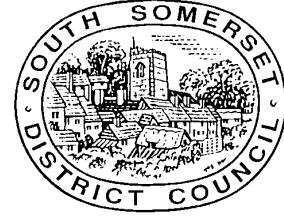


**South Somerset District Council**

*Notice of Meeting*



# Area West Committee

*Making a difference where it counts*

**Wednesday 15th August 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](mailto:democracy@southsomerset.gov.uk)

This Agenda was issued on Monday 6 August 2018.

*Alex Parmley, Chief Executive Officer*

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



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](http://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>

# **Area West Committee**

## **Wednesday 15 August 2018**

### **Agenda**

#### ***Preliminary Items***

- 1. To approve as a correct record the Minutes of the Previous Meeting**
- 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 19<sup>th</sup> September at 5.30pm in 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. Election of Future Chairman of Area West Committee** (Pages 6 - 7)
- 8. Grant to The Speedwell Hall, Crewkerne (Executive Decision)** (Pages 8 - 12)
- 9. Planning Appeals** (Pages 13 - 17)
- 10. Area West Committee - Forward Plan** (Pages 18 - 20)
- 11. Schedule of Planning Applications to be Determined by Committee** (Pages 21 - 22)
- 12. Planning Application: 18/00900/S73A - Unit 17 Lopen Business Park, Mill Lane, Lopen** (Pages 23 - 32)
- 13. Planning Application 17/03800/OUT\*\* - Land Os 3727 Part Windmill Hill Lane Ashill** (Pages 33 - 49)
- 14. Planning Application: 18/01713/FUL - Land rear of Phoenix Hotel, Chard** (Pages 50 - 56)

**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

## **Election of Chairman of Area West Committee**

*Director:* Netta Meadows, Strategy & Commissioning  
*Lead Officer:* Angela Cox, Specialist – Democratic Services  
*Contact Details:* angela.cox@southsomerset.gov.uk or (01935) 462 148

### **Purpose of the Report**

To agree to elect a new Chairman of Area West Committee with effect from 1<sup>st</sup> September 2018 for the remainder of the Council year.

### **Public Interest**

On 10<sup>th</sup> July 2018, Councillor Ric Pallister submitted his resignation to Full Council as Leader of South Somerset District Council with effect from 31<sup>st</sup> August 2018. Subsequently, at the Council meeting on 19<sup>th</sup> July, Members formally elected Councillor Val Keitch to be the new Leader of Council from 1<sup>st</sup> September 2018. When Councillor Keitch takes up her new position, it will leave a vacancy for the position of Chairman of the Area West Committee.

### **Recommendation**

It is recommended that Members elect a new Chairman of the Area West Committee to take effect from 1<sup>st</sup> September 2018 for the remainder of the Council year.

### **Report**

The Local Government Act 2000 (Part II) and the Council's Constitution require the Council to appoint a Leader of the Council at the start of each Council term. The appointment is normally for the whole of the Council term but the Constitution sets out the circumstances in which the appointment may end.

In accordance with the requirements of the Constitution, Councillor Pallister gave notice that he would be stepping down as Leader of the Council with effect from 31<sup>st</sup> August 2018. At the Council meeting on 19<sup>th</sup> July, Councillor Val Keitch was elected as the new Leader of Council from 1<sup>st</sup> September 2018. This creates a vacancy for the position of Chairman of Area West Committee from 1<sup>st</sup> September 2018, which the Committee is being asked to fill at this meeting.

### **Financial Implications**

There are no direct financial implications in taking this decision as there will still be the same number of District Councillors and Portfolio Holders. The allowance associated with this appointment can be funded from the existing councillors' allowances budget.

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

There are no specific environmental implications arising from the subject matter of this report.

## **Equalities and Diversity Impact**

There are no specific equality or diversity implications arising from the subject matter of this report.

## **Background Papers**

The Local Government and Public Involvement in Health Act 2007

District Executive Agenda and Minutes of meetings held on 2<sup>nd</sup> September & 2<sup>nd</sup> December 2010

Council Agenda and Minutes of meetings held on 16<sup>th</sup> September & 9<sup>th</sup> December 2010 & 19<sup>th</sup> May 2011

Council Agenda and Minutes of meetings held on 21<sup>st</sup> May 2015 and 19<sup>th</sup> July 2018.

# Agenda Item 8

## Grant to The Speedwell Hall, Crewkerne (Executive Decision)

*Strategic Director:* Martin Woods, Service Delivery  
*Assistant Director:* Helen Rutter, Communities  
*Lead Officer:* Alison Baker, Area West Neighbourhood Development Officer  
*Contact Details:* Alison.baker@southsomerset.gov.uk or 01935 462695

### Purpose of the Report

Councillors are asked to consider the awarding of a grant for £12,500 toward replacing the wooden floor at The Speedwell Hall in Crewkerne.

### Public Interest

Speedwell Hall has applied for financial assistance from the Area West Community Grants Capital programme. The application has been assessed by the Neighbourhood Development Officer who has submitted this report to allow the Area West Committee to make an informed decision on the application.

### Recommendation

It is recommended that Councillors award a grant of £12,500 to Speedwell Hall, the grant to be allocated from the Area West Capital Grants programme subject to SSDC standard conditions for community grants (Appendix A) and the following special conditions:

- Establish and maintain a “sinking and repairs fund” to support future repairs and maintenance of the hall.

### Application Details

Name of applicant	Speedwell Hall
Project	Replacement of wooden floor
Total project cost	£30,720
Amount requested from SSDC	£12,500
Recommended special conditions	Establishment of sinking fund for future maintenance, repairs and replacement. That the recommendations of SSDC’s Conservation Officer are taken into account when carrying out the work.
Application assessed by	Alison Baker, Neighbourhood Development Officer, Area West

### Community Grants Assessment Score

The table below shows the grant scoring for this application. In order to be considered for SSDC funding under the Community Grants policies, applications need to meet the minimum score of 22.



Category	Actual Score	Maximum score possible
A Eligibility	Y	Y
B Equalities Impact	4	7
C Need for project	4	5
D Capacity of Organisation	12	15
E Financial need	5	7
F Innovation	3	3
<b>Grand Total</b>	<b>28</b>	<b>37</b>

## Background

The Speedwell hall was left for community use (and in particular ‘the young ladies of Crewkerne’) in the early 1900’s by the 2 ladies that had previously ran a milliners in the property.

The hall is grade 2 listed and consists of a main hall, kitchen, meeting room and community garden – all of which can be hired by local community groups.

The hall is almost entirely self-sufficient and relies on income from hiring and fundraising to carry out most maintenance. However, in order for the hall to remain operational, significant works now need to take place, including the replacement of the wooden floor in the main hall.

It is estimated that the Speedwell Hall has approximately 7,000 visits a year from the various community groups and organisations that regularly hire the hall, as well as one off events – including fundraising events.

Regular users of the hall include Rainbows, Brownies, Guides and Rangers, Somerset Community Choir, U3A and Little Monkey’s baby and toddler group and toy hire. The hall also plays host to a number of one off events and concerts.

More information can be found on the Speedwell Hall website:-

<https://thespeedwell.co.uk/>

## Parish Information

Parish*	Crewkerne
Parish Population*	7,826
No. of dwellings*	3,802

\*Taken from the 2011 census profile

## The project

The project is to replace the existing wooden floor which is beyond repair, like for like in the main community hall. At the same time repairing/replacing joists and improving air flow where necessary. All this work has to comply with grade 2 listing and local planning regulations.

This is the first part of the hall renewal. The next stage will be to update decorations, electrics and heating. The Hall’s management committee envisage a large amount of this work will be

carried out by trustees and volunteers. Once the funding has been secured for the floor replacement, the intention is to ring fence all future profits from fund raising events for the second stage of this project.

After this work has been completed the Hall will have a sinking fund of £5,000 which it intends to increase by 10% per annum.

### Local Support / evidence of need

Following complaints from users, particularly the young and old, observations from the committee and potential users, the Speedwell Hall Management committee commissioned a full survey. This was carried out by local qualified surveyor (report is available for inspection). This showed deterioration in the sub structure and although short term repairs have been made over the years, there is now the need for a long term solution to the problems with the floor.

Income has already been lost due to the deterioration of the floor. For example a weekly toddler group has already ceased hiring the hall because of condition of floor. If the work is not carried out within the next 12 months then the Hall would need to close for health and safety reasons.

As the Hall is Grade 2 listed the management committee have consulted with SSDC's Conservation Officer who has approved their plans.

### Project Costs

Remove existing skirting boards and pitch pine flooring. Remove rotten floor boards and dispose. Supply and fit new floor joists, pitch pine floor and skirting boards	£17,750
Build new sleeper floor to support joists	£3,000
Make good walls and fit and supply floating laminate flooring inc. underlay	£5,970
Contingency	£4,000
<b>Total project cost</b>	<b>£30,720</b>

### Funding Plan

<b>Funding Source</b>	<b>Funds secured</b>
Own funds (inc fundraising)	£16,720
Crewkerne Town Council	£1,000
Norman Family Trust	£500
<b>Total secured</b>	<b>£18,220</b>
Amount recommended from SSDC	<b>£12,500</b>

The Club has requested £12,500 from SSDC. This equates to 41% of the total budget cost.

### Previous grants

None during the last three years.

## **Consents and permissions**

The Speedwell Hall management Committee have consulted the District Council's Conservation Officer who has confirmed that listed building consent is not required for this work.

## **Conclusion and Recommendation**

It is recommended that a grant of £12,500 is awarded.

## **Financial Implications**

It is recommended that this grant is awarded from the Area West Community Grants Capital fund. There is currently £140,627 unallocated in the Capital fund (excluding this grant) until the end of this financial year. If members approve the award a balance of £128,127 will remain available for other projects

## **Council Plan Implications**

The project supports:

### **Our Vision for South Somerset**

A place where businesses flourish, communities are safe, vibrant and healthy; where residents enjoy good housing, leisure, cultural and sporting activities

### **Health and Communities**

- Support communities so that they can identify their needs and develop local solutions.
- Help people to live well by enabling quality cultural, leisure, play, sport & healthy lifestyle facilities & activities.

## **Area West Development Plan Implications**

**Priority 4 - Health & Wellbeing** of individuals - Supporting community groups and the voluntary sector to work with statutory providers to improve access to advice, services, social activities, with an emphasis on vulnerable individuals and groups– e.g. LIC's, youth support, activities for older people, making better use of halls, digital inclusion skills etc.

## **Equality and Diversity Implications**

The Club is fully inclusive and has an equality statement as part of its constitution.

## **Appendix A**

### **Standard conditions applying to all Community Grants.**

This grant offer is made based on the information provided in the application form and represents 41 % of the total project costs. The grant will be reduced if the costs of the total project are less than originally anticipated. Phased payments may be made in exceptional circumstances (e.g. to help with cash-flow for a larger building project) and are subject to agreement.

The applicant agrees to: -

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

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

- Establish and maintain a "sinking fund" to support future replacement of the building / facility / equipment as grant funding is only awarded on a one-off basis.
- Use the SSDC Building Control service where buildings regulations are required.
- Use a contractor selected from the SSDC approved list for play area facilities.
- Incorporate disabled access and provide an access statement where relevant.

### **Special conditions**

Access Review to help with future improvements.

# Agenda Item 9

## **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 Dismissed**

17/00762/PAMB – Land off Longstrings Lane, Broadshard Road, Crewkerne  
Prior approval for the change of use of agricultural buildings for 2 No. dwellings  
(Officer delegated decision)

### **Background Papers**

Appeal decision notice attached

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## Appeal Decision

Site visit made on 29 May 2018

by **C Cresswell BSc (Hons) MA MBA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 July 2018

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**Appeal Ref: APP/R3325/W/17/3185851**

**Sheds on land on east side of Longstrings Lane, Broadshard, Crewkerne, Somerset TA18 7NJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.
  - The appeal is made by Mr Brett Jacobs against the decision of South Somerset District Council.
  - The application Ref 17/00762/PAMB, dated 9 February 2017, was refused by notice dated 4 April 2017.
  - The development proposed is change the use of existing buildings on the site to two C3 residential dwellinghouses.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The postcode quoted on the Application Form is TA18 7J which appears to be incomplete. I have amended this to TA18 7NJ in the heading above as it is consistent with the postcode used in recent appeal decisions for the site.
3. For conciseness, I have also abbreviated the description of development in the heading above.

### Main Issue

4. The main issue is whether the proposed change of use is permitted under Schedule 2, Part 3, Class Q of the GPDO<sup>1</sup>.

### Reasons

5. The site is open land which can be accessed by an unmade track leading from Longstrings Lane. Although the land is mainly undeveloped, it contains three small shed buildings which are the subject of this appeal. These are situated in relatively close proximity to one another against a row of mature trees which define the boundary of the site. I also saw a parked lorry and a metal storage container nearby. On a separate part of the site, away from the sheds, there is also a polytunnel. The appellant wishes to convert the shed buildings into two individual dwellings under Class Q of the GPDO. These would be accessed by the existing track.

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<sup>1</sup> Town and Country Planning (General Permitted Development) (England) Order 2015

6. Schedule 2, Part 3, Class Q of the GPDO permits the change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses). It also allows any building operations reasonably necessary to convert the building. However, the planning permissions granted by Schedule 2 of the GPDO do not apply if the building in question is unlawful.
7. Paragraph Q.1(a) of the GPDO indicates that for development to be permitted, the site must have been solely used for an agricultural use as part of an established agricultural unit on 20 March 2013, or the building must have been in such use when in last use, or the site must have been in such use for at least ten years if brought into use after the specified date.
8. The appellant argues that the buildings subject to the appeal are lawful and the proposal complies with paragraph Q.1 in terms of previous agricultural use. A good deal of evidence has been put forward with regard to these issues, which I return to later in my decision. However, I have firstly considered whether the proposal would comply with paragraph Q.2 of the GPDO.
9. Paragraph Q.2(1) requires the prior approval of six matters. These are: (a) the transport and highways impacts of the development; (b) noise impacts; (c) contamination risks; (d) flooding risks; (e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within C3 dwellinghouses; and (f) the design or external appearance of the building.
10. The buildings are currently accessed by an unmade track which adjoins Longstrings Lane. As the track is not wide enough to allow two cars to pass, the development could potentially result in vehicles needing to reverse out onto Longstrings Lane or having to wait at the junction. However, Longstrings Lane is a relatively quiet road and is straight at this point, providing a reasonable level of visibility in both directions. As such, cars or pedestrians travelling along Longstrings Lane would be able to anticipate vehicles emerging from the site and react accordingly. Considering that the access would only serve two very modestly sized dwellings, the overall impact on traffic flows within Longstrings Lane and the junction with the A356 would be minor.
11. In reaching this decision, I have had regard to an earlier appeal<sup>2</sup> for outline residential development on the site where the Inspector raised highway safety concerns. However, this proposed four new build homes with greater potential for generating traffic movements than the current scheme. I also understand that some improvements have been made to Longstrings Lane since that time in order to help widen the road. Therefore, notwithstanding the disputed lawfulness of the access track, I consider that the transport and highways impacts of the development would be acceptable in terms of Q.2(1)(a).
12. The Council also argue that the location and siting of the buildings makes them impractical for use as dwellings under Q.2(1)(e). With this in mind, I note that the curtilage of the buildings as shown on the plans is modest in size. In order for the buildings to adequately function as dwellings, this area would need to accommodate parking as well as private amenity space. While it is suggested that the dwellings could be car free, I do not consider that this would be practical due to the distance of the site from a range of shops of services.

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<sup>2</sup> Appeal Ref: APP/R3325/W/17/3176399

- Although it may be possible to walk, cycle or bus to some facilities, there is limited street lighting along Longstrings Lane and it is unlikely to prove an attractive option for all potential occupiers of the proposed dwellings. Those residing on the site are likely to need a vehicle to meet their daily needs.
13. Even if adequate parking could be provided within the curtilage, it is not clear whether enough private outdoor space could also be provided for occupiers of each of the two units to maintain acceptable living conditions. In practice, it seems to me that there is potential for parking and domestic paraphernalia to spread beyond the confines of the curtilage and into the associated field. This would increase the visual impact of the development in a part of the countryside close to a public footpath. Furthermore, the buildings are partly overhung by trees which run along the southern boundary of the site. These cast shade over parts of the curtilage as well as representing a hazard in terms of falling branches. Occupation of the buildings would increase pressure to prune these trees, potentially resulting in further visual impacts.
  14. Paragraph Q.2(1)(f) of the GPDO refers to the design and external appearance of buildings. In terms of design, the National Planning Practice Guidance is clear that buildings should be fit for purpose, designed and delivered in a way that delivers the intended function<sup>3</sup>. In this case, I am mindful that the buildings in question are very small sheds constructed of timber and corrugated metal. Even if I were to accept that the sheds were structurally capable of accommodating a bed, kitchen area and bathroom, it seems to me that living space would nonetheless be very limited. The proposal would lead to an extremely cramped form of accommodation with little space for general circulation or to keep many personal items. Although the appellant makes comparisons with the space available in log cabins and caravans, these are not necessarily designed for permanent occupation and do not serve as a model for accommodation standards in general housing.
  15. Overall, the location and siting of the buildings makes them undesirable to convert into dwellinghouses. Furthermore, the converted buildings would not be fit for purpose as dwellings. The design of the sheds, in particular their very modest proportions, would result in a form of accommodation that would not provide acceptable living conditions.
  16. This leads me to conclude that the proposal would not accord with paragraph Q.2 of the GPDO. As such, there is no need for me to reach a firm conclusion as to whether the existing buildings on the site are lawful or whether the provisions of paragraph Q.1 have been complied with. Even if I were to agree with the appellant on these matters, the proposal would not be acceptable under Class Q of the GPDO due to the conflict with paragraph Q.2.
  17. In reaching my decision, I have had regard to the various judgements, appeal decisions and Council planning permissions that have been put forward in support of the proposal. While some help to substantiate the appellant's points in respect of certain matters, I am also mindful that the circumstances of each case differ. Overall, I do not consider that a convincing precedent has been established in favour of the appeal proposal.

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<sup>3</sup> Paragraph: 016 Reference ID: 26-016-20140306.



18. I have also considered the recent appeal decisions relating directly to the site. This includes an earlier appeal<sup>4</sup> for permitted development on the site under Class Q and the appeal<sup>5</sup> seeking outline planning permission for residential development. Although site circumstances appear to have changed since these appeals were dismissed, that does not alter my reasoning in this case. Similarly, the enforcement appeal<sup>6</sup> addresses a separate issue and does not convince me that development should be permitted under Class Q.

### **Conclusion**

19. I conclude that the proposed change of use is not permitted under Schedule 2, Part 3, Class Q of the GPDO. For the above reasons, and having regard to all other matters raised, the appeal should therefore be dismissed.

*C Cresswell*

INSPECTOR

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<sup>4</sup> Appeal Ref: APP/R3325/W/16/3149710

<sup>5</sup> Appeal Ref: APP/R3325/W/17/3176399

<sup>6</sup> Appeal Ref: APP/R3325/C/16/3165802

# 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.*

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## 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

<b>Meeting Date</b>	<b>Agenda Item</b>	<b>Background / Purpose</b>	<b>Lead Officer(s) SSDC unless stated otherwise</b>
<b>** 19<sup>th</sup> September 2018</b>	<i>Chard Regeneration Scheme</i>	<i>Update report</i>	<i>David Julian, Economic Development Manager</i>
	<i>Grant to A Ray of Sunshine for a Child – Grant Application</i>	<i>Request for grant funding</i>	<i>Alison Baker, Area Development Officer</i>
<b>17<sup>th</sup> October 2018</b>	<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>
	<i>Town Centre Events Programme</i>	<i>Update on the events funded by the Town Centre Events Programme</i>	<i>Tim Cook, Locality Team Manager</i>
<b>21<sup>st</sup> November 2018</b>	<i>Highways Update report</i>	<i>To update members on the highways maintenance work carried out by the County Highway Authority.</i>	<i>Mike Fear, Assistant Highway Service Manager, Somerset County Council</i>
	<i>Crewkerne Leisure Management (Aqua Centre)</i>	<i>Reports from members on Outside Organisations</i>	<i>Cllr. Angie Singleton</i>
<b>12<sup>th</sup> December 2018</b>	<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 Cllr. Martin Wale</i>
	<i>Making It Local Executive Group</i>	<i>Reports from members on Outside Organisations</i>	<i>Cllr. Martin Wale</i>
	<i>Chard &amp; District Museum</i>	<i>Reports from members on Outside Organisations</i>	<i>Cllr. Amanda Broom</i>

<b>Meeting Date</b>	<b>Agenda Item</b>	<b>Background / Purpose</b>	<b>Lead Officer(s) SSDC unless stated otherwise</b>
<b>16<sup>th</sup> January 2019</b>	<i>Avon &amp; Somerset Police</i>	<i>Report on activities on neighbourhood policing and partnership working to reduce crime and fear of crime.</i>	<i>Sgt. Rob Jameson</i>
	<i>Avon and Somerset Police and Crime Panel</i>	<i>Update Report</i>	<i>Cllr. Martin Wale</i>
<b>20<sup>th</sup> February 2019</b>	<i>Ile Youth Centre Management Committee</i>	<i>Reports from members on Outside Organisations</i>	<i>Cllr. Val Keitch</i>
	<i>Ilminster Forum</i>	<i>Reports from members on Outside Organisations</i>	<i>Cllr. Carol Goodall</i>
<b>20<sup>th</sup> February 2019</b>	<i>Crewkerne &amp; District Museum</i>	<i>Reports from members on Outside Organisations</i>	<i>Cllr. Marcus Barrett</i>
<b>20<sup>th</sup> March 2019</b>	<i>A Better Crewkerne &amp; District (ABCD)</i>	<i>Reports from members on Outside Organisations</i>	<i>Cllr. Mike Best</i>
<b>20<sup>th</sup> March 2019</b>	<i>Meeting House Arts Centre, Ilminster</i>	<i>Reports from members on Outside Organisations</i>	<i>Cllr. Carol Goodall</i>

*\*\*Members are asked to note that it is expected a workshop will be held prior to the September meeting to discuss the Draft Economic Development Strategy.*

# Agenda Item 11

## 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 6.00 pm.**

Members of the public who wish to speak about a particular planning item are recommended to arrive for 6.00 pm.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
12	EGGWOOD	18/00900/S73A	Unit 17 Lopen Business Park, Mill Lane, Lopen	Application to vary condition 1 and remove condition 2 of appeal decision 3149762 (25/10/2016) to allow unrestricted B8 use (storage/ distribution)	Mr Stone
13	NEROCHE	17/03800/OUT/**	Erection of 25 dwellings and formation of access (outline)	Land Os 3727 Part Windmill Hill Lane Ashill	Mrs Prudence Griffiths
14	CHARD COMBE	18/01713/FUL	The erection of 4 No. detached dwellings with garaging, parking and private drive	Land rear of Phoenix Hotel and Car Park, Essex Close, Chard	Mr T Keeling

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.

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# Agenda Item 12

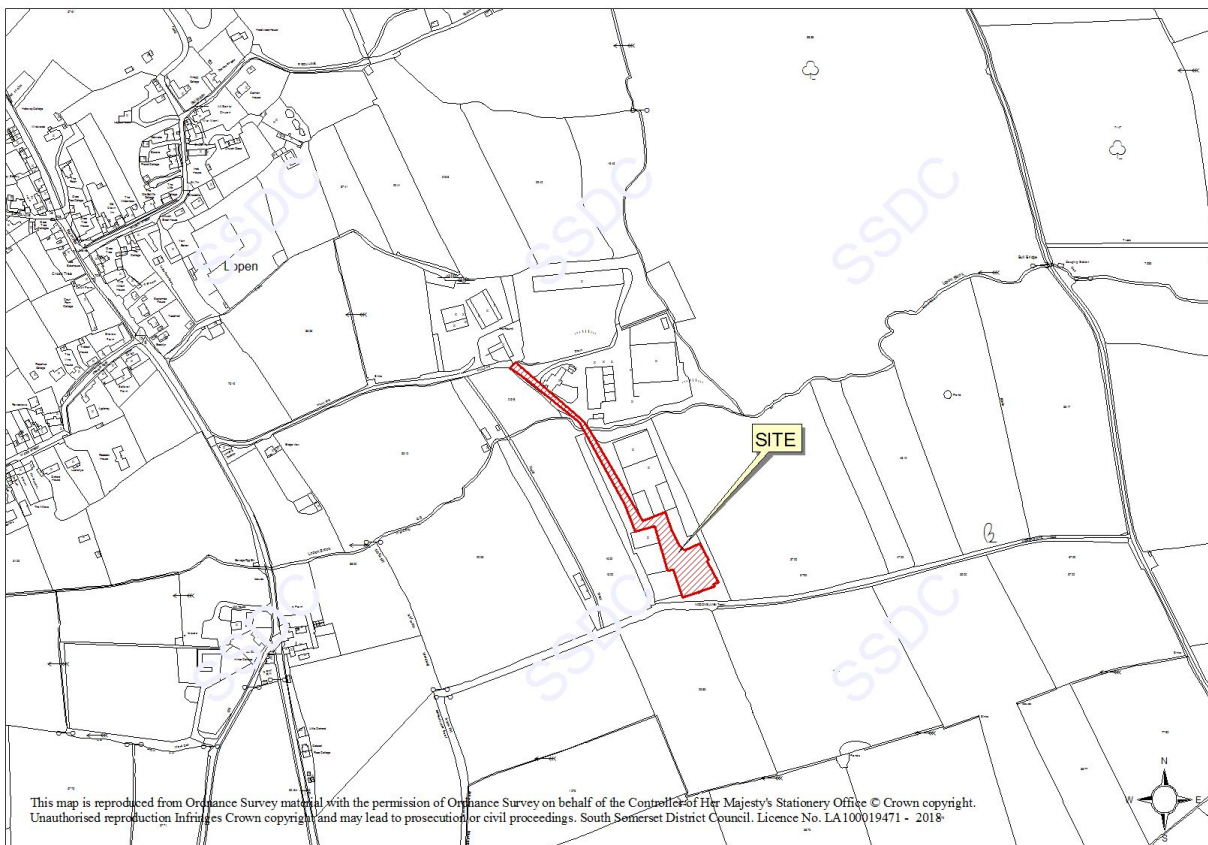
## Officer Report on Planning Application: 18/00900/S73A

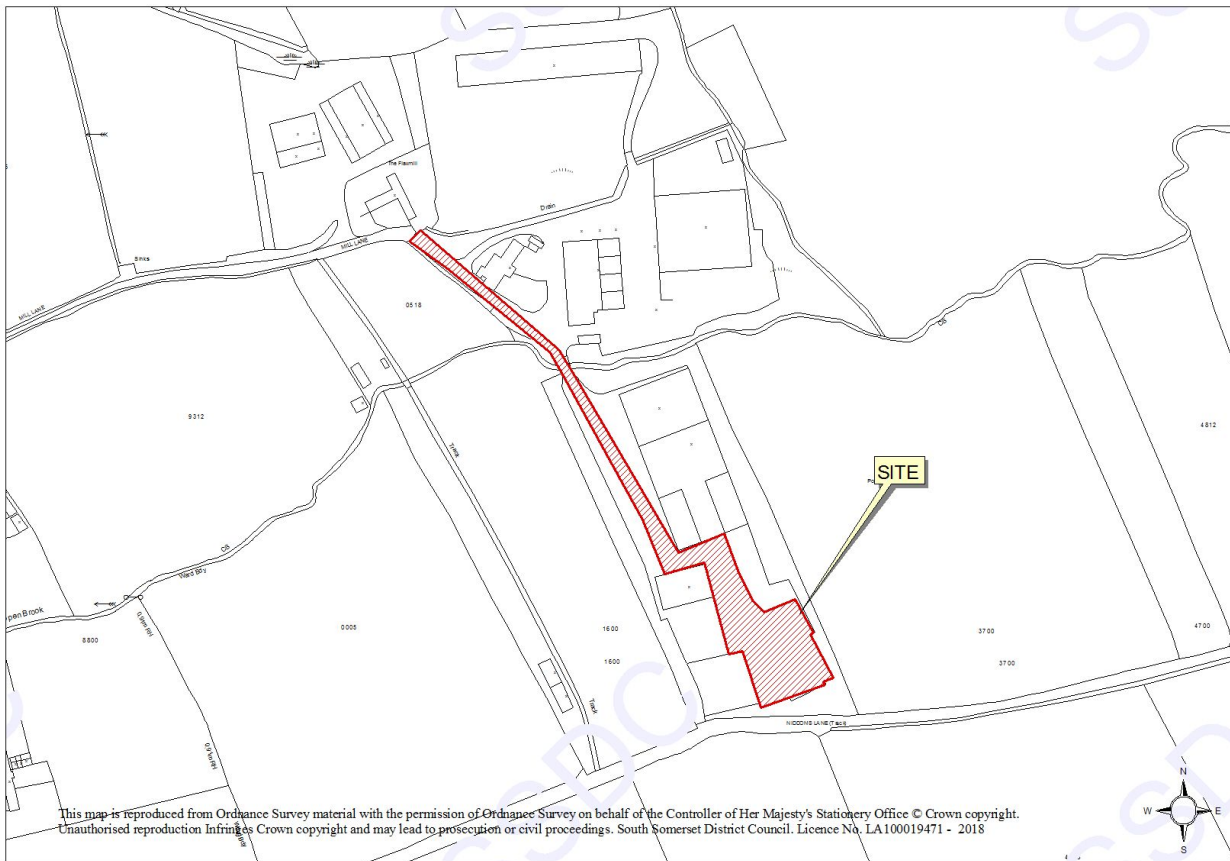
<b>Proposal:</b>	Application to vary condition 1 and remove condition 2 of appeal decision 3149762 ( 25/10/2016) to allow unrestricted B8 use (storage/ distribution)
<b>Site Address:</b>	Unit 17 Lopen Business Park, Mill Lane, Lopen
<b>Parish:</b>	Merriott
<b>EGGWOOD Ward (SSDC Member)</b>	Cllr Paul Maxwell
<b>Recommending Case Officer</b>	Mike Hicks Tel: 01935 462015 Email: mike.hicks@southsomerset.gov.uk.
<b>Target date:</b>	14th May 2018
<b>Applicant:</b>	Mr Stone
<b>Agent:</b>	Mr Andrew Tregay, Boon Brown Architects Motivo Alvington Yeovil, BA20 2FG
<b>Application Type:</b>	Minor Other less than 1,000 sq.m or 1ha

### REASON FOR REFERRAL TO COMMITTEE

The relevant ward members for the two wards in which the building and access are located do not agree with the officer recommendation due to concerns over environmental impact and highway safety.

### SITE DESCRIPTION AND PROPOSAL





The application site is located within Mill Lane Business Park, Lopen. The site consists of a recently constructed industrial building measuring 610 square metres that was granted by the Planning Inspectorate at an enforcement appeal (reference 3149762).

The building was permitted at appeal with conditions restricting the use to self storage only. The conditions state:

- 1) The building shall be used for self-storage and for no other purpose (including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 2) 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 permitted change of use of the building under the said Order from self-storage.

The building has recently been occupied by an animal health product storage and distribution company. The application seeks to vary condition 01 to allow an unrestricted B8 use as opposed to self storage only and to remove condition 02 as it relates to restricting permitted development from self storage only. This would allow the current occupation of the building to continue lawfully.

## HISTORY

Enforcement appeal- (APP/R3325/C/16/3149762)- Appeal allowed.

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

For the purposes of determining current applications the Local Planning Authority considers that the relevant policy framework is provided by the National Planning Policy Framework and the South Somerset Local Plan (2006-2028). The Local Plan was adopted by South Somerset District Council in March 2015.

The National Planning Policy Framework (NPPF) is a material consideration.  
The following chapters are of most relevance:

National Planning Policy Framework  
Chapter 7 - Requiring Good Design  
Chapter 11 - Conserving and Enhancing the Natural Environment

Local Plan (2006-2028)

The following Local plan policies are considered to be relevant:

EQ2- General Development  
EQ3- Historic Environment  
TA5- Transport impact of new development

National Planning Practice Guidance:

The following sections have the most relevance:

- o Determining an application.
- o Design

## **CONSULTATIONS**

### **Parish Council**

Second response (in response to additional information submitted by the applicant):

Further to the forwarding of the additional material, I have referred the matter to the Councillors, and all are in agreement that where Lopen Parish Council had already made a robust objection to this planning application on the basis that the additional vehicle movements were estimated at a lower figure (which LPC indicated were unrealistically low), the additional information only adds weight to our argument i.e. vehicle movements are estimated to be higher. We do seek to reiterate that the application cannot be properly dealt with on a trade or business-specific basis as the planning application is tied to the property not to the current tenancy.

Please see below the response of Lopen Parish Council to the above referenced application:

*" Application to vary condition 1 and remove condition 2 of appeal decision 3149762 ( 25/10/2016) to allow unrestricted B8 use (storage/ distribution)."*

LPC does not support this application. This was a unanimous decision.

Note that although the site in question is not actually within Lopen Parish, all access to it is through Lopen and it is this access and potential traffic which is the major source of concern.

### **Background**

You will recall that this building (Building 17) provoked considerable controversy in 2016 having been initially erected without planning permission, then subject to a demolition notice issued by SSDC and subsequently granted permission on appeal. One of the major concerns was site access and traffic levels.

Access to the Mill Lane industrial has been problematic for many years. The lane itself is a narrow single track road, with no formal passing places for most of its length. It also serves 3 residential properties. It meets the main road at an angle with poor visibility to the south. Any vehicle larger than a medium sized van struggles to turn south resulting in a sign advising larger traffic to turn north, turn around at Lopen Head roundabout and return south, thus a making a double pass through the main part of the village, 7.5 ton weight limit notwithstanding!

This access issue has been a point of contention with every application for at least the last 18 years and has been recognised as a significant problem by both SCC and SSDC Highways. To such an extent that during 2000/2001 an S106 agreement was drawn up as part of a permission (00/00028/FUL) to extend existing self-storage buildings to prevent any further development of the land on which building 17 now stands until such time as access had been improved. While the S106 now unfortunately seems to have been discredited as the correct way to approach the issue, SSDC clearly considered it a good idea at the time and it very clearly demonstrates that even then, site access was considered to be on the limit.

Since then, additional building on the site has been permitted. Businesses on the site have prospered and traffic levels have gone up. The size of HGVs has increased. No improvements to Mill Lane or its junction with the main road have been made. Therefore the situation has worsened. Traffic and access was one of the two key issues considered during the appeal process and the only one remaining relevant to this application.

As no application for building 17 was ever made through SSDC, and the planning inspectorate don't make documentation associated with appeals available online, we have not seen any documentation relating to the appeal apart from the Inspectors report and the Hydrok Transport Statement (seen only after the appeal was granted). However, the appellant claimed at the time that the building was intended for self-storage purposes only, that no additional staff would be associated with it and consequently would generate minimal traffic levels. This was backed up by the Hydrok report and TRICs data. The actual predicted traffic levels were 16, 2-way vehicle movements per 12 hour period.

Based on these assertions the inspector decided that the proportionate impact on the road network would be small enough to be allowable, but was very clear that he based this assessment on the use being limited to self-storage and the low traffic levels it would generate. This was clearly the reason for conditions 1 and 2 being set.

Our specific objections are:

1.

The reasons that led to the planning inspectors setting of conditions 1 and 2 are very clear. It seems incomprehensible to us that less than two years later, these very specific and carefully worded conditions, set by a national planning inspector, can be simply removed without any change to the circumstances that led to their imposition.

2.

Prior to permission granted via appeal SSDC had issued a demolition order on this building, so presumably considered (rightly so in our opinion) that it should not exist at all. Therefore relaxing conditions put in place by the over-ruling authority to allay, in part, their original concerns would be a very inconsistent thing to do.

3.

We understand that the unit has in fact been let to, and has recently been occupied by, a business other than self-storage (distributor of animal health products). We also understand that the lessee was not

advised of the use restrictions and did not discover them for himself until a late stage. While very unfortunate, this is a matter between the lessee and the owner/applicant and should not be a planning consideration.

4.

The above further demonstrates a pattern of behaviour on this site that seeks, via moral blackmail, to force through planning matters by intentionally creating situations that will incur financial loss if permission is not granted. This should not be a planning consideration and this behaviour will continue if rewarded!

5.

We also note that there seems to be consideration given to the specific business involved and its own traffic estimates. We do not consider that this is appropriate as unless the full B8 permission is conditioned to this specific business (which would be an unusual step), the use class relates to the building not the business in occupation. We also have concerns that there is absolutely no way to verify the figures provided by the business, which in any case is clearly aiming to expand having moved to larger premises. We feel that the HGV numbers in particular may be significantly understated at 1 every 3 months, especially as they cannot control the vehicles their suppliers may use to deliver.

6.

We do not consider the sites selected by Hydrock for the TRICs comparisons within the Technical Note supplied for this application to be comparable with this location. The five sites used are between 2 x and 20x the floor area of this one, located close to much larger settlements and located closer to and better connected with major roads (motorways in some cases). The resulting overall figures are very similar to those provided previously for the appeal, apart from defining the expected number of HGV visits.

*"Table 5.1 shows that the proposals are forecast to generate 16 two-way vehicle trips over a 12-hour period (0700-1900), including 6 two-way HGV trips."*

7.

We do not agree with the following statement made in the Technical Note  
*"By way of validation / comparison, this is also in line with the forecast generation for the potential occupier of the unit. The business is anticipated to generate 1 x 7.5 ton lorry, 3 vans and 2-3 cars on a daily basis (around 14 two-way vehicle movements a day) and one articulated vehicle once every three months (i.e. a worst case day equating to 16 vehicle movements). These figures have been provided by the potential occupier and stated by SSDC within their highways comments in Appendix A."*

It is quite clear that "6, two-way HGV trips per day" are not comparable with "one articulated vehicle once every 3 months" so we see no "validation". The business's own projection completely ignores the possibility of any vehicle size between 7.5 tons and articulated.

We therefore ask that the application be refused . Since the conditions in question were set recently by an appeal inspector there surely should be little concern about a successful appeal.

### **County Highway Authority –**

This application is to vary the planning consent granted at appeal for this development, so that 15 existing self-storage units can be used for any B8 use, not just self-storage. This requires the alteration to condition 1 of the consent, and the applicant has also applied for the removal of condition 2 on the basis that this would become redundant if condition 1 is varied.

The applicant has submitted a technical note (TN) at the request of South Somerset District Council (SSDC) to detail the expected change in trip generation from the proposed amendment, and it is noted that this TN has itself been assessed by SSDC's highways consultant who has concluded that any highway impact from this proposal is unlikely to be severe.

The Highway Authority notes that the inspector determined at appeal that it was justified for traffic and highway safety reasons to control the future use of this development, and included conditions 1 and 2 to the planning consent for this purpose.

Mill Lane, via which this site is accessed, is a narrow single carriageway road, with very limited opportunity for vehicles to pass. In addition, Mill Lane's junction with Holloway is substandard. With this in mind, the Highway Authority would not wish to see any significant increase in use of this access approach without measures to improve the current sub-standard arrangements.

Nevertheless, the Highway Authority agrees that the alteration of the development to permit any B8 use, rather than self-storage, is unlikely to result in a significant change in traffic flows along Mill lane, bearing in mind the adjacent permitted uses also using Mill Lane for access, and a severe impact on the existing highway network is therefore unlikely. With this in mind the Highway Authority does not object to the alteration of condition 1 as proposed.

However, it would still appear appropriate for traffic and highway safety reasons to control the future use of this development, as intended by the Inspector at appeal. It is therefore recommended that condition 2 be amended to prevent any further change of use (ie other than any B8 use), rather than being removed altogether.

#### **SSDC Highway Consultant -**

Not consulted during the application but provided the following pre application advice:

#### **Second (concluding) response:**

I have read Hydrock's further submission and reviewed the attachments to the email.

I agree that two of the sites I had previously listed to be reviewed do not appear to be appropriate as comparison sites given their location to the highway network, number of car parking spaces, nature of business, etc. I also agree that the two sites Hydrock have assessed are more comparable to the proposed business that is planned to locate to Unit 17.

I therefore consider the revised TRICS analysis as a sensitivity test compared to the previous assessment. The revised analysis indicates that the scheme may lead to 22 two-way vehicle movements across the day (07:00-19:00) - including 2 HGV movements - which is six more than the previous analysis. While any increase is a concern given the deficiencies of the network, it is clear that the residual cumulative impact of the sensitivity test when considering all the other uses and operations at Lopen Business Park, would not be severe.

Consequently, I believe the proposal could be supported. In the event that a planning application is submitted I recommend the TRICS assessments and analysis that have been considered are included in the planning submission.

#### **First response:**

Many thanks for your email. I have read the Technical Note produced by Hydrock. Looking at the TRICS assessment and the sites referred to on the TRICS database that have been used as comparable sites to derive a suitable trip rate, I am of the opinion that there may be other sites on the database that more

closely match the proposed use in this case as two of them appear to involve distribution as in the scenario at Lopen. Two of them more closely match the gross floor area of the site at Lopen. These are:

2506 SF-02-F-01 PHARMACY DISTRIBUTION SUFFOLK  
2512 TV-02-F-03 ELECTRICAL COMPONENTS TEES VALLEY  
2520 WY-02-F-01 ELECTRONICS DISTRIBUTION WEST YORKSHIRE

Given the sensitivities over traffic generation and the substandard nature of the highway network on the approach to Lopen Business Park, I think it would be prudent to carry out an assessment using the above sites rather than the three warehousing sites (sites 3, 4 and 5) listed on page 3 of the Hydrock's TRICS assessment, as a sensitivity test, to that already carried out. This should not take too long to undertake.

## **REPRESENTATIONS**

Following consultation one letter has been received from a nearby neighbour. The following comments are made:

- The site owner has a history of submitting retrospective applications.
- The business park is detrimental to the appearance of the locality.
- Large goods vehicles are damaging local roads, buildings and the area generally.
- Sites used in the TRICS analysis are unlikely to be accessed by narrow lanes.
- In reality 'movements' mean more than the number stated as HGVs approaching from the South have to travel through Lopen village, turn around on the Lopen Head roundabout before coming back through the village. Some vehicles reverse onto Frog Street

## **CONSIDERATIONS:**

The principal consideration relates to the impact of the proposal on highway safety. Policy TA5 of the Local Plan is relevant as states the following:

"All new development shall be required to address its own transport implications and shall be designed to maximise the potential for sustainable transport through:

- i. Safeguarding existing and new transport infrastructure, which is important to an efficient and sustainable transport network from development that would prejudice their transport use;
- ii. Securing inclusive, safe and convenient access on foot, cycle, and by public and private transport that addresses the needs of all;
- iii. Ensuring that the expected nature and volume of traffic and parked vehicles generated by the development would not have a detrimental impact on the character or amenity of the area and would not compromise the safety and/or function of the local or strategic road networks in terms of both volume and type of traffic generated;
- iv. Ensuring that proposals, which specifically require a location with direct access to the strategic road network due to the volumes and quality of traffic generated, are well located on these networks. There is a presumption against direct access from the strategic road network. Exemptions will only be made where the type of development is such that it requires a high order (of route hierarchy) route location, such as roadside service stations or freight transfer facilities;
- v. Assessing the transport impact of development and ensuring delivery of the necessary transport infrastructure for the proposal and requiring larger schemes to prepare Transport Assessments.
- vi. Requiring car parking and vehicle servicing at levels appropriate to the development and its location, in accordance with the approved/adopted standards identified in Policy TA6".

The primary issue relates to the sub standard nature of the junction of Mill Lane and the main road through Lopen and this was the main issue of contention under the enforcement appeal. The appeal arose as the Council served an enforcement notice requiring the demolition of the building which had been erected without planning permission. The highways basis of the enforcement notice was that the Council had significant concerns over the impact of an additional building within the business park and the associated additional vehicular movements using the substandard junction of Mill Lane and the Lopen Road.

The applicant submitted TRICS data (This stands for 'Trip Rate Information Computer System' and is a database of trip rates for existing developments and is used to provide comparative data to quantify the likely trip generation of proposed developments) in support of the appeal that forecast trip generation of 16 two way movements over a 12 hour period, including 2, two way HGV trips. In allowing the appeal the Inspector considered that ; "the roads to the site already take traffic to and from the business park and there is no evidence that despite their nature they are dangerous to use. Given what I have found above, there is also nothing to show that the residual cumulative impact of the development on highway safety would be severe. As such I do not accept that any increase in traffic would compromise the safety and function of the road network" (para 5)

"I have found that the development I am considering would not materially increase traffic levels and so it would not unduly add to local concerns" (para 9).

Notwithstanding the above, the Planning Inspector considered that is was justified because of the highway safety concerns to control the future use of the building and restrict the use to self storage only and to exclude permitted changes of use under the General Permitted Development Order.

The building has recently been occupied by a storage/distribution company and is currently therefore in breach of condition 01 of the appeal decision and the Council was approached by the site owner prior to their occupation to ascertain the likelihood of a planning consent to vary the relevant conditions. As set out above, the key issue relates to the impact of any additional vehicular movements on the safety of the junction of Mill Lane and Lopen Road.

As suggested by the Councils Highway Consultant at pre application stage, the applicant commissioned two TRICS assessment reports for the proposed unrestricted B8 use. Details of the first is included within the 'technical note submitted by Hydrock with the application. The second assessment carried out at pre application stage was a 'sensitivity test' that was carried out at the request of the Councils Highway Consultant. Details of this were submitted by the applicant during the course of the application and public consultation was carried out again on the basis of this information being of material information.

Additional information was submitted during consideration of the application to confirm that during pre application discussions a second 'sensitivity test' was carried out at the request of the Councils Highway Consultant using the TRICS database. This produced a figure of 22 two way movements over a 12 hour period, including 2 HGV movements as opposed to the figure of 16 two way movements, including 6 HGV movements quoted by the technical note. These figures compare to 16 two way movements over a 12 hour period, including 2, two way HGV trips for the permitted self storage use.

The TRICS analysis has demonstrated that the increase in movements is unlikely to be significant with a potential increase of 6 two way movements over a two 12 hour period on the second TRICS assessment.

The Councils Highway Consultant and the Highway Authority consider that the proposal would not result in severe harm to the safety of the adjacent road network and provided the following conclusion: HGV movements are regarded as having the greatest impact on the local road network and the first and second TRICS assessments gave predictions of an increase in 4 (6 two way movements) and a nil increase respectively. These are considered to be relatively minimal impacts against the context of the existing movements generated by the site. The Highway Authority concluded as follows:

“The Highway Authority agrees that the alteration of the development to permit any B8 use, rather than self-storage, is unlikely to result in a significant change in traffic flows along Mill lane, bearing in mind the adjacent permitted uses also using Mill Lane for access, and a severe impact on the existing highway network is therefore unlikely. With this in mind the Highway Authority does not object to the alteration of condition 1 as proposed”.

It is considered necessary and reasonable to reimpose a condition restricting permitted changes of use under the GPDO. The earlier condition imposed at appeal relating to the provision of parking has been repeated in this decision with an alteration to include the updated drawing number. Having regard to the above, subject to conditions, it is considered that the proposal would not result in a severe impact on the local highway network and would therefore comply with Policy TA5 of the South Somerset Local Plan (2006-2028) and paragraph 32 of the National Planning Policy Framework (2012).

**Residential amenity:**

Having regard to the scale of the business park, associated vehicular movements and the limited likely increase as a result of this proposal, it is considered that there would be no demonstrable adverse impact on the amenities of the adjoining occupiers at Flaxmill as a result of this proposal. The proposal would therefore accord with Policy EQ2 of the South Somerset Local Plan (2006-2028).

**RECOMMENDATION:**

Approve with conditions

01. The proposal, by reason of its use, predicted traffic generation size, design, materials and location, represents a development that would respect the character of the area and would preserve the setting of the nearby listed building. The proposal would cause no adverse impact on neighbour amenity or highway safety in accordance with the aims and objectives of Policies EQ2 and TA5 of the South Somerset Local Plan (2006-2028).

**SUBJECT TO THE FOLLOWING:**

01. Notwithstanding the time limits given to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission (being granted under section 73A of the Act in respect of development already carried out) shall have effect from April 2018.

Reason: To comply with Section 73A of the Act.

02. The development hereby permitted shall be carried out in accordance with the following approved plans: DSGN0048\_LP01; DSGN0048\_SP01 only.

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

03. The building shall be used for storage and distribution (use class B8) and for no other purpose (including any other purpose in the Town and Country Planning (Use Classes) Order 1987 (as

amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In the interests of highway safety to accord with Policy TA5 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) there shall be no permitted change of use of the building under the said Order from B8 use.

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

05. The area allocated for parking on Drawing No. DSGN0048\_SP01 shall be provided before the building is first brought into use and it shall be kept clear of obstruction and not used thereafter other than for the parking and turning of vehicles in connection with the development hereby permitted.

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

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# Agenda Item 13

## **Officer Report On Planning Application: 17/03800/OUT\*\***

<b>Proposal :</b>	Erection of 25 dwellings and formation of access (outline)
<b>Site Address:</b>	Land Os 3727 Part Windmill Hill Lane Ashill
<b>Parish:</b>	Ashill
<b>NEROCHE Ward (SSDC Member)</b>	Cllr Linda P Vijeh
<b>Recommending Case Officer:</b>	Andrew Gunn Tel: (01935) 462192 Email: andrew.gunn@southsomerset.gov.uk
<b>Target date :</b>	25th December 2017
<b>Applicant :</b>	Mrs Prudence Griffiths
<b>Agent: (no agent if blank)</b>	ARK The Coach House Preston Barn Ramsbury Marlborough SN8 2HF
<b>Application Type :</b>	Major Dwlg 10 or more or site 0.5ha+

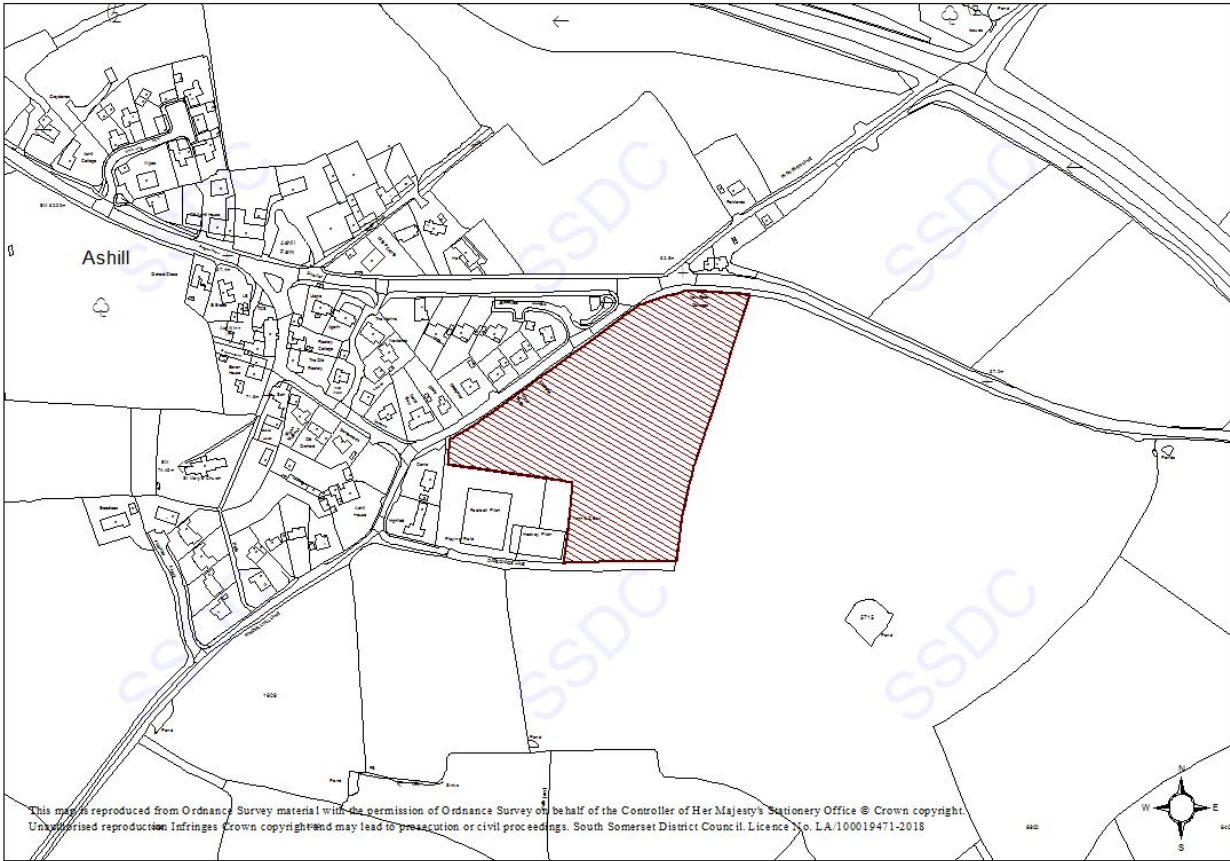
### **REASON FOR REFERRAL TO COMMITTEE**

The application is referred to the Area Committee at the request of the Lead Specialist (Planning), after consultation with the Ward Member and Vice Chair, in the public interest for discussion regarding the level of development and site specific issues raised locally.

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 site is located on agricultural land at the eastern end of the village of Ashill, on the south eastern side of Windmill Hill Lane, with the Old A358 running to the north. Residential dwellings face the site to the west with 2 further dwellings and the recreation ground to the south west. The site adjoins fields to the south and east with 2 cottages to the north on the opposite side of the Old A358. The site is bounded by hedgerows with a few trees within boundaries next to the recreation ground and along Windmill Hill Lane.

## **PROPOSAL**

The scheme, as amended, seeks outline consent for the erection of 25 dwellings and a new access. The scheme originally sought approval for 30 dwellings. Access and layout is sought for approval at the outline stage with scale, appearance and landscaping to be determined at the reserved matters stage.

The amended plans show the housing to be spread across most of the site with an enhanced landscape buffer along the southern, eastern and northern boundaries. Vehicular access will be gained from Windmill Hill Lane opposite the entrance to Jeffries Close. In addition to this access, pedestrian access will also be provided in the south west corner by linking to the existing footpath which serves the recreation ground. The hedgerow along Windmill Hill Lane will be largely retained other than for the removal of a small section to create the new access and realignment of a section of the hedge either side of the access to provide the required visibility splay. An existing field gate in the top north corner will be closed off.

The scheme will comprise houses fronting Windmill Hill Lane with the new estate road running through the centre of the site with sections running off to the north and south. Properties fronting onto Windmill Hill Lane will now be served by a rear access road rather than direct access from the existing road.

## **HISTORY**

There have been a number of applications dating back to the 1960's for residential development which were refused. The last application was in 1990 (app no: 902990) for the erection of 6 low cost dwellings which was refused and dismissed at appeal. Reasons for refusal included : harm to landscape, extending the village beyond its boundaries harming the character of the village, unacceptable layout, highway safety concerns and inadequate foul and surface water drainage details. An appeal was lodged and the decision was upheld by the Inspector.

## **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  
SS2 Development in Rural Settlements  
SS5 Delivering New Housing Growth.  
SS6 Infrastructure Delivery.  
HG3 Provision of affordable Housing.  
HG5 Achieving a mix of Market Housing  
TA4 Travel Plans  
TA5 Transport Impact of New Development  
TA6 Parking Standards

HW1 Provision of Open Space, Outdoor Playing Space, Sports, Cultural and Community Facilities in new Development

EQ1 Addressing Climate Change in South Somerset

EQ2 - General Development

EQ3 - Historic Environment

EQ4 - Biodiversity

National Planning Policy Framework:

Chapter 2 - Achieving Sustainable Development

Chapter 8 - Promoting Healthy and Safe Communities

Chapter 12 - Achieving Well designed Places

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

Chapter 15 Conserving and Enhancing the Natural Environment

Chapter 16 - Conserving and Enhancing the Historic Environment

Somerset County Council adopted Parking Standards

## **CONSULTATIONS**

### **Ashill Parish Council: (First response)**

The above planning application was considered at a meeting of Ashill Parish Council held on 9 October 2017 and please find the following comments made on behalf of Ashill Parish Council.

#### Principal

The site is a green field and is situated in a rural location on the edge of Ashill village. Ashill is predominately made up of individual properties and small scale housing developments. The Council therefore has concerns regarding the size, design and access of the proposed development which is considered to be completely out of character and overbearing in the context of the surrounding properties and the village. The Parish of Ashill has no demonstrable need for the delivery of the proposed mix of dwellings in a large scale development.

#### Landscape / Wildlife

The Council considers the proposed development - which would arbitrarily extend the eastern boundary of the settlement of Ashill out into open countryside - would adversely affect the setting and identity of the rural village. There are concerns regarding the loss of a green field, the proposal to remove 6 sections of about 10 feet of the established hedgerow adjacent to Windmill Hill Lane and the impact the development would have with regard to local wildlife habitats. The proposed landscaping scheme seeks to mitigate some of the impacts of the development but it is not clear how this would be maintained in the long term.

#### Sustainability

The site is remote from local key services - the site entrance is located a distance away from the nearest bus stop which had an inadequate bus service when this planning application was submitted - however since this planning application was submitted the limited bus service has now been cancelled. The village has no retail provision, community facilities are limited and employment opportunities are few. This means it would be necessary for the development to be constantly served by private and commercial vehicles which would result in unsustainable development in the context of this location.

#### Highway Safety / Parking

Windmill Hill Lane and the existing road network is not adequate enough to accommodate the additional residential traffic. Windmill Hill Lane is narrow and has limited forward visibility - footways and off road provision for cyclists and horse riders in this area is also limited - an increase in traffic within this local and confined road network would therefore adversely affect safety for all road users. There are currently uncertainties regarding the future of the local road network due to the proposed upgrading of the A358

which could create a further increase in vehicle movements along the old A358 carriageway. There are also concerns regarding an increased level of parking along Windmill Hill Lane which could be caused due to the proposed development.

#### Drainage

There are concerns regarding whether the surface water drainage could be managed in a sustainable way whilst not creating an adverse impact on existing properties and elsewhere. There are also concerns regarding the sustainable management of foul drainage and sewage treatment.

#### Environmental Impact

The proposal would affect the residential amenity and privacy of the surrounding properties and the leisure amenity of the playing field. The Council has concerns regarding the increased noise, light, air and other substance pollution which would be caused by this development.

#### Design & Access Statement

The Council has doubts about the accuracy of the pre-application consultation report as, for example, the Clerk to Ashill Parish Council did not attend the drop-in session held on 27 June 2017. Also the Planning Agent has not engaged in any dialogue with Ashill Parish Council regarding local housing need and views on other aspects of the proposal including the suggestion which has been made to provide a public toilet.

#### Planning History

The last time there was a proposal to develop this site for housing - 12 dwellings later reduced to 6 back in 1991 - it is understood that SSDC refused permission on the grounds that :

- It would adversely affect the character of this 'attractive area of countryside';
- The form of layout, which allowed for extension in the future, was out of character with the 'older and more attractive form of development of this pleasant village';
- The increased use of the 'substandard' junction with the A358 such as would be generated by the proposal 'would be prejudicial to road safety';
- The information submitted on the means of disposal for foul and surface water drainage was unsatisfactory.
- 

It is understood that SSDC's decision was endorsed by the Planning Inspectorate in January 1992. The Inspector commented that the character of Ashill would suffer 'serious harm' as a result of arbitrarily extending the eastern boundary of the village into open countryside.

#### Conclusion

Ashill Parish Council is of the opinion that nothing materially has changed since the planning application of 1991. Having given consideration to this current planning application it has resolved that the principle of the development of this site is unacceptable and therefore objects to this proposal.

Ashill Parish Council:(March 2018)

I refer to the amendments for the above planning application which were considered at a meeting of Ashill Parish Council held on 5 March 2018.

#### Revised Layout

It was noted the revised layout - particularly that overlooking Windmill Hill Lane - attempts to mitigate the need to create fewer breaches in the existing hedge but turning the houses around so that they back on to Windmill Hill Lane would make them look even more out of character, overbearing and not neighbourly in the context of this location and with regard to the houses opposite. It has not been clarified as to how the hedge could be sustainably managed which would be important in order to maintain the visibility splays and also how it could be protected from being breached by new homeowners who might wish to create accesses on to Windmill Hill Lane from back gardens. It was also considered there is not

enough provision made for there to be adequate parking within the curtilage of the site to service the needs of 25 houses and this would inevitably lead to parking on Windmill Hill Lane. The junction of Windmill Hill Lane / Old A358 creates a blind bend which is already very dangerous as cars regularly swing around this corner at speeds of up to 50 mph and therefore Ashill Parish Council objects to the proposal for there to be an entrance to a housing development - so near to this corner - directly opposite Jeffries Close. The Parish Council objects to the proposal for there to be a number of access points to the Playing Field on the grounds of safety, security and privacy and also objects to the proposal - on the grounds of safety - for there to be a sloping footway leading away from the playing field where children could run out on to Windmill Hill Lane without being seen by approaching drivers.

#### Additional information in response to lead flood authority comments

The topography of the site is sloping and not 'relatively flat' as described in the Drainage Statement provided by the Planning Consultant dated 17 December 2017. Surface water does run down to Venners Water and this has historically caused a direct impact on incidents of flooding and drainage issues in the Parish of Ashill. The Drainage Statement states that the 'proposed development would be designed to minimise the adverse surface drainage risk'. The Parish Council is of the opinion that minimising risk is unacceptable and there should be no adverse surface drainage risk. It has not been clarified as to how the proposed wildlife pond to be located at the north east of the site - which now may be incorporated to be a balancing pond - and the proposed SuDs Drainage System is to be sustainably managed and maintained. It was noted that as of 16 February 2018 the Somerset County Council Flood Risk Officer had not commented on this Drainage Statement.

#### Number of dwellings reduced to 25

The Parish Council referred to its comments which were made to SSDC dated 18 October 2017 and 20 November 2017 and unanimously resolved that the reasons for objecting to this proposal have not changed. Having given consideration to the proposed Revised Layout and the Additional Information with regard to Lead Flood Authority Comments it was unanimously resolved to continue to object to this proposal.

#### **Highway Authority: (summary) (1st Response)**

The Highway Authority does not object to the principle of development as the traffic impact of the development is not likely to have significant impact on the existing highway network. However, did identify a number of issues that would adversely affect the operation and safety of the roads and footways adjacent to the site. In particular, a safe means of access to the site has not been demonstrated along with the proposed estate road layout. In addition, parking levels fall below the adopted optimum parking standards.

#### 2nd response following submission of amended plans:

The Highway Authority reviewed the amended plans and layout. They are satisfied with the revised parking levels and welcome the removal of the individual direct access points from Windmill Hill Lane. In regard to the access, would still prefer for the cross roads arrangement to be revised but accept due to the relatively low traffic levels that this will not create a severe highway impact. Splays and full technical details of the access will be conditioned. Pedestrian links to the site are also sought and will be conditioned. The internal estate roads would not meet adoption standards and therefore the roads would be private and subject to the Advance Payments Code. On the basis that the above improvements can be secured via conditions, the Highway Authority do not consider that the highways impact are severe and do not raise an objection to the scheme.

#### **Landscape Officer: (summary of 1st Response)**

An objection to the scheme is raised as the proposal fails to either conserve or enhance local character. In particular, concern is raised that a development of 30 dwellings over the whole field would project built form eastwards into open countryside, well beyond the current tightly defined edge. The integrity of the roadside hedgerow will be lost with the number of access points. Also advise against defining the

site entrance with a parking area to one side, lack of direct surveillance of the village rec and landscape buffer is not integrated into the design. In addition, is concerned at the cumulative landscape impact on the village of this and an additional major residential application in the village.

**Landscape Officer: (summary of 2nd response)**

The amended scheme is an improvement, with less breaches of the roadside hedgerow, house numbers reduced and development footprint reduced, albeit only marginally. However, still maintains a landscape objection for the substantive reasons given in the first response above.

**Conservation Officer:**

Originally requested that the Listed road sign on Windmill Hill is accurately plotted on the layout plan. This was undertaken.

The Conservation Officer was concerned about the harmful impact on the significance of the listed road sign due to the number of new vehicular access points that will puncture the hedgerow. These access points should be reduced to protect the setting of the sign. In addition, if a pathway is requested by the Highway Authority on the verge, it is recommended that the new path is created within the site.

In regard to the amended plans, the impact on the road sign is now acceptable. Permitted development rights are asked to be withdrawn to prevent fences etc replacing the hedgerow and new accesses being created to protect the listed sign.

**Housing Officer: (summary)**

Seek 35% affordable housing with a split of 80:20 social rent / intermediate option.

Space standards are recommended for the different sized homes. Seek 9 affordable units in total with the following mix: 2 x 1 bed, 5 x 2 bed and 2 x 3 bed dwellings.

**Ecologist: (summary)**

The Ecologist has noted the submitted biodiversity report along with the concerns of local residents and Somerset Wildlife Trust. The field which comprises improved grassland is a habitat type that generally has limited biodiversity value. The bordering trees and hedges will have some value but not of any exceptional nature conservation interest, most of which are proposed to be retained as part of the development. The Ecologist does not consider the time of year the survey was undertaken to be a significant limitation on the validity of the assessment (undertaken in February). A condition is recommended in regard to legally protected species.

**Somerset Wildlife Trust:(summary)**

A more detailed assessment should be undertaken at a more appropriate time of year when more species will be active to identify the full range of wildlife that lives on site.

**County Rights of Way:**

Confirms that there is a right of way that abuts the site to the south of the site. Recommend a bridleway link in the south east corner of the site and provide advice to ensure the health and safety of users of the public right of way during construction.

**Wessex Water:**

Wessex Water originally objected to the proposed development on public health grounds due to the fact that this scheme would take the existing sewage works over capacity. A capacity appraisal will be required and confirm the scope of improvement necessary to accommodate the additional input from this development. In terms of surface water drainage, there are no public surface water sewers in the vicinity of the site and will require the approval of the Local Lead Flood Authority. In regard to water supply, there is sufficient capacity in the network to accommodate the development.

Following receipt of the above, Wessex Water confirmed that they have undertaken a formal appraisal and reviewed against the main works at Ashill. Initial appraisal works confused the smaller works known

as Windmill Hill which has a much smaller works capacity. Accordingly, Wessex Water withdrew their original objection.

Officer comment:

Local concern was raised about the change in stance from Wessex Water. However, the Local Planning Authority accepts the initial incorrect assessment and that the main sewage works has capacity to accommodate the development.

#### **Local Lead Flood Authority (LLFA):(summary)**

Originally objected on the basis that there is a lack of information in regard to surface water drainage details and potential in flood risk posed by the development. Following additional information supplied by the agent, including a drainage statement, the LLFA sought information in regard to drainage details, in particular a Flood Risk Assessment, run off rates, adoption and maintenance of the drainage systems. If the Council are minded to approve outline consent, a range of information should be submitted with the reserved matters application. This will need to demonstrate in particular that the development can be adequately drained and assessments undertaken to demonstrate that there will be no surface water flooding up to the 1 in 30 year event and flooding up to the 1 in 100 year event.

#### **Environmental Health Officer:**

No objections or comments on this application.

#### **REPRESENTATIONS**

34 letters/emails were received in regard to the original submission raising the following objections:

- Harmful traffic/highway impact on local roads
- Major increase in traffic levels, likely increase in accidents.
- Portrayal that the village was generally supportive is not correct
- Lack of infrastructure within the village to cope with the proposal
- Impact on local water supply
- Village needs more affordable homes - the proposed homes too large.
- Scale of development too excessive for the village.
- This scale of growth not required in Ashill - no need for this development
- Very limited public transport
- Lack of employment/facilities in the village
- Not sustainable - future residents will need to travel out of village for work, shopping and leisure
- Pollution increase
- Harmful impact on wildlife and hedgerow
- Harmful to the character and appearance of the village - site is outside of the village boundary
- Loss of privacy to existing dwellings
- Surface water/flooding concerns
- Lack of parking will result in more parking on local roads.
- Who needs and who would have responsibility for maintaining proposed toilet block?
- Impact on listed road sign
- Scheme refused in 1991 on this site on landscape, highways, character and lack of info on drainage.
- Public transport detail incorrect - no buses
- Current application site at the orchard better option
- No pavement along Windmill Hill lane - danger to pedestrians especially school children.
- Proposed new A358 proposals will affect traffic flows through the village, in particular likely increase in traffic flows along Windmill Hill lane.



- Question Wessex Water's position regarding treatment of foul water disposal.
- Peace and tranquility will be lost

18 letters/emails have been received in regard to the amended scheme and reiterate the various concerns /objections outlined above. The amended scheme has not addressed those concerns/objections.

The Campaign for the Protection of Rural England (CPRE) have also written to object to the application. In particular, the scale of growth is not commensurate with the size of settlement, lack of services and facilities, over reliance on the site being included in the Housing Employment Land Availability Assessment, and landscape grounds. Smaller settlements should not be over-ridden with development because of the inability of larger settlements to deliver enough houses to ensure the Council can meet its 5 year housing supply target.

## **CONSIDERATIONS**

### **Principle**

Ashill is classed as a rural settlement in the adopted South Somerset Local Plan where development is strictly controlled. Development should be limited to that which provides 1 or more of the following (Policy SS2): employment opportunities, community facilities and/or meets housing need, particularly housing need. The Local Plan seeks to direct most of the housing growth towards Yeovil, market towns and rural centres. However, it does expect housing to be delivered within the rural settlements and provides a target of 2,242 homes across all the rural settlements. It is accepted that the Council's settlement hierarchy forms the basis of the Local Plan and is designed to take advantage of employment and service opportunities in the larger settlements.

It is accepted that Ashill has minimal employment opportunities. Moreover, due to the loss of bus services, there is a low level of opportunity to travel to work by alternative modes of transport other than by car. However, whilst the village only benefits from limited services and facilities, it does have a church, village hall, primary school and a pub. The village does therefore meet the criteria as outlined under Policy SS2 of the local plan, and is therefore considered to be a settlement as being a relatively sustainable location in a rural area. On this basis, and taking account of a number of appeal decisions in other similar rural settlements within the district where Inspectors have accepted residential development, the principle of residential development is considered to be acceptable.

It should also be noted that whilst Policy SS2 has to be taken into account, insofar as parts of the policy are considered to be a housing constraint policy, due to the Council's current lack of a 5 year supply of housing, only limited weight can be attached to Policy SS2.

As the principle is accepted, an assessment therefore now has to be made as to whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the scheme. In this case, the benefits of the scheme would be the provision of housing, including 9 affordable units, and monies from the Community Infrastructure levy, of which 15% will go to Ashill PC. Housing Need/Local Plan housing strategy

Objections have been received to the application on the basis that there is no proven housing need for this development in Ashill. As outlined above, Policy SS2 of the South Somerset Local Plan strictly controls development. However, as outlined above, rural settlements are expected to contribute to meeting the district's overall housing needs. It is not considered that it would be reasonable to refuse this application simply on the basis that there is no housing need. There is clearly a housing need in the district and the Council are currently not able to demonstrate that it is meeting its housing targets.

Ashill has had some new residential development, albeit limited development, in recent years. There is also a current application for 26 dwellings in the village but approval has yet to be given for this scheme. However, it is not considered that this proposal along with the total of all other approved development

/pending applications in the village would undermine the settlement strategy of the local plan. The next tier of settlements above rural settlements in the local plan are the 6 rural centres and these generally have a target of 200 plus dwellings. Other than Stoke sub Hamdon, which due to its greater range of services and facilities is included as a rural centre but with a housing figure of 51 to reflect its smaller scale and nature, the total combined developments in Ashill are well below 200 dwellings. Therefore, it is not considered that the hierarchical strategy of the local plan would be harmed by this proposed development.

### **Highways/Parking**

Whilst this is an outline application, planning approval is being sought for access and the layout of the scheme. A new vehicular access will be created from Windmill Hill Lane opposite Jeffries Close. The existing field gate access in the north east corner will be closed off with new planting. The Highway Authority originally raised an objection to the scheme due an insufficient number of parking spaces and a lack of information to demonstrate that a safe means of access can be provided to the new dwellings. Following the receipt of amended plans, and as outlined above, whilst there remain details to be agreed, the Highway Authority are satisfied with the additional number of parking spaces and do not consider that the scheme will create a severe highway impact warranting refusal. The Highway Authority have recommended a number of conditions to secure a number of detailed matters including footpath linkages, access details, visibility, street lighting, a Measures only Travel Plan and a Construction Management Plan.

The amended scheme has increased the level of parking to address the original concerns of the Highway Authority. The original scheme proposed a total of 82 spaces for the 30 dwellings, which was 18 fewer than the optimum target, whereas the revised scheme will provide 80 spaces for the 25 units, which is 2 below the optimum figure. Given the lack of realistic alternative modes of transport available in Ashill, and on road parking that occurs locally, particularly when a local event is being held at the church, it is considered important that parking provision is at or very close to the optimum standards. In this case, it is considered that the parking provision is acceptable and there are no reasonable grounds upon which to refuse the application on this basis.

### **Landscape**

The site is currently an agricultural field on the eastern edge of Ashill. The landscape officer has assessed the scheme and objects as the proposal fails to either conserve or enhance local character. In particular, concern is raised that the development, which extends over the majority of the field, will project built form eastwards into open countryside, well beyond the current tightly defined edge. Having discussed this at length with the landscape officer, and having regard to an earlier scheme in 1991 that included a refusal on landscape grounds, it was clear that there was no objection in principle on landscape grounds but to the extent of development within the field. Hence, notwithstanding the acceptance of some improvement to the scheme, the landscape officer retained his landscape objection.

There is built form to the south of the site with 2 detached properties along with the recreation ground, associated structures and play equipment. In discussions with the landscape officer and agent, a suggestion was made to delete the block of housing in the middle-eastern and south east part of the site. This would curtail the extent of built form to a more acceptable position in landscape terms. The agent did not agree with the substantive landscape concerns and whilst providing a greater landscape buffer along the eastern boundary, dwellings are still proposed in this section of the site. The question therefore remains as to whether the landscape impact is sufficiently harmful to warrant refusal.

Having reviewed the comments from a landscape perspective, and revisited the site, whilst the site does slope, there is no obvious physical point on site to draw a line for development. The block of housing not favoured by the landscape officer would be largely screened from view by the new housing to the north and west and by existing/proposed new planting to the east and north. Subject to the submission of a comprehensive planting scheme, particularly to the eastern and southern boundaries, it is not considered that the block of 8/9 dwellings in the south and middle-eastern area of the site would be so

adverse to warrant refusal on landscape grounds.

### **Flooding/Drainage**

The site is located within Flood Zone 1 which means that there is a low risk of flooding from sea or river. Local concern has been raised about surface water flooding. In particular, water running off from this field and into Windmill Hill Lane. Currently, nature takes its course with water from this field and it is certainly not disputed that water running from this field has caused flooding issues on the local roads. With the proposed development, the applicant has to demonstrate that the scheme would adequately mitigate its own drainage requirements and not increase flooding elsewhere.

Following the original concerns of the Local Lead Flood Authority about the lack of information in regard to surface water drainage details and potential in flood risk posed by the development, the applicant prepared a Drainage Report for the foul and surface water details for the development. The scheme will be drained via a Sustainable Urban Drainage System with the details to be submitted to and agreed via condition prior to work commencing on site. The applicant outlines that whilst the site is larger than 1 hectare in area, it is not within an area with critical drainage problems. Moreover, the applicant states that the proposed sustainable drainage system will ensure no adverse flooding impacts on Venner's Water and the river Isle catchments lying below Ashill. In those circumstances, the applicant contends that the Environment Agency do not require a flood risk Assessment.

The LLFA have advised that the applicant should complete a Flood Risk Assessment (FRA) and demonstrate that it will be possible to drain their site if assessment shows that infiltration to the ground is not viable. FRA are usually carried out for developments of over 1 hectare. The agent has advised their position regarding the Environment Agency's advice regarding FRA. Moreover, they advise that if as a result of further investigative work, infiltration to the ground is not possible, an attenuation system will be installed to ensure that greenfield run-off rates are lower than at present. On the basis of a lack of objection from the Local Lead Flood Authority and the options available to deal with surface water drainage, it is considered that conditions can secure full details of the drainage scheme and that this will need to be agreed prior to any development commencing on site. Details can be secured via condition to be submitted at any subsequent reserved matters stage.

In terms of foul drainage, Wessex Water have advised that the local sewage pumping station has the capacity to accommodate this development. An earlier response from Wessex Water raised an objection due to a lack of capacity but they subsequently clarified that this was an error on their part as a smaller plant was being assessed rather than the larger works.

In regard to water supply, Wessex Water have confirmed that there is sufficient capacity in the network to accommodate the development.

### **Heritage Assets**

A listed road sign is located within the verge on the application side of Windmill Hill Lane. The original scheme proposed a number of individual accesses to each of the new properties that fronted onto Windmill Hill Lane. On this basis, the Conservation Officer objected due to the harmful impact on the road sign caused by the proximity of these new access points. The amended plan removed those access points with a single main access point remaining further along the road. The removal of those access points is considered to protect the setting of the sign. The Conservation Officer's recommendation to remove permitted development rights to prevent new accesses and fencing etc is supported. A condition shall be attached to any approval accordingly.

The Conservation officer did not consider that the scheme would cause any harm to the setting of St Mary's Church to the west of the site, due to the distance from the site and intervening housing.

### **Ecology**

The Ecologist has assessed the submitted biodiversity report along with the concerns of local residents

and Somerset Wildlife Trust. His advice is that the field, which comprises improved grassland, is a habitat type that generally has limited biodiversity value. The bordering trees and hedges will have some value but not of any exceptional nature conservation interest, most of which are proposed to be retained as part of the development. On this basis, no objection is raised on ecology grounds subject to a condition in regard to legally protected species. Concern has been raised about the timing of the survey (February). However, the Council's Ecologist does not consider this to be a significant limitation on the validity of the assessment.

Proximity of dwellings to the recreation ground/play facilities.

The original layout placed 6 of the new dwellings within 30m of the recreation ground and play area, with some being less than 10 metres from the play areas. The play officer was concerned that this provided an insufficient distance and the amenity of future residents may be adversely impacted from noise and activity at the recreation ground. The amended scheme has set those properties further away from the recreation ground with 1 only being within 10 metres. 2 existing properties are a similar distance to the recreation ground and it is considered that with additional planting along the southern boundary, the revised plan is acceptable.

### **Other issues**

Previous planning history

As outlined above in this report, previous applications for residential development on this site have been submitted and refused, the last of which was an application submitted in 1990 for 6 low cost dwellings. The site was smaller than the current application site and located adjacent to the current recreation ground and Windmill Hill Lane. The main issue the Inspector considered at the time was that the site lay outside of the established settlement boundary and would therefore be harmful to the character of the village. Whilst this remains a valid consideration, as demonstrated by the Landscape Officer's comments on the current proposal, the planning world is very different from the early 1990's. In particular, settlement boundaries no longer apply to villages and physically extending beyond the established built form is acceptable in principle subject to no significant adverse harm being caused by the development. In comparison to the earlier case, the principle of extending beyond the settlement boundary is acceptable, there is no objection on highway or drainage grounds, and no objection to the form of layout.

The agent has made reference in the supporting documentation to the fact that this site is identified within the Council's Housing & Economic Land Availability Assessment (HELAA). The HELAA is a technical and theoretical assessment of sites which could potentially contribute towards the future supply of housing and employment land within the local plan area. It is important to note that no policy weight is attached to its inclusion in HELAA nor does it imply that planning permission will be granted.

### **Conclusion**

It is considered that the village of Ashill is a reasonably sustainable location and thus the principle of residential development is acceptable in the village. The scheme will make a valuable contribution towards meeting the Council's housing needs, including affordable housing needs. It is accepted that there are local concerns regarding the development but for the reasons outlined above in the report, it is not considered that these adverse impacts significantly and demonstrably outweigh the benefits of the scheme.

## **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 Measures Only Travel Plan; and
- 5) Provision and maintenance of open space;

## **COMMUNITY INFRASTRUCTURE LEVY**

The application is CII liable and form Zero has been requested.

## **RECOMMENDATION**

Grant Permission

01. The proposed scheme will result in a sustainable form of development that would make a valuable contribution towards meeting the Council's housing needs, including affordable housing, would not harm residential amenity, would provide a safe means of vehicular access, provide sufficient levels of off road parking, would not harm ecological interests nor heritage assets and can be adequately drained. The scheme is in accord with Policies SD1, SS1, SS2, SS5, SS6, HG3, HG5, TA4, TA5, TA6, HW1, EQ1, EQ2, EQ3 and EQ4 of the South Somerset Local Plan and Chapters 2, 8, 12, 14, 15 and 16 of the National Planning Policy Framework.

## **SUBJECT TO THE FOLLOWING:**

01. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To accord with the provisions of Article 4 (Article 5) of the Town and Country Planning (Development Management Procedure) Order 2015.

02. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

03. The development hereby permitted shall not be commenced 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. 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: To protect the amenity of the area to accord with Policy EQ2 of the South Somerset Local Plan.

05. Any reserved matters application shall include the recommendations in section 5 of the Biodiversity Survey/Assessment (Lowans Ecology and Associates, 23 February 2017) regarding the detailed development plans (e.g. inclusion of details of biodiversity enhancement measures), further wildlife surveys (for specific species depending on detailed proposals), and for ecological mitigation proposals.

Reason: In the interests of ecology in accord with Policy EQ4 of the South Somerset Local Plan and Chapter 15 of the NPPF.

06. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015, no development under Schedule 2, Part 2, Classes A and B shall be undertaken by any of the properties that adjoin Windmill Hill Lane, without the express grant of planning permission.

Reason: To protect the rural character and appearance of Windmill Hill lane and the setting and significance of the listed road sign in accordance with Policy EQ2 and EQ3 of the South Somerset Local Plan.

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

Drawing numbers: Site layout plan DP101E rev E and DP.100.

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

08. No work shall commence on the development hereby permitted until details of suitable footway improvements have been submitted to and approved in writing by the Local Planning Authority. These improvements should provide a continuous footway of 1.8m width along Windmill Hill Lane from the proposed site access southwards to the existing entrance to the recreation ground, and the provision of informal pedestrian crossing points on Windmill Hill Lane and the old A358, including any footway extensions required to achieve these. Such works shall then be fully constructed in accordance with the approved plan(s), to an agreed specification, before any dwelling within the development is first occupied.

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

09. No work shall commence on the development hereby permitted until details of the means of the vehicle access to the site from Windmill Hill Lane, generally in accordance with drawing number DP101E, have been submitted to and approved in writing by the Local Planning Authority. Such works shall then be fully constructed in accordance with the approved plan(s), to an agreed specification, before any dwelling within the development is first occupied;

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

10. There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43 metres either side of the

access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.

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

11. The applicant shall ensure that during the construction phase 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 development, and thereafter maintained until construction work discontinues.

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

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

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

13. The proposed estate roads, footways, footpaths, tactile paving, cycleways, 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.

14. 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.

15. The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.

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

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

17. None of the dwellings hereby permitted shall be occupied until a scheme of street lighting has been installed within the site in accordance with a design and specification to be approved in writing by the Local Planning Authority.

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

18. 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.

19. Prior to the commencement of the development, a Measures Only Travel Plan is to be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied unless any agreed measures are being implemented in accordance with an agreed timetable.

Reason: To encourage the use of alternative modes of transport to accord with Policy TA4 of the South Somerset Local Plan.

20. The reserved matters application shall include foul and surface water drainage details to serve the development, to include the details /information as required by the Local Lead Flood Authority in their letter dated 8th April 2018. Before any development commences on site, these drainage details shall have been approved by the Local Planning Authority and 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 in accordance with details submitted and approved.

Reason: To ensure that the site is adequately drained in accordance with the National Planning Policy Framework.

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

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



- Car parking for contractors;
- Specific measures to be adopted to mitigate construction impacts in pursuance of the

Environmental Code of Construction Practice;

- A scheme to encourage the use of Public Transport amongst contractors; and
- Measures to avoid traffic congestion impacting upon the Strategic Road Network.

Reason: in the interests of highway safety and local amenity to accord with Policies EQ2 and TA5 of the South Somerset Local Plan.

**Informatives:**

01. In regard to condition 8, the Highway Authority have advised that the provision of those 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.
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# Agenda Item 14

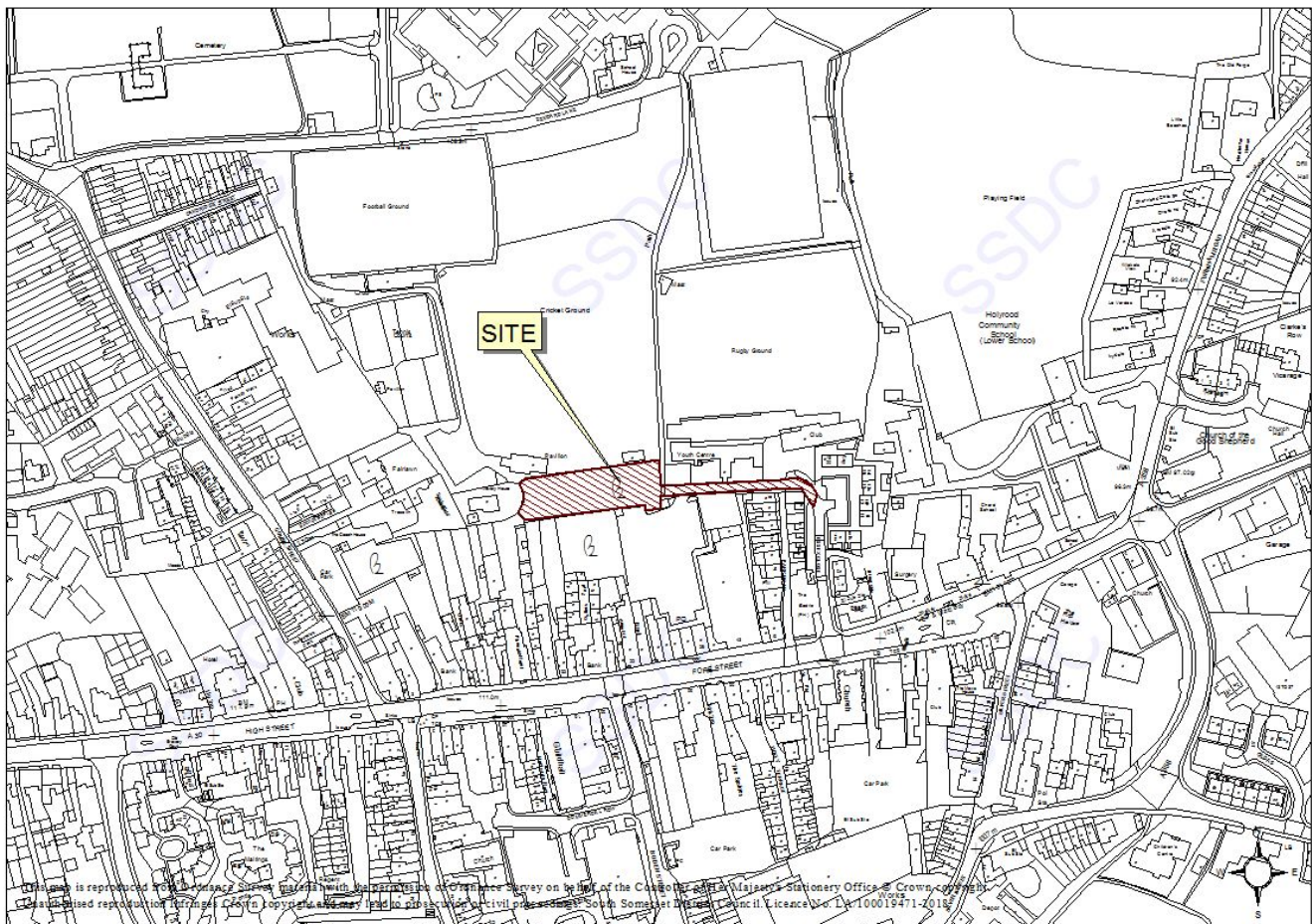
## Officer Report on Planning Application: 18/01713/FUL

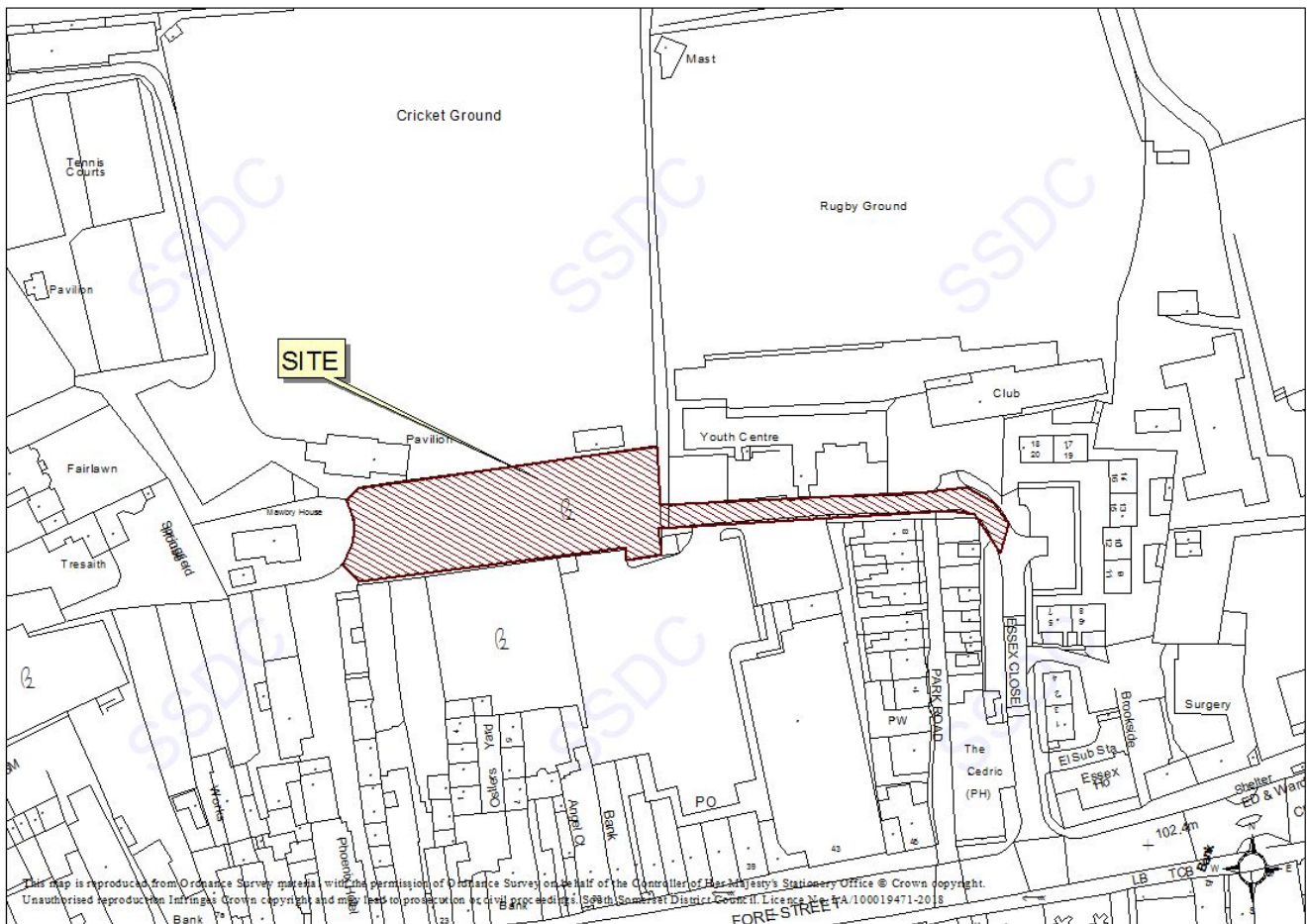
<b>Proposal :</b>	The erection of 4 No. detached dwellings with garaging, parking and private drive.
<b>Site Address:</b>	Land rear of Phoenix Hotel and Car Park, Essex Close, Chard
<b>Parish:</b>	Chard
<b>COMBE (CHARD) Ward (SSDC Member)</b>	Cllr Amanda Broom
<b>Recommending Case Officer:</b>	Andrew Gunn Tel: (01935) 462192 Email: andrew.gunn@southsomerset.gov.uk
<b>Target date :</b>	25th July 2018
<b>Applicant :</b>	Mr T Keeling
<b>Agent: (no agent if blank)</b>	Mr Steven Pinder, Trevor J Spurway Ltd 55 Staplegrove Road Taunton, Somerset TA1 1DG
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REFERRAL TO AREA WEST COMMITTEE

This application is referred to Area West Committee because South Somerset District Council has an interest in the application in that it owns land, including Essex Close, to the east of the site.

### SITE DESCRIPTION AND PROPOSAL





The application site is located within the centre of Chard, 90 metres to the north of Fore Street, comprising an area of 0.19 hectares. It is currently a redundant site, largely overgrown with vegetation, with a mix of fencing, walling and vegetation on the boundaries. The Cricket Club adjoins to the north, with a specialist care home to the west, Youth club to the east, car park and residential use to the south, with a youth centre to the east. Pedestrian and vehicular access is gained from Fore Street through the Phoenix Hotel Archway. The Conservation Area Boundary runs along the western side of the application sites southern boundary. A Wild Service Tree at the eastern end of the site is subject to a Tree Preservation order.

The application seeks full planning consent for 4 bungalows. There is an extant outline permission for 2 dwellings on the site with vehicular access from Fore Street through The Phoenix and into the site via an existing access in the south west corner of the site. This current application proposes 4no. 3 bedroomed bungalows with vehicular and pedestrian access from Essex Close at the eastern end of the site. Each plot will have their own garage along with off road parking, along with individual garden space. The units will be arranged in a largely linear form given the rectangular nature of the site. The bungalows will be of simple design with brick walls and concrete tiles/slates.

Boundary fencing will be replaced on the north, east and west boundaries and the existing southern boundary wall will be repaired where required.

## HISTORY

There have been a large number of applications dating back to the 1970's in connection with the pub and associated outbuildings. A number of residential conversions have been created at the back of the

pub as a result of these permissions. The most relevant applications with regard to this current application however are outlined below:

17/00074/OUT - The erection of 2 dwellings (approved 2017).

10/00093/OUT - Residential development (application refused and appeal dismissed).

The above application did not specify the total number of units although the submitted documentation indicated a figure of around 20 units in the form of a 3 storey block of flats. The application was refused by Area West Committee for 4 reasons. The reasons were:

- 1) density and scale not satisfactorily respecting the form, character and setting of the locality;
- 2) Highway safety concerns in regard to the substandard and limited access through the Phoenix Hotel entrance not providing a safe means of pedestrian and residential vehicle access, and access concerns for emergency vehicles;
- 3) the likely increase in demand for on street parking resulting from this proposal would be detrimental to highway users and pedestrians, and cause harm to the visual character and appearance of the street scene and conservation area; and
- 4) the increased use of the substandard access through The Phoenix Hotel entrance would be prejudicial to highway safety.

A subsequent appeal was made to the Planning Inspectorate. The appeal was dismissed by the Inspector upholding concerns about highway/pedestrian safety, density, scale of development and impact on the Conservation Area. Reason 3 was not upheld nor in regard to the access for emergency vehicles.

## **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  
SS5 - Delivering new housing growth  
TA5 - Transport Impact of New Development  
TA6 Parking Standards  
EQ2 - General Development  
EQ3 - Historic Environment

### Other Relevant Documents:

National Planning Policy Framework  
Chapter 11- Making Effective Use of Land.  
Chapter 16 - Conserving and Enhancing the historic Environment

## **CONSULTATIONS**

### **Chard Town Council:**

Recommend refusal due to overdevelopment of the site.

### **Highway Authority:**

No comments received.

**Ecologist:**

No objection to the application.

**County Archaeologist:**

No objection.

**REPRESENTATIONS**

3 letters/emails have been received objecting to the application (2 from the same writer) raising the following points:

- Not notified of the application (officer comment: the address was notified)
- Plot 1 would block their gateway and thus would not be able to gain rear access to their property. An opportunity will be lost to park on their property and an emergency access.
- Site is too small for 4 dwellings, will cause excess noise.
- More than the 2 dwellings originally granted.

**Chard Cricket Club:**

No objection raised but have sought reassurances that any planning consent would include the requirement for the developer to erect and maintain a safety fence along the boundary to prevent cricket balls from flying into the site.

Officer comment: The new owners have met the cricket club and will be erecting the required netting at the applicant's expense.

**CONSIDERATIONS**

**Principle**

The site is located close to Chard Town Centre and there is an extant outline permission for 2 dwellings. On this basis, it is considered that the principle of residential development is acceptable.

**Residential Amenity:**

Whilst close to the town centre, there are only a limited number of buildings adjacent to the site. The cricket club buildings are located along part of the northern boundary with a residential dwelling to the west. A range of converted buildings are located to the south west of the site. The southern boundary adjoins a mix of quite extensive rear residential gardens and a car park. Given that the scheme comprises 4 bungalows, that the site will be bounded via new or existing fencing and walling, and the distance between the new and existing residential units, it is not considered that the scheme would give rise to any harmful overlooking.

The applicant has agreed to install a 6 metre safety netting along the northern boundary to prevent cricket balls from entering the application site. This has been requested by the cricket club and the applicant has agreed to provide the safety netting. A condition shall be attached accordingly.

As referred to above, the site adjoins Chard Cricket Club with its pavilion along part of the northern boundary. There will of course be activity associated with the cricket club and use of the pavilion. No objection has been raised on this basis nor raised in regard to previous applications for residential use on this site. Moreover, an existing residential property which is located close to the pavilion has co-existed without complaint. It is not considered that activities associated with the adjacent cricket club would give rise to a significant adverse impact warranting refusal.

Concern has been raised that the 4 bungalows would create excess noise. Whilst it is appreciated that

the site is currently quiet as it is a vacant site, it is not considered that a development for 4 bungalows would result in adverse noise that would warrant refusal. The agent has replied to this concern to say that it is likely that the future occupiers are likely to be from an older demographic and thus create less noise. Whilst the age of the future occupiers of the units is unknown, it is not considered that the creation of 4 units will create such adverse noise to warrant refusal.

A condition shall be imposed on any consent in regard to controlling construction deliveries and working hours.

### **Highways and parking**

Access will be created via Essex Close, on the eastern side of the site. The last section of Essex Close which shall serve the development is owned by the District Council. Terms have been agreed with the Council for the applicant to use Essex Close as means of access to the development. This is considered to be a preferable means of vehicular access to the site rather than using the Phoenix Hotel access which offers substandard visibility at its entrance onto Fore Street. The Highway Authority have previously indicated that Essex Close is the much preferred option. The new internal access road will not be adopted and will be a private drive.

In order for vehicular access to be gained to Essex Close, it will require the removal of vegetation and a metal barrier. Access will also require the crossing of a path that adjoins the site to the east and leads to Zembard Lane. A dropped kerb will be required. All of this land outside of the site is owned by the District Council and as outlined above, terms have been agreed to enable this access to be implemented.

12 parking spaces will be provided within the development which is 2 over the adopted highway parking standards. However, this would provide for visitor parking and on this basis, the level of parking provision is considered to be acceptable.

### **Density, layout and design**

An objection has been raised by the Town Council and a local resident about the scheme being overdevelopment of the site. The submitted layout shows how the 4 bungalows will be satisfactorily accommodated on the site. The site comprises 0.18 hectares and on this basis, the development will be built at a density of 22 dwellings per hectare. Rather than being considered overdevelopment, this is considered to be a low density development, particularly given its location close to the town centre. The layout of the scheme follows a linear form of development with the access road running along the southern boundary with 3 of the bungalows along the northern side with Plot 4 in the south west corner of the site. The bungalows are simple in design and given the mix of existing development designs in the locality, are considered to be acceptable. Moreover, it is not considered that the setting of the Conservation Area would be harmed by the proposed development.

The fact that 4 bungalows are being proposed is to be welcomed. Few bungalows are currently built and these will make a small but valuable contribution to providing a wider choice of homes in Chard.

### **Other issues**

A local resident has written to say that this development would prevent them from gaining access to the rear of their property from the site as these access points will be closed as part of the development. Having checked with the agent, the adjoining neighbour does not benefit from access rights into the application site. In any case, this is a civil matter between the relevant parties rather than a planning matter.

## **SECTION 106 PLANNING OBLIGATION/UNILATERAL UNDERTAKING**

Not applicable to this development.

## **COMMUNITY INFRASTRUCTURE LEVY**

This development is CIL liable and Form Zero has been submitted.

## **RECOMMENDATION**

Grant permission

01. The proposed development would make a contribution towards meeting the Council's housing need in a sustainable location within walking distance of the town centre. It would not harm residential amenity, would provide an acceptable means of access and would not harm the character and appearance of the Conservation Area. The development is in accord with Policies SD1, SS1, SS5, HG4, TA5, TA6, EQ2, EQ3, and guidance in the NPPF.

## **SUBJECT TO THE FOLLOWING:**

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

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

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

Drawing Numbers: 1714 01, 1714 17 A, 1714 18 B, 1714 15 A, 1714 16 and 1714 02.

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

03. The development hereby approved shall not be occupied until the parking areas to serve each of the dwellings have been fully constructed in accordance with details submitted to and approved in writing by the Local Planning Authority. Once constructed, the parking areas 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 to accord with Policy TA5 of the South Somerset Local Plan.

04. None of the bungalows hereby approved shall be first occupied until details of the protective measures to be installed to protect future occupiers and property from any cricket balls from the adjacent cricket club. Once agreed and installed, the protective measure shall be permanently retained and maintained thereafter unless agreed in writing by the Local Planning Authority.

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

05. No development shall start on the bungalows 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 and setting of the Conservation Area to accord with Policy EQ2 and EQ3 of the South Somerset Local Plan.

06. The development hereby approved shall not be occupied until the private drive has been fully constructed in accordance with the approved site plan.

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

07. 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.

08. No construction work shall take place or construction deliveries made to the site outside of the hours of 08.00- 18.00 Monday to Friday, 08.00- 14.00 hours on Saturdays with no construction work or deliveries on Sundays, Bank or Public holidays.

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

**Informatives:**

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

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

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

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