I wish to object on behalf of Somerset County Council as an adjacent landowner, to the proposals to vary condition 02 of planning reference 12/02295/FUL, to amend the boundary wall and site layout.

As you know there has been a lot of agitation caused by this development which is clearly not in line with the plans that were originally submitted. The width of Crow Lane is crucial to access over 40 acres of land that is primarily used silage making in the summer and grazing in the winter. Grass cutting could easily amount to 3 separate cuts over the season and the production and removal of about 500 tonnes of silage from the land for winter storage. This will involve between 70 and 100 trailer loads using the lane. The fact that it has now been restricted by almost a metre and a half has meant considerable hardship for the Council's farming tenant who has difficulty in carrying on with his usual business to the extent that he has suggested to me that he would have to give it up if the situation continues.

This seems to be a very unfair position for both the landowner and tenant, when a clear breach of planning conditions has resulted in this situation. I believe a solution has been suggested whereby the boundary wall is removed and the house wall becomes the new boundary in relation to the road, so that the width is restored. The parking area also now has walls that were not in the original plans and these directly impinge on the field access. Removal of all these walls would cause no hardship to the residents compared to the current situation, which now seriously affects all users of Crow Lane. I would also ask that the AC unit is placed in a different location as it too causes an unnecessary obstruction to what is in effect a public highway.

I believe the original plans were deliberately drawn to show measurements that differed with the scale drawings. The new plans do not have enough detail (no measurements) and when scaled, do not reflect the position on the ground. This is very easy to verify.

I believe Crow Lane should be restored to an acceptable width so that the existing and new residents and workers in Donyatt can continue about their business as before without this imposed and unnecessary restriction.'

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

There has been considerable correspondence received in response to this application which includes exchanges of emails between an objector and the County Highway Authority.

In response to the original submission, the following comments (summarised were made):

- The new build makes exiting Crow Lane onto the A358 difficult as; the road is narrower than planned; there are railings that interfere with visibility; a telegraph pole has been placed in the visibility splay. If the telegraph pole is moved on to the lane this will further reduce its width.

- Visibility is below that required on a 30mph road. Average vehicle speeds through the village are 45mph.
- The narrowness of the lane could lead to vehicles queueing on the A358 or having to reverse up the lane. Also results in; vehicles driving over private land to pass each other and park/turn; damage to neighbours vegetation; damage to neighbours vehicles; near misses at junction.
- The vehicle flow along the lane has increased substantially as there are 7 houses, an annexe, a hydrotherapy business and a farm access. Situation will worsen once all properties are occupied.
- Parking along the lane causes difficulties with access; inadequate parking is provided.
- There is no pedestrian path as required by the approved plans. The development is therefore less safe for pedestrians
- Dispute the information given in the application documentation; drawings are not to scale.
- There is a large and ugly air conditioning unit on the side of the property.
- The problems at the site will cause a devaluation of neighbouring property prices.
- Do not require that the development be demolished but that the boundary wall be sited in accordance with original approved plans.
- Perimeter wall should be removed; air conditioning unit should be relocated; edge of the house should form the boundary; pavement should be reinstated; walls removed from parking area; railings and telegraph pole moved from visibility splay.
- Narrowness of lane causes difficulties for farm vehicles using the farm access along the lane.
- The lane has always provided a right of access to the county land at the rear of the application site.
- Wall has been constructed on the highway owned by the County Council; the original deeds show the boundary of the garage with the lane being 5.5m wide. The planning authority should take responsibility for ensuring that the wall is removed from the highway. Legislation allows the highway authority to seek the removal of obstructions on the highway
- The planning authority has failed in its responsibility to; fully consider the original plans where there was a discrepancy between the written measurement and the actual plan; failed to notify the highway authority that the wall was being built in their land; did not comply with the parking strategy as advised by the County Highway Authority.
- The original plan should have been followed and the developer should not be allowed to ignore the original requirements.
- Lane needs to be resurfaced.
- Neighbour has had to provide additional parking provision for their property as it is no longer possible to park on the lane, resulting in a smaller garden and expense resulting from the unauthorised development.

A letter making general comments on the application from the previous site owner advises that discussions took place with the County Highway Authority to establish the extent of the highway and a plan was agreed. They state that their plan is a more accurate guide to the boundary than the land registry plan supplied by the Parish Council. Also includes wayleave payments to show that the electricity pole was on private land. Express concern that the removal of the railings would be a health and safety issue.

In response to the first set of amendments (with new ownership certificate) and highways responses, further responses were received repeating the concerns expressed above and making the following additional comments (summarised):

- Crow Lane is wider than Highways have stated and they are breaking the law by not maintaining the original width of the road. There is a road drain that showed the extent of the highway but this has now been built upon. It is unacceptable for the highway authority to not give a definitive response on the extent of the adopted public highway; they should err on the side of caution.
- The County Council may have the right to sell the land to the developer but cannot give up the highway rights over the land.

- A new application for a dwelling in the village was required to provide a 60m visibility splay. Question why is it acceptable for the development at the garage site to have a reduced splay which is not in accordance with guidance.
- The splay should be based on actual speeds through the village not on the basis of the speed limit. The effective carriageway width is 3.95m; highways advise that the minimum width of a two lane carriageway is 4.5m.
- The highway authority has previously stated that the encroachment of the development onto and adjacent the highway represents a severe highway safety issue question how they can now have no objection to the application.
- The highway authority appear to have ignored their previous requirement that the lane be resurfaced.
- Highways can require additional visibility splays to deal with real-world situations such as where speed limits are broken.
- Query the highways assessment of the number of traffic movements that will be generated; this will be more than that generated by the previous garage use when combined with the existing houses and businesses that also use the lane.
- Query if the calculations regarding pedestrian visibility (particularly children) have been applied.

CONSIDERATIONS

Approval was granted in 2017 for this scheme and work has commenced on site.

With an existing permission remaining extant, the principle of development is considered to be established. The only matters that need to be considered here are those that the current application seeks to amend which relate to the alterations to the siting of the dwellings and the boundary wall. It should be noted that the latest set of amended plans now show the boundary wall alongside Plot 1 removed (it is understood that work has already commenced on this aspect). In addition, the telegraph pole is in the process of being re-sited so that it will be located adjacent to Plot 1.

Highways Issues

The latest set of amended plans show the removal of the boundary wall that had caused the concerns about the narrowing of Crow Lane. In addition, the telegraph pole is in the process of being re-sited adjacent to Plot 1 (outside of the visibility splay). These changes will allow the width of the lane to be widened to at least 5.5m from the junction with the A358 to the rear parking area. As such, it is considered that these amendments have improved access along this part of the lane.

With regard to the visibility splay, the relocation of the telegraph pole means that the visibility will be as agreed in the original approved plans and the County Highway Authority have indicated that they are satisfied with the levels of visibility provided.

In terms of the levels of traffic activity, there has been no change to the amount of development at the site and as such this application will not result in any additional movements. The additional developments near the site that use the lane were considered in full knowledge of the housing development.

In terms of the extent of the highway, this is a matter for the County Council to establish and enforce. The applicant has submitted the necessary ownership certificate to confirm that notice of the application has been served upon Somerset County Council and as such it would not be appropriate to refuse the application on this basis. It should be noted, however, that the grant of planning permission in this case would not override the relevant legislation covering obstructions on an adopted highway or prevent enforcement by the County Council.

In terms of parking levels, these are as shown on the original approved plans and this application would

not alter the agreed arrangements.

In terms of the resurfacing of the lane, this will be a matter for the County Council to resolve with the developer as the lane is adopted highway. The fact that the lane is adopted also means that the access to the farm remains available.

In summary, the latest set of amended plans show the removal of the boundary wall and the relocation of the telegraph pole that had caused the concerns regarding the width of the road and visibility. Whilst the County Highway Authority have not commented on this latest set of plans, they did not object to the previous set of plans showing the side boundary wall retained. In the circumstances, it is not considered that the revised proposals could reasonably be refused on the grounds of highway safety. The proposal therefore accords with Policies TA5 and TA6 of the South Somerset Local Plan 2006-2028.

Impact upon setting of Conservation Area

The amended proposals show that the dwellings have been sited 0.8m closer to Crow Lane than the original approved scheme. Due to the relatively minor nature of the change, it is not considered that this variation has resulted in an unacceptable impact upon the setting of the conservation area.

The application therefore complies with policy EQ3 of the South Somerset Local Plan 2006-2028.

Impact upon residential amenity

The proposals have brought the end elevation of Plot 1 0.8m closer to the existing dwelling opposite. However, it is not considered that this relatively modest change has resulted in such a significant loss of amenity as to justify refusal of the application. It is noted that the side window on the plot was required to be obscurely glazed prior to occupation under the original scheme but clear glass has been installed. Given that this is a landing window that only serves the staircase it is not considered reasonable to require that this be obscurely glazed.

The recent amended plans, submitted to address the concerns about the narrowing of the lane, have now ensured that the lane is at least 5.5m wide from the junction with the A358 to the rear parking area.

The application therefore complies with policy EQ2 of the South Somerset Local Plan 2006-2028.

Other Issues

Air source heat pumps - these are permitted development and therefore did not require the benefit of planning permission.

Summary

Whilst it is unfortunate that works have taken place that were not in accordance with the approved plans, it is considered that the latest set of plans have adequately addressed the concerns regarding the width of the access. Furthermore, the telegraph pole will be taken out of the visibility splay. Given that the County Highway Authority did not object to the plans showing the retention of the wall it is not considered that it would be reasonable to refuse the application on the grounds of highway safety as the visibility at the access is now in accordance with the original approved plans. The issue regarding the extent of the adopted highway is one for the County Council to address as the appropriate certificate has been submitted with this planning application.

It is not considered that the changes have resulted in demonstrable harm to residential amenity or the setting of the conservation area.

RECOMMENDATION

Approve

01. The proposal variations to the approved plans are considered to respect the setting of the conservation area and cause no demonstrable harm to residential amenity or highway safety in accordance with the aims and objectives of policies EQ2, EQ3, TA5 and TA6 of the South Somerset Local Plan 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: Site Plan (1:1250), Drawing No.'s 1206.06, 1206.07, 1206.08, 1206.09, 1206.10, 1206.11, 1206.12, 1206.13A, 1206.14, 1206.15, 1206.16, 1206.17, 1206.18, 1206.19, 276/C2 and 276/L2B.

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

02. No infiltration of surface water drainage into the ground at the site is permitted other than with the express written consent of the LPA, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

Reason: The use of SUDs in contaminated areas has the potential to cause mobilisation of contamination. Therefore this condition should be applied to areas in the site where contamination has been identified to protect controlled water.

03. 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 garages or outbuildings shall be erected other than those expressly authorised by this permission.

Reason: To safeguard the character and appearance of the setting of the conservation area and to accord with policies EQ2 and EQ3 of the South Somerset Local Plan 2006-2028.

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 additional windows, including dormer windows, or other openings (including doors) shall be formed in the building, or other external alteration made without the prior express grant of planning permission.

Reason: To safeguard the character and appearance of the setting of the conservation area and to accord with policies EQ2 and EQ3 of the South Somerset Local Plan 2006-2028

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 these buildings without the prior express grant of planning permission.

Reason: To safeguard the character and appearance of the setting of the conservation area and to accord with policies EQ2 and EQ3 of the South Somerset Local Plan 2006-2028.

06. The parking areas and car port allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby approved.

Reason: In the interests of highway safety and to accord with Policy TA5 and TA6 of the South Somerset Local Plan 2006-2028.

Informatives:

01. The applicants attention is drawn to the comments of the Environment Agency in their letter dated 6 July 2012:-

'The site must be drained by a separate system of foul and surface water drainage, with all clean roof and surface water being kept separate from foul water.

Oil storage facilities should be sited in bunded areas. The capacity of the bund should be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks should be regarded as a single tank. There should be no working connections outside the bunded area.

During construction the following comments apply: -

Discharge of silty or discoloured water from excavations should be irrigated over grassland or a settlement lagoon be provided to remove gross solids. This Agency must be advised if a discharge to a watercourse is proposed.

This Agency must be notified immediately of any incident likely to cause pollution.

Any movements of waste off or on to site must comply with the Duty of Care Regulations 1991. Any activity that uses waste materials on site must also comply with the Environmental Permitting Regulations 2010.'

Agenda Item 16

Officer Report On Planning Application: 17/03409/OUT

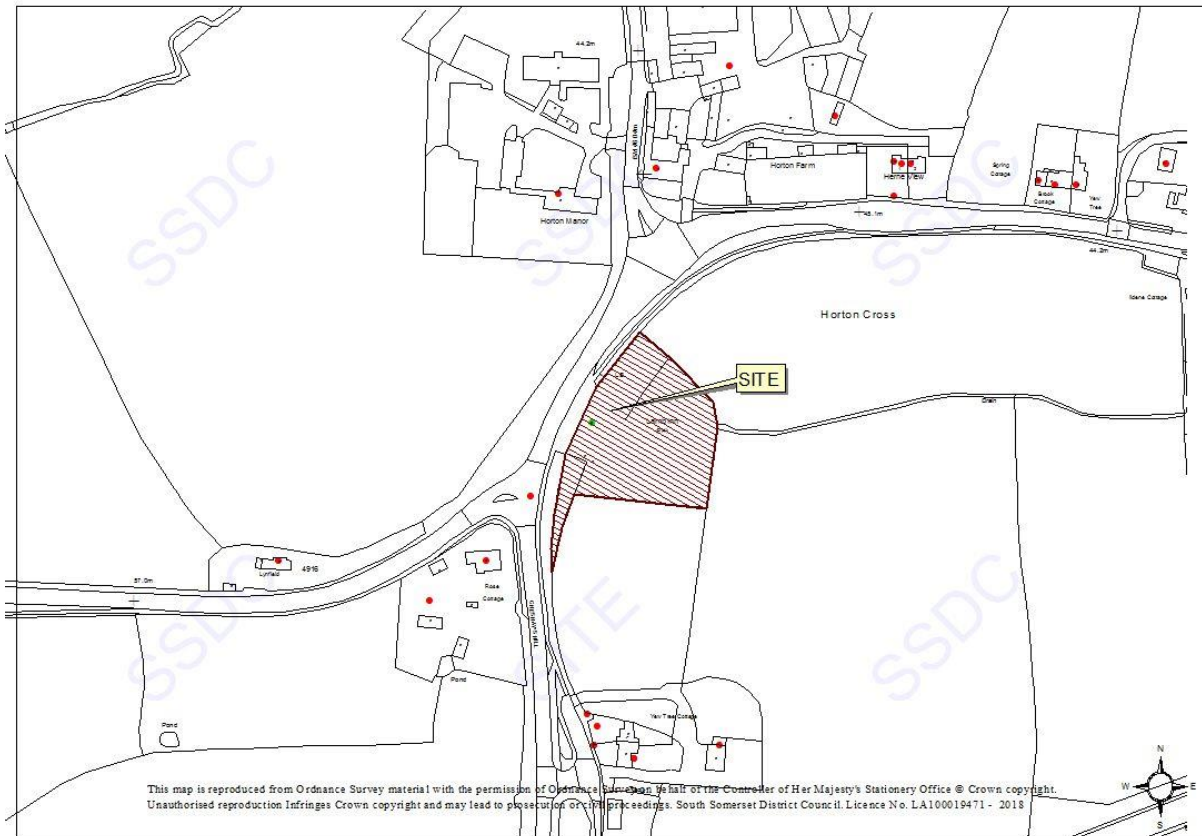
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|---------------------------------------|---|
| Proposal : | Erection of 24 bed residential home and formation of new vehicular access (outline) |
| Site Address: | Lamb Inn Horton Cross Iminster |
| Parish: | Horton |
| NEROCHE Ward (SSDC Member) | Cllr Linda Piggot-Vijeh |
| Recommending Case Officer: | Andrew Gunn Tel: (01935) 462192 Email: andrew.gunn@southsomerset.gov.uk |
| Target date : | 6th November 2017 |
| Applicant : | Mr Chris Churchill |
| Agent: (no agent if blank) | Mr Robin Bryer Princes Place Closworth Yeovil BA22 9RH |
| Application Type : | Major Other f/space 1,000 sq.m or 1 ha+ |

REASON FOR REFERRAL TO COMMITTEE

The ward member with the agreement of the Chair has requested that this application is referred to committee to enable full consideration be given to the location of the proposed development and its proximity to other services and facilities.

SITE DESCRIPTION





The site is located on the eastern side of the A358, on land once occupied by the Lamb Inn. It is located approximately 600 metres to its junction with the A303. It is currently a redundant site, largely comprising vegetation with an earth mound and hardstanding associated with its former use. There are a small number of dwellings, commercial uses and a nursing home within the vicinity of the site along the A358.

PROPOSAL

The application seeks outline consent for the erection of a 24no.bed care home. Access, appearance and scale is sought for approval at this stage. The site was occupied by the Lamb Inn but was demolished a few years ago. Planning permission has previously been granted for a replacement public house with letting rooms (2000 and 2007) and a more recent approval for the erection of a residential care home (2008). None of those permissions were ever implemented and the planning consents have now lapsed. As advised, the former pub has been demolished but none of the pre-commencement conditions were discharged. On this basis, there is no extant permission for any of the previous planning approvals.

This current proposal seeks consent for the same scheme approved in 2008 for a care home. The care home would mainly be a 2 storey building with some single storey elements and constructed from reconstructed stone with a tiled roof. There would be 24 en-suite rooms with a dining area and store rooms. Vehicular and pedestrian access would be gained from the A358 on the western side of the site. An existing footpath runs along outside of the site with a bus stop on the A358 to the north of the site.

HISTORY

Relevant history:

08/03199/OUT - The erection of a residential care home (use class C2) - Approved 2009.

Demolition of existing public house and the erection of a replacement with 14 letting rooms (resubmission of 00/00704/FUL). Approved 2008. The original scheme was approved in 2000.

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 decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise,

Relevant Development Plan Documents

South Somerset Local Plan (Adopted 2015)

SD1 - Sustainable Development

SS2 - Development in Rural Settlements

HG6 - Care Homes and Specialist Accommodation

TA5 - Transport Impact of New Development

TA6 - Parking Standards

EQ2 - General Development

NPPF

Core Planning Policy Principles

Chapter 6 - Delivering a wide choice of high quality homes

Chapter 7 - Requiring Good Design

Somerset County Council Adopted Parking Standards

CONSULTATIONS

Horton Parish Council:

Discussions were held and concerns were raised over the safety of the access when entering and exiting the proposed site due to the speed of vehicles travelling on the main road. However, the Parish Council unanimously support the application.

Landscape Officer:

As I understand it, the proposal is effectively the same as that we considered in 2008, where I noted that the proposed building and car parking arrangement was of a comparable scale to that of an earlier consent for a new pub, which had been deemed acceptable from a landscape standpoint on the basis that a disused public house was then still standing on the site. On that basis I raised no objection to the principle of a care building, of the general scale of that earlier consent. If the current application is to be considered on the basis of this planning history, then I have no further comments on the principle of (re)development. However, I am not persuaded that the design is context-appropriate, particularly relative to building height; gable width; and dormer scale, all of which are too bulky - if this proposal is to go forward, then it would be better that scale and appearance are dropped for reserved matters consideration, and this outline relates to principle and access only.

I am aware however, that the site no longer has any standing structures upon it, and is part scrub/part unmanaged grassland, with agricultural fields abutting it to 3 sides. If there is no valid consent now attached to this site, then given the rural context, and agrarian surround, and noting my reservations of potential scale and appearance as set out above, then there is a landscape case against the development of a large-scale building structure with its associated hardstanding areas, which as currently proposed, would not reinforce local distinctiveness, nor respect local character, as required by LP policy EQ2.

Ecology:

Large areas of scrub are developing upon the site, consisting predominantly of large patches of bramble, scattered buddleia, and sapling trees such as ash. There are also small areas of rough grass, rabbit grazed turf and ruderal vegetation. There are scattered small evergreen trees and fruit trees. There is at least one large pile of rubble. A tall native species hedge borders the southern third of the road boundary. The dense scrub hindered access to a lot of the site.

Adjoining land is principally agricultural fields and a main road (A358).

Legally protected species

Further consideration should be given to the following legally protected species:

- Badger - possible signs of badger foraging were noted on site.
- Reptiles - the site contains suitable habitat and features that could support common reptile species (e.g. slow worm, common lizard).
- Nesting birds - the site includes extensive areas of bramble scrub that are very likely to be used for nesting.

The above are very unlikely to be of significant conservation importance beyond the site/neighbourhood level and hence not a constraint to the principle of development. Due to the context of the site, and being part of a relatively limited parcel of fields bounded by major roads, I consider it unlikely that there'll be other species of conservation significance (e.g. European Protected Species) present and significantly affected by the proposed development.

I hence have no objection but recommend a condition on any outline consent.

Conservation Officer:

Agree with the comments of Robert Archer (Landscape Officer)

Highway Authority:

I am aware that there have been a significant number of applications on this site previously which have ranged from a 24 residential home with office space to additional accommodation when the Lamb Inn was situated on the site. The Highway Authority did not raise an objection to these and this must be considered as part of the Highway Authority's response.

The previous applications considered the level of vehicle movements and the Highway Authority did not raise an objection to the associated level of vehicle movements nor the proposed access.

The application has provided a drawing showing the proposed access arrangement onto Cheshay's Hill. It should be noted that Cheshay's Hill is a classified, de-restricted road, however, due to the bend in the road vehicle speeds are reduced and from my onsite observations vehicle speeds were approximately 40mph. Taking this into account and using Manual for Streets 2 (MfS2) as the appropriate guidance in this instance, the required visibility would be 2.4x100 metres.

As mentioned, Cheshay's Hill is a classified road and as such the applicant would need to ensure that vehicles leaving the site are able to do so in a forward gear to avoid any potential highway safety concerns.

The applicant would need to ensure that the access is constructed with a fully consolidated surface i.e. no loose stone to help prevent any loose material being deposited onto the Highway which will help to prevent a potential highway safety concern. The applicant should also note that in order to secure the works they will need to enter into a suitable legal agreement with the Highway Authority.

There would appear to be sufficient space within the junction to allow for two vehicles to pass one another at the point of access, which would help to reduce the time vehicles spend waiting to turn into the site, which would help to reduce the potential for a highway safety concern. The internal road leads to the parking area which would appear to have a turning head. It is imperative that all vehicles are able to leave the site in a forward gear, ergo, the turning head would need to be kept clear on any obstruction.

The applicant must ensure that the parking internally is in accordance with the Somerset Parking Strategy (SPS). When looking at the application form, the proposal is to provide a total of 28 parking spaces. When looking at the SPS, the development is located within Zone C and the amount set out appears to exceed the SPS.

It should also be noted that it is an offence under the Highways Act (1980) for water and or detritus to be discharged onto the highway. The applicant must ensure that under no circumstance is water to be discharged onto the highway. The applicant must also not assume that connection to any highway drains can be guaranteed and nor should any soakaways be located within 5 metres of the highway.

The Highway Authority does not wish to raise an objection to the application, however, it should be noted that through the various planning applications, the Highway Authority have not raised an objection. Taking the information provided and the previous planning applications, there is no objection from the Highway Authority and I would recommend that the following conditions are imposed:

Officer comment: 3 conditions are recommended in regard to parking, visibility and highway works.

Highways England

We have been consulted on an outline planning application comprising the erection of a 24 bed residential home and formation of a new vehicular access.

It should be noted than no Transport Statement (TS) or Transport Assessment (TA) has been submitted in support of the application. A Design and Access Statement (DAS) has however been submitted. Traffic generated by the proposed development has the potential to impact on the safe and efficient operation of the SRN, namely the A303 at its junction with the A358.

The DAS references a planning application submitted in 2008 which was granted at the same site for a similar scheme as that currently being applied for. This comprised 'a 24 bed residential care home along with a B1 (office) usage element'.

Whilst the DAS submitted in support of the 2008 application does reference an employment element, the 2008 application itself does not. However, it is this document which has been submitted unchanged, in support of the current development proposals.

The proposals will involve the creation of a residential home with 24 en-suite bedrooms. The development will also include a dining area and store room. This is unchanged in the current application. Access to the site is not directly onto the SRN, but instead will be from the existing access point off Cheshay's Hill.

As stated previously, no TS or TA have been submitted in support of the planning application. Consequently, no assessment regarding the number of trips generated by the proposed development or where these trips will be distributed has been undertaken.

We have undertaken an independent trip generation exercise using the TRICS database. Results from this exercise calculate that the proposed development will generate an extra vehicle every 30 minutes in both the AM and PM peak hour

We do not consider that this level of traffic generation will have a material impact on the safe and

efficient operation of the SRN, namely the A303/A358 junction.

Highways England does not consider that the proposed development will have a material impact on the operation of the SRN and as such, we have no objections to this planning application.

Police Architectural officer:

No boundary treatment shown at this stage - may be significant as Design and Access Statement states dementia patients being cared for.

Wessex Water:

No objection. They have provided advice in regard to water supply connections.

Archaeology:

No objections on archaeological grounds.

REPRESENTATIONS

No letters/emails received.

CONSIDERATIONS

Principle of development:

The site is located in the countryside, and whilst accepting that there is some development in the vicinity of the site, it is distant from the nearest main settlements. Horton is around 1.5 km away and 2km from the centre of Ilminster. On this basis, the site is not located in a sustainable location. There is a bus stop located close to the site entrance. However, this only provides a very limited service. The nature of the use would very likely result in care home staff, medical related visitors and relatives to travel by car to the site. Policy HG6 of the South Somerset Local Plan requires clear justification for the provision of care homes in the countryside. This has not been provided in this case. On this basis, it is not considered that the principle of development is acceptable and would be contrary to national and local policies that seek to secure sustainable forms of development.

Previous history / Previously developed land:

The Lamb Inn previously occupied the site but was demolished a number of years ago. Two applications for a replacement pub with letting rooms along with a later application for a care home (identical to the current application), have been approved on this site. However, as advised above, none of those permissions were ever implemented and the planning consents have now lapsed. The pub was demolished but none of the pre-commencement conditions were discharged. On this basis, there is no extant permission for any of the previous planning approvals.

It is important to note that an important consideration in regard to the previous approvals was that there was either an existing building on site i.e. the Public house or there were extant permissions for development. However, at the current time, there are no extant permissions and the Pub has long since been demolished. Moreover, whilst the site has had a previous use and it is accepted that government policy seeks the reuse of previously developed land, this still needs to be balanced against the location of the site and the overarching aim to provide sustainable forms of development. The former use of the site does have some weight in the overall decision making process, however, it does not outweigh the unsustainable location of the site.

Landscape Impact and Design

The proposed care home is the same design as approved in 2009. No objection was raised then to its design and landscape impact having taken into account the form of the pub. However, as outlined above, there is no extant permission and there are no structures remaining on site. Hence, we are starting with a fresh palette. On this basis, the Landscape Officer has raised an objection to the design, in particular the bulky form of the care home. Without any extant permission, it is considered that a better design can be achieved. As it currently stands, the appearance of the proposal is not acceptable and

would harm the character and appearance of the area, thus it does not accord with Policy EQ2.

Highways/parking

The proposal would be accessed from the A358. No highway objection has been raised to the access arrangements or to the wider highway impact by either the Highway Authority or Highways England. The proposal would not generate significant levels of traffic that would result in a severe impact on the local highway network. The applicant has control of the land either side of the proposed access and thus appropriate levels of visibility can be achieved. In regard to parking provision, the scheme shows provision above the recommended standard. However, given the location of the site and nature of the use, it is considered appropriate to slightly over than under provide.

Setting of Listed Buildings

Horton Manor and Horton Cross Farmhouse are located to the north of the site on the opposite side of the A358. Both are listed buildings and their curtilage extends to the road. The Conservation officer has not objected to the scheme in terms of the harmful impact to the setting of the listed buildings although concurred with the Landscape officer's comments. Given the distance between these and the application site, it is not considered that the setting of the listed buildings would be harmed.

Pre-app advice

No pre-application advice was sought on this proposal. Advice was sought by a different agent in respect of a proposed residential housing scheme on the site. The advice given was that it was unlikely to receive officer support due to the unsustainable location of the site.

SECTION 106 PLANNING OBLIGATION

Not applicable to this application.

RECOMMENDATION

Refuse Permission.

FOR THE FOLLOWING REASON(S)

01. The proposed development by reason of its countryside location, distant from the nearest settlement with limited public transport provision and without clear justification would result in an unsustainable form of development contrary to Policies SD1, HG6 and TA5 of the South Somerset Local Plan.

02. The proposed development by reason of its bulky scale and appearance would not respect the local character and appearance of the rural area, contrary to Policy EQ2 of the South Somerset Local Plan.