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## Area West Committee

**Wednesday 19th June 2019**

**5.30 pm**

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

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



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The following members are requested to attend this meeting:

Jason Baker  
Mike Best  
Dave Bulmer  
Martin Carnell  
Brian Hamilton  
Ben Hodgson

Val Keitch  
Jenny Kenton  
Paul Maxwell  
Tricia O'Brien  
Sue Osborne  
Robin Pailthorpe

Garry Shortland  
Anthony Vaughan  
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 Tuesday 11 June 2019.

*Alex Parmley, Chief Executive Officer*



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

## **Information for the Public**

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

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

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

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

Meetings of the Area West Committee are held monthly, usually at 5.30pm, on the third Wednesday of the month (except December).

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>

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# Area West Committee

## Wednesday 19 June 2019

### Agenda

#### *Preliminary Items*

1. **To approve as a correct record the Minutes of the Previous Meeting held on 17th April 2019**
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 Jason Baker and Sue Osborne.

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 17<sup>th</sup> July 2019 at 5.30pm at The Guildhall, Chard.

5. **Public Question Time**

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

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

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

## **6. Chairman's Announcements**

### *Items for Discussion*

- 7. Area West Committee Meeting Arrangements** (Pages 6 - 7)
- 8. Chard Regeneration Scheme Update Report** (Pages 8 - 10)
- 9. Area West Committee Outside Organisations - Appointment of Members 2019/20 (Executive Decision)** (Pages 11 - 12)
- 10. Scheme of Delegation - Development Control - Nomination of Substitutes for Chairman and Vice-Chairman (Executive Decision)** (Pages 13 - 14)
- 11. Area West Committee Forward Plan** (Pages 15 - 16)
- 12. Planning Appeals** (Pages 17 - 30)
- 13. Schedule of Planning Applications to be Determined by Committee** (Pages 31 - 32)
- 14. Planning Application 18/02808/FUL - Land at Beetham, Higher Beetham, Whitestaunton** (Pages 33 - 43)
- 15. Planning Application 17/04328/OUT\*\* - Land West Of School Lane, Ashill** (Pages 44 - 77)
- 16. Planning Application 1800754/FUL - Millers Garage, 22A East Street, Crewkerne** (Pages 78 - 89)
- 17. Planning Application 18/03822/FUL - Batstone Farm, Priddles Lane, Combe St Nicholas** (Pages 90 - 93)

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

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

# Agenda Item 7

## **Area West Committee Meeting Arrangements**

*Director:* Netta Meadows, Director, Strategy and Support Services  
*Lead Officer:* Angela Cox, Democratic Services Specialist  
*Contact Details:* [angela.cox@southsomerset.gov.uk](mailto:angela.cox@southsomerset.gov.uk) or (01935) 462148

### **Purpose of the Report**

To allow members to consider the start time for Area West Committee meetings.

### **Public Interest**

Area West Committee meetings are held “in public”. This allows residents and others to observe the committee in action and also to make representation. Traditionally the Area West Committee is held on the 3<sup>rd</sup> Wednesday of the month starting at 5.30pm.

### **Recommendations**

That members consider and agree the start time for Area West Committee meetings.

### **Background**

The start times and venues for Area West Committee meetings were last reviewed in June 2015. At that time members decided there was no compelling reason to make any changes, and it was resolved;

- (1) That the start time for Area West Committees remains 5.30 p.m. and
- (2) That Area West Committee meetings are held in the three major towns in Area West unless there is a specific issue or reason to go to a village.

### **Area Committee Meetings**

Area Committee meetings are a key element of local governance in South Somerset. It is vital that elected members feel able to participate and contribute as fully as possible to local decision making.

Members will be aware that the choice of starting times has always been a matter for each Area Committee to decide. The expectation is that Area Committee meetings are held at a time which members feel is best suited to their Area. The result is that the arrangements for all four Area Committees are not the same, with wide variation in “best” practice. It is recognised that arrangements will always involve some compromise.

As part of the Transformation Programme, and to assist officers to manage their time more effectively, we now hold Area Committee meetings at venues which are DDA compliant, have a PA, hearing loop system and wifi installed and benefit from the services of a caretaker. The Guildhall in Chard is the main venue for Area West Committee as it has all the above services and can accommodate a large audience when necessary.

Area West Committee meetings normally last between 2 hours 50 minutes and 3 hours 40 minutes, so meetings that begin at 5.30pm can be expected to finish somewhere between 8.20pm and 9.10 pm.

Some meetings have taken much longer than this. To a great extent, this variation is caused by the extra time needed to consider complex or controversial planning applications. This cannot be reduced, although it can be anticipated. Where this is the case, the starting time for consideration of planning applications may be brought forward.

**Financial Implications**

None

**Corporate Priority Implications**

None

**Carbon Emissions & Climate Change Implications**

None

**Equality and Diversity Implications**

Venues must be accessible and enable participation of the public.

***Background Papers:*** Reports to Area West Committee May 2014 and June 2015

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# Agenda Item 8

## **Chard Regeneration Scheme Update Report**

*Director:* Alex Parmley, Chief Executive (SSDC), Project Sponsor  
*Manager / Lead Specialist:* Jeb Farrah, Chard Regeneration Scheme Project Manager  
*Lead Officer:* Rebecca McElliott, Property and Development Project Manager  
*Contact Details:* rebecca.mcelllott@southsomerset.gov.uk or 01935 462173

### **Purpose of the Report**

This report updates members of Area West Committee on the Chard Regeneration Scheme project.

### **Public Interest**

South Somerset District Council has worked with partners to develop an ambitious strategy which will bring significant changes and benefits to Chard and the community. Chard Regeneration Scheme encompasses the town centre with a focus on redeveloping and bringing in to community use the Boden Mill site. Following consultation in summer 2018, the proposed components to be included on the site are a new leisure centre with swimming pool, a library and community hub, alongside a blend of housing and commercial developments.

The project team appointed by the Council and working with the partners includes Alliance Leisure (leisure development specialist) and AHR architects; a multi-award winning architecture and building consultancy practice. It is intended that the Chard Regeneration Scheme will make a significant, positive difference to the economic vitality of the local area. It will be of interest to all who live, work, study, shop, use the services and enjoy the leisure opportunities within the town.

### **Recommendations**

It is recommended that Area West Committee note the content of this report.

### **Background**

The Chard Regeneration Scheme project partnership currently comprises of South Somerset District Council, Somerset County Council, Chard Town Council and is supported by Homes England. The overall governance and authority for the Chard Regeneration Scheme remains vested in the District Executive of South Somerset District Council. The Project Board is the main body for steering project delivery and has decision making delegated to it by Full Council within the parameters agreed. It maintains decision-based control and ensures that the component projects of the Chard Regeneration Scheme are resourced.

Since 2016, the Chard Regeneration Scheme board have been working together to develop a new community-driven development scheme for the Boden Mill site adjacent to Chard Town Centre. The plans include a new leisure centre, library and community hub, a health centre and improved public realm. Alliance Leisure Ltd and AHR Architects together with associated specialist consultants have been appointed to support the delivery of the project. The Council has committed to engaging the residents and stakeholders of Chard in the regeneration scheme and has consulted formally with the public on two occasions where local residents have been given the opportunity to comment on the



proposals for the town centre. There is also a Stakeholder consultation group and a project to engage young people in shaping the future of their town.

## **Project Update**

The regeneration plan is broader than the redevelopment of the Boden Mill / ACI site. However, securing the redevelopment of this site with uses that will attract people in to using the town centre is regarded as critical to the overall successful regeneration of Chard. The redevelopment scheme will be delivered in two phases; phase one will include the leisure centre, library - community hub building and associated public realm. The second phase will include the redevelopment of the two mill buildings, Boden Centre and associated public realm. The project team recently submitted the planning application for the detailed design of the leisure centre and library hub plus the masterplan for the entire site. This followed detailed site investigations, consultation with residents and engagement with statutory consultees such as Historic England. The Planning Application is likely to take at least three months to determine. Due to the historic nature of the site, works, including demolition, cannot commence until planning permission is granted.

The Council are currently liaising with Somerset County Council and other public sector partners to agree the internal design of the library hub building. The Council has appointed 'Opening the Book', an experienced team of designers, to provide space planning and design services to make the most efficient use of the space available. The community hub will include the library, customer access points for the district Council, the registrar, Somerset County Council social services and space for museum displays.

Beyond the Boden Mill – ACI site, another key component of the Chard Regeneration Plan is improvements to the Public Realm. This includes examination of routes to and from the town centre to ensure walking and cycling are easier and more desirable, as well as improving the environment, look and feel of the town centre to increase its appeal, and take better account of the historic built environment. Element Urbanism and Hydrock were recently appointed to complete a public realm enhancement review. This will include a car parking review, coach parking review, a signage and pedestrian wayfinding strategy and a design guide to include a public realm improvement plan. The Stakeholder Group, and local businesses and residents will have the opportunity to comment on the proposals in June/July 2019. Element Urbanism and Hydrock have engaged the Stakeholder Group in the initial work as well as attending the recent consultation event in March 2019 to understand key issues and opportunities relating to their project.

## **Next Steps**

The next steps for the project team includes working with AHR Architects and Alliance Leisure Ltd to develop the designs for both the library hub and mill buildings. Work is ongoing on the detailed cost plans to meet the parameters agreed by Council in 2018. Once planning permission is secured and the costs and budget finalized, demolition works can commence. The options for the public realm improvement plan will shortly be available for the public to comment on. The project team continue to work with the stakeholders and partners to ensure the scheme is community-driven.

The project team are working with Holyrood School because there are aspirations to make the Regeneration Scheme a part of their students project work. This fits in with the curriculum and it is an

excellent way of engaging the young people in Chard. Subject to agreement with the school, we will propose a framework for the Boden Mill case study.

### **Financial Implications**

There are no new financial implications directly associated with this report.

### **Council Plan Implications**

The Chard Regeneration Scheme is a specific objective of the Council Plan and a priority project for 2019/20.

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

None at this stage

### **Equality and Diversity Implications**

None

### **Background Papers**

None

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# Agenda Item 9

## Area West Committee Outside Organisations - Appointment of Members 2019/20 (Executive Decision)

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

### Purpose of the Report

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

### Recommendations

The Committee is asked to review and appoint members to the outside organisations as set out in the report.

### Outside Organisations

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

Members are asked to review and appoint members to the outside bodies for 2019/20, having regard to the adopted policy.

Organisation	Representation 2018/19
A Better Crewkerne & District (ABCD)	Mike Best
Blackdown Hills AONB	Martin Wale
Chard and District Museum Society	<b>Amanda Broom</b>
Crewkerne Heritage Centre	<b>Marcus Barrett</b>
Ile Youth Centre Management Committee (Iminster)	Val Keitch
Iminster Forum	<b>Carol Goodall</b>
Meeting House Arts Centre, Iminster	<b>Carol Goodall</b>
Stop Line Way Steering Group	<b>Andrew Turpin</b>

*(Names highlighted in bold are no longer serving Councillors on Area West Committee).*

### Financial Implications

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

### Council Plan Implications

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

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

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

None

### **Equality and Diversity Implications**

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

### ***Background Papers***

*Minute 14, Area West Committee, 19 June 2013*

*Minute 184, District Executive, 1 May 2014*

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

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# Agenda Item 10

## **Scheme of Delegation – Development Control – Nomination of Substitutes for Chairman and Vice-Chairman for 2019/20 (Executive Decision)**

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

### **Purpose of the Report**

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

### **Recommendation**

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

### **Background**

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

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

### **Financial Implications**

None from this report.

### **Council Plan Implications**

None from this report.

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

None from this report.

### **Equality and Diversity Implications**

None from this report.

**Background Papers:** Minutes 36, Council meeting of 21<sup>st</sup> July 2005

# Agenda Item 11

## **Area West Committee Forward Plan**

*Director:* Netta Meadows, Strategy and Support Services  
*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](mailto:jo.morris@southsomerset.gov.uk)

<b>Meeting Date</b>	<b>Agenda Item</b>	<b>Lead Officer(s) SSDC unless stated otherwise</b>
<b>17<sup>th</sup> July 2019</b>	Strategic Priority Proposals for the Council Plan	Anna-Maria Lenz, Specialist – Strategic Planning
<b><i>14<sup>th</sup> August 2019</i></b>	<i>Chard Regeneration Scheme Update Report</i>	<i>Rebecca McElliott, Property and Development Project Manager</i>
<b><i>20<sup>th</sup> November 2019</i></b>	<i>Area Chapter for the Council Plan</i>	<i>Chereen Scott, Specialist, Strategic Planning</i>
<b><i>11<sup>th</sup> December 2019</i></b>	<i>Blackdown Hills Area of Outstanding Natural Beauty (AONB)</i>	<i>Adrian Moore, Locality Officer</i>
<b><i>TBC</i></b>	<i>Reports from Members on Area West Outside Organisations</i>	

# Agenda Item 12

## **Planning Appeals**

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

## **Purpose of the Report**

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

## **Recommendation**

That the report be noted.

## **Background**

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

## **Report Detail**

### **Appeals Received**

18/02078/OUT - Outline application for the erection of 1 No. dwelling and associated parking with all matters reserved except access  
Land Rear Of Garden House, Back Street, Winsham, Chard  
(Officer decision)

18/00001/FUL - Alterations to include the change of use of ground floor of dwelling (Use Class C3) to a shop/Post Office (Use Class A1) and cafe (Use Class A3). First floor to be ancillary to shop and cafe use.  
The George Back Street Winsham Chard Somerset TA20 4ED  
(Committee decision)

### **Appeals Refused**

18/00619/OUT – Outline application for residential development for up to 4 dwellings  
Holy Tree Farm, Longstrings Lane, Crewkerne, TA18 7EA  
(Failure to determine within the specified timescale)

### **Appeals Dismissed**

18/00555/FUL - The erection of 1 No. dwelling in the garden  
10 Victoria Avenue, Chard, TA20 1HE  
(Officer decision)

### **Background Papers**

Decision notices attached.

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## Appeal Decision

Site visit made on 8 January 2019

**by I Bowen BA(Hons) BTP(Dist) MRTPI**

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

**Decision date: 5<sup>th</sup> April 2019.**

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**Appeal Ref: APP/R3325/W/18/3209790**

**Holly Tree Farm, Longstrings Lane, Crewkerne TA18 7EA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
  - The appeal is made by Mr Brett Jacobs against South Somerset District Council.
  - The application Ref 18/00619/OUT, is dated 19 February 2018.
  - The development proposed is outline application for residential, custom build and/or affordable housing development.
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### Decision

1. The appeal is dismissed and planning permission is refused.

### Application for costs

2. An application for costs was made by Mr Brett Jacobs against South Somerset District Council. This application is the subject of a separate Decision.

### Preliminary Matters

3. The appeal was made following the Local Planning Authority's (LPA) failure to determine the planning application within the specified timescale. In its statement, the LPA indicated that it regards the application as a re-submission of a previous refusal of planning permission under ref 16/03209/OUT and that its concerns remain unchanged. I have had regard to that decision in framing the main issues below.
4. Furthermore, I note that planning application ref 16/03209/OUT was also the subject of an appeal<sup>1</sup> (the previous appeal) which was dismissed on 30 October 2017. I have had regard to that appeal decision in determining this appeal.
5. The application was made in outline, with all matters reserved except for access. The appellant submitted an illustrative plan which shows a possible layout for a development comprising starter and custom-build homes. I have used that plan as a guide as to how the development could take place. Whilst the description of the development did not specify a quantity of housing being proposed, the details in the application form and the appellant's appeal evidence indicates that the intention is for the scheme to deliver up four dwellings, of which a minimum of 25% is described as being for custom build/affordable housing. Whilst the appellant also indicates that options for

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<sup>1</sup> APP/R3325/W/17/3176399

alternative schemes comprising one, two, three or four dwellings could be negotiated, I am mindful that I must consider the proposal for which planning permission was originally sought and upon which public consultation took place. If the appeal were allowed, the appellant would benefit from a planning permission for the construction of four dwellings and I have therefore determined the appeal on that basis.

6. A revision to the National Planning Policy Framework was published in February 2019 (the revised Framework) to which I have had regard in determining this appeal. No changes have been introduced, however, which are directly relevant to the subject matter of this appeal and I am therefore satisfied that that no party has been prejudiced as a result of my doing so.

### **Main Issues**

7. The main issues are the suitability of the proposed site for housing having particular regard to the effect of the proposed development on (i) highway safety and (ii) the character and appearance of the area.

### **Reasons**

#### *Highway safety*

8. Having regard to the previous appeal decision and the submitted evidence, two substantive areas of dispute between the parties arise in respect of the adequacy of (i) Longstrings Lane and (ii) the junction of Longstrings Lane with the main A356, to safely accommodate the likely traffic associated with the proposed development. I consider these matters in turn below.
9. Longstrings Lane is a public right of way which would be the means of access for future occupiers of the proposed development. The submitted evidence shows that the lane is also used by agricultural and equine vehicles as well as pedestrians and people using non-motorised forms of transport. The stretch of lane required to access the appeal site is fairly lengthy, around 60m according to the appellant's evidence.
10. When I visited the site I saw that maintenance work had been undertaken to the lane both in terms of compacting the road surface and in cutting vegetation back to the hedge banks to maximise its usable width. In this respect, according to the appellant's figures, a minimum width of 4.1m is available along the full 60m stretch from the A356 to the appeal site. As a result, the local highway authority (HA) now considers it capable of allowing two-way traffic flow and pedestrians to use the public right of way without conflict with vehicles.
11. Whilst the HA remains concerned over the standard of the road surface, I have seen no evidence that in its current form it presents unacceptable trip hazards to the extent that would make it unsuitable for safe use by a range of users.
12. Accordingly, to my mind, although the lane is a public right of way hosting a variety of pedestrian users, the condition of the lane is such that I am satisfied its width and surface material would allow safe access to the appeal site.
13. However, I am concerned that there is considerable scope for deterioration through neglect both in terms of encroachment of vegetation reducing the effective width and in terms of the integrity of the surface. Given the length of

- this section of the lane, its restricted width and the mix of users, I consider it would be essential in the interests of highway safety for it to be routinely maintained to at least its current standard in perpetuity.
14. In this regard, whilst I note the appellant's sincere intentions to undertake such maintenance, it is not in dispute that the land is not exclusively within the control of the appellant. Furthermore, it is quite possible that the appellant may relinquish all interest in the land at some point in the future and/or be unable to secure the willingness of other landowners to undertake such works for the full length of that part of the lane. In this regard I am mindful that a planning permission for the construction and occupation of houses would endure in the long-term. I am not therefore persuaded that sufficient safeguards could be exercised through any planning conditions which I may attach to guarantee the maintenance of the lane in the long-term.
  15. The appellant's transport evidence<sup>2</sup> notes that other consents have been permitted where access has relied upon an unadopted road/private way. However, my attention has not been brought to any specific examples and I cannot therefore be confident that the circumstances in those cases are reasonable comparable in terms of the importance of safeguarding the route against deterioration. In any event, I have considered this appeal on the basis of the particular site circumstances and evidence before me.
  16. Similarly I am aware that an appeal<sup>3</sup> Inspector in relation to an application for two dwellings on the site previously concluded that the access lane would be adequate to serve the development. However, in that case the proposal had sought prior approval for the change of use of buildings under permitted development rights. In this regard the Inspector had noted that the access would only serve two "very modestly sized dwellings" in contrast to the greater potential traffic movements that would be associated with four dwellings. I do not therefore regard that Inspector's decision as being determinative to the case before me. Similarly, whilst I note it has been suggested that the LPA has previously informally raised no objection to development on highway grounds in the area, no further evidence has been provided in that regard.
  17. Turning to the junction of Longstrings Lane with the A356, the parties dispute whether adequate visibility splays can be achieved and whether the geometry of the junction permits safe vehicular movements. Whilst the HA remains concerned in both these respects, I note that this appears to be largely on the basis of the perceived inadequate precision of drawings on which the appellant's contentions are based.
  18. Having carefully considered the appellant's transport evidence including that relating to actual traffic speeds, and visited the site and inspected the junction, it seems to me that adequate visibility is currently available. Similarly, the width of the bell junction is such that light vehicles approaching from the south are able to negotiate the junction without undue risk to highway safety, including when traffic is awaiting to emerge from that junction. Whilst it has not been shown that larger vehicles would be able to pass each other, I have no good reason to conclude that the geometry of the junction is such that undue highway risk would arise. Whilst noting the LPA's concern that the junction does not conform to guidance in Manual for Streets, my attention has

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<sup>2</sup> Transport statement dated 21 February 2018, LvW Highways Ltd.

<sup>3</sup> Appeal ref APP/R3325/W/17/3185851

not been drawn to any specific advice in that document which would demonstrate that the junction would be sub-standard to serve the proposed development. The appellant also drew my attention to an appeal decision at Station Road<sup>4</sup>. However, I am not familiar with the full background to that scheme which, in any event, was for a much larger scale of development. I have therefore attached little weight to it in favour of the current proposal.

19. A concern was raised by the HA over the risk posed by visibility being interrupted by vehicles parked on the grass verge immediately to the north of the junction. Similarly, the hedge bank to the south would require ongoing maintenance in order to retain southwards visibility. However, I have seen no indication that these areas are not highway land, and therefore these are matters which could be adequately addressed by the HA.
20. Some doubt has been cast by the LPA over the appellant's (and others') right to use Longstrings Lane for access to new development. However, that is not a matter which relates to the planning merits of the proposal. In the event that the appeal had been allowed, my decision would not in itself have conferred any right to use or access land which may not otherwise have existed.
21. In conclusion on this main issue, I find that the appellant's evidence has demonstrated that no unacceptable highway safety risk would result from the use of the main junction to access the proposed development. However, it would be essential that the condition and width of the section of Longstrings Lane from the A356 to the appeal site could be maintained in perpetuity for the proposal to be acceptable in highway safety terms. As there is no mechanism before me to secure such maintenance, the proposed development would conflict with Policy TA5 of the adopted South Somerset Local Plan (2006 – 2028) (March 2015) (the SSLP). That policy requires all new development to secure inclusive, safe and convenient access on foot, cycle and by public and private transport that addresses the needs of all. For the same reasons, the proposal would also not accord with the aims of paragraph 109 of the revised Framework which indicates that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety.

#### *Character and appearance*

22. The appeal site comprises a fairly narrow L-shaped parcel of land in a setting characterised by undulating fields and hedgerows on the outskirts of Crewkerne. Little built development is evident and, whilst not a formally designated landscape, the area has an attractive and rural character. The site is fairly contained within the landscape which limits the extent of public views although it is readily visible from the Longstrings Lane public right of way.
23. The LPA's evidence<sup>5</sup> identifies the site as lying in an area of moderate visual sensitivity with a moderate–low capacity to accommodate development. In this regard, I saw that even with sensitive landscaping the development of up to four houses together with driveways, parking and the usual domestic paraphernalia would have an urbanising effect on this part of the countryside.
24. On the basis of the submitted evidence, I therefore consider the development would have a harmful effect on the landscape. Whilst the appellant has referred

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<sup>4</sup> APP/R3325/A/11/2150293

<sup>5</sup> Peripheral Landscape Study – Crewkerne, South Somerset District Council (March 2008)

to land in the vicinity of the appeal site having been identified in the LPA's Strategic Housing Land Availability Assessment, I have been provided with no further evidence in this regard which would show that the location is suitable in landscape terms for residential development.

25. I note that in determining the previous appeal, my colleague judged that the proposal would give rise to limited landscape harm and I see no reason to disagree. I therefore conclude that the proposal would conflict with SSLP Policy EQ2 which requires development to promote local distinctiveness and preserve or enhance the character and appearance of the district.

### **Planning Balance**

26. Planning law requires that applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise. In this regard, the appellant contends that the LPA is currently unable to demonstrate a five year supply of housing as required by Paragraph 73 of the Framework. This is not disputed by the LPA.
27. Consequently, the so-called 'tilted balance' is engaged in line with Paragraph 11 d) and footnote 7 of the revised Framework. This indicates that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the revised Framework as a whole.
28. In terms of the benefits of the proposal, the appellant has referred to an ongoing need for affordable housing in Crewkerne. I have no reason to dispute that need and I am also mindful that representations from Interested Parties have been submitted in support of the development. The revised Framework and Planning Practice Guidance also highlight the need for rural affordable housing and self/custom build opportunities. However, whilst the appellant has indicated that a minimum of 25% of the houses would be reserved for such accommodation, the appeal proposal before me includes no mechanism to ensure that the dwellings would be reserved as such in the event of the appeal being allowed. I therefore attach little weight to the benefits of the scheme in providing specialist housing in this case.
29. The scheme would, nevertheless, contribute up to four open market dwellings to local housing land supply in the area which would accord with the Government's objective of significantly boosting the supply of homes and promoting small to medium sized development sites. There would also be economic and social benefits arising from the development, both during construction and in supporting increased patronage of local facilities and services. There could also be environmental benefits through the provision of enhanced biodiversity through appropriate landscape planting. Whilst I have not been provided with precise details of the extent of the housing land shortfall, I consider in any event, having regard to the previous appeal Inspector's conclusion and the modest scale of the scheme, that the benefits would be moderate.
30. Overall, however, the unacceptable risk to highway safety and the harm to the character and appearance of the area I have identified would, in my judgement, significantly and demonstrably outweigh the benefits of the scheme.

### **Other Matters**

31. A number of Interested Parties have expressed support for the proposal and commended the appellant as a longstanding member of the community. I have carefully considered all of the comments raised. However, expressions of support for a proposal do not in themselves indicate that permission should be granted.
32. It has further been suggested by an Interested Party that a failure to provide at least one dwelling on the site would run counter to the provisions of the Children Act 1989 which, it is contended, sets out that child welfare is the paramount consideration when determining any question with respect to the upbringing of a child. It appears to be suggested that the appellant's current home lacks adequate amenity space and access to services. However, I note the appellant has made no detailed submissions in this respect and, in any event, I have no evidence before me to indicate that development of the appeal site would be the sole means of the appellant being able to access suitable accommodation. Accordingly, dismissing the appeal would be a proportionate response in the public interest, given the identified harm.

### **Conclusions**

33. For the reasons given, the appeal should be dismissed.

*Ian Bowen*

INSPECTOR





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## Costs Decision

Site visit made on 8 January 2019

**by I Bowen BA(Hons) BTP(Dist) MRTPI**

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

**Decision date: 5<sup>th</sup> April 2019.**

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### **Costs application in relation to Appeal Ref: APP/R3325/W/18/3209790 Holly Tree Farm, Longstrings Lane, Crewkerne TA18 7EA**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Mr Brett Jacobs for a full award of costs against South Somerset District Council.
  - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for residential, custom build and/or affordable housing development.
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### **Decision**

1. The application for an award of costs is refused.

### **Reasons**

2. Planning Policy Guidance advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The basis of this costs claim is that, in the view of the applicant, an excessive period of time elapsed without the Local Planning Authority (LPA) having reached a determination on the application. Furthermore, its appeal evidence was not submitted in a timely manner. The applicant further submits that the LPA relied on reiterating evidence which had been submitted in relation to the previous appeal<sup>1</sup>. In this regard it is contended that this both overlooked important changes in circumstances and evidence, and required the applicant to re-state his case in relation to matters which he regarded as having been settled by the previous appeal inspector.
4. I can appreciate the applicant's concern that a timely decision was not made on the planning application. However, I note that the delay stemmed in part from the LPA having sought specialist advice from the Highway Authority in response to the applicant's evidence in that regard. In any event, the LPA's failure to reach a timely decision in this case is a matter of local accountability rather than one for the appeal process.
5. It is also a matter of regret that LPA did not submit an appeal statement within the original timetable. However, the LPA is not duty bound to submit further evidence in support of its case at an appeal. In this particular instance, given

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<sup>1</sup> APP/R3325/W/17/3176399

- the previous history on the appeal site, I specifically requested the LPA's views and set an appropriate timetable. The applicant received adequate opportunity to respond and I note that final comments were duly submitted which I was able to take into account in reaching my decision. I do not therefore regard the applicant as having been prejudiced in this respect.
6. In terms of changed circumstances pertaining to this appeal, the applicant refers to a revised National Planning Policy Framework (published in July 2018). However, this is a matter which the applicant would have needed to have addressed in any event, and is one which I took fully into account in reaching my decision. The applicant also referred in appeal evidence to the Housing Delivery Test (HDT). National planning policy in this regard was issued in a further revision to the National Planning Policy Framework in February 2019. However, South Somerset District Council has not been identified as an authority where the delivery of housing was substantially below its housing requirement over the previous three years. I therefore noted in my appeal decision that no planning policy changes had been introduced which are directly relevant to the appeal. I nevertheless concluded in my appeal decision that the LPA was unable to demonstrate a five-year housing land supply and therefore the presumption in favour of sustainable development was, in any event, engaged. The significance of this was considered in the planning balance and the applicant was not prejudiced by the absence of any substantive evidence having been submitted by the LPA in this regard.
  7. The applicant further points to changed local circumstances and evidence arising between the current and previous appeal proposals which the LPA did not acknowledge. These include options for reductions in the number of dwellings being proposed, proposals for custom build/affordable housing, the planning history on the appeal site and other appeal decisions relating to highway matters.
  8. The LPA did make submissions in relation to the applicant's additional technical highways evidence which I was able to consider during the appeal. However, irrespective of the LPA's response or otherwise in relation to the other matters, these were issues which were important to the applicant's case and the submission of supporting evidence was necessary to enable me to consider the merits of the appeal. Moreover, my appeal decision makes clear that, having carefully considered the evidence, these are not matters over which I concurred with the applicant and I therefore find that the LPA's actions did not lead to an unnecessary appeal being made.
  9. Turning to matters which had already been considered by the previous appeal Inspector, including character and appearance and the provision of housing, I acknowledge that the applicant feels it was unfairly necessary for him to re-state his arguments. However, whilst I identified that the site's planning history was a material consideration relevant to my decision, it was still necessary for me to consider such matters in the round in determining the appeal. I am not therefore persuaded that the LPA's actions gave rise to the needless submission by the applicant of a significant quantity of information. Accordingly, this did not give rise to unnecessary or wasted expense in the appeal process.



**Conclusions**

10. For the above reasons, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated. Having regard to the Planning Practice Guidance and all other matters raised, an award for costs is not justified.

*Ian Bowen*

INSPECTOR



## Appeal Decision

Site visit made on 14 February 2019

**by Matthew Jones BA(hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3<sup>rd</sup> April 2019

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**Appeal Ref: APP/R3325/W/18/3215837**

**10 Victoria Avenue, Chard TA20 1HE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr David Pape against the decision of South Somerset District Council.
  - The application Ref 18/00555/FUL, dated 30 January 2018, was refused by notice dated 10 May 2018.
  - The development proposed is erection of dwelling in rear garden of no.10 Victoria Avenue including the provision of two car parking bays (off street).
- 

### Decision

1. The appeal is dismissed.

### Applications for Costs

2. An application for costs was made by South Somerset Council against Mr David Pape and by Mr David Pape against South Somerset Council. These applications are the subject of separate Decisions.

### Procedural Matters

3. In February 2019, after all evidence from both parties had been received, the latest version of the National Planning Policy Framework (the Framework) was introduced. However, the revisions to the Framework are not directly relevant to the issues in this appeal. I have therefore used the latest version of the Framework in my assessment without prejudice to any party.
4. The appellant has raised matters concerning the Council's conduct with regard to a pre-application enquiry, its interpretation of the scheme of delegation and the way in which the planning application was determined. These are matters which do not influence my assessment of the planning merits of the appeal.

### Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the area.

### Reasons

6. The appeal site forms the rear of the back-garden area behind no.8 and no.10 Victoria Avenue, which are within a row of semi-detached and terraced two storey houses. At the time of my visit the site appeared to be in residential use and was open to the rear of no.10. The rear of the properties back onto the public open space called Stringfellow Park.

7. Although there are a small number of exceptions, the properties on the east side of Victoria Avenue generally have reasonably long and adequately proportioned rear gardens which, in combination with the narrow plots and shared building line, are an integral characteristic of the area.
8. The proposed bungalow would maintain a simple roof design and a low profile and would be of a subservient scale and appearance. As such, the proposed dwelling would not be visually incongruous when viewed from Stringfellow Park.
9. However, the achievement of good design is not limited to only the aesthetic value of a residential development, but also its integration into the distinctive character of an area. In this case, the proposal would have an unduly restricted layout. The dwelling would appear cramped within the rear garden and would relate poorly to the long and narrow layouts which are the positive and defining characteristic of the area.
10. A schedule of garden sizes and plot coverage is provided relating to a limited number of properties nearby. It includes figures for the gardens of nos.8 and 10, which have been purposefully reduced, and the proposed bungalow itself. The Council has identified that one site, given as no.14a, does not have planning permission. The limited examples have disparately small garden sizes in exception to the otherwise characteristically long gardens serving the majority of other dwellings within Victoria Avenue. As such I do not consider that they set a desirable precedent for further cramped residential development in the area.
11. A spreadsheet has been submitted which identifies development elsewhere, including on the west side of Victoria Avenue. However, only limited information has been supplied of each case, and without substantive detail I am unable to assess the potential relevance of these other sites to this appeal.
12. The appellant also identifies that large outbuildings could be constructed under permitted development. The associated indicative plan is not consistent with the appellant's alternative evidence that the rear gardens of nos.8 and 10 have been reduced. In any case, this appeal proposal seeks a dwelling, not an outbuilding, which has materially different design implications. I have therefore attributed this fall-back position limited weight in my assessment.
13. Consequently, I find that the proposed development would be harmful to the character and appearance of the area. It would conflict with Policy EQ2 of the South Somerset Local Plan (adopted 2015) and paragraph 127 of the National Planning Policy Framework which, amongst other things, seek development to reinforce local distinctiveness and respect local context.

### **Other Matters**

14. I note comments made by the appellant with regard to a previous appeal decision within the site. Although that decision is a material consideration, I have made my assessment on its own individual planning merits and based on the evidence before me. I have also had regard to the support from interested parties, including the Town Council, but this has not altered my findings against the main issue.

**Conclusion**

15. For the reasons outlined above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

*Matthew Jones*

INSPECTOR



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## Costs Decision

Site visit made on 12 February 2019

**by Matthew Jones BA(hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3<sup>rd</sup> April 2019

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### **Costs application in relation to Appeal Ref: APP/R3325/W/18/3215837 10 Victoria Avenue, Chard TA20 1HE**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by South Somerset District Council for a full award of costs against Mr David Pape.
  - The appeal was against the refusal of planning permission for erection of dwelling in rear garden of no.10 Victoria Avenue including the provision of two car parking bays (off street).
- 

#### **Decision**

1. The application for costs is refused.

#### **Reasons**

2. The Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The applicant submits that the appellant acted unreasonably in appealing the same proposal after it was dismissed by the Planning Inspectorate in 2017. The location of the dwelling and plot size was the same. The previous Inspector found specific harm relating to the small gardens and these were incorporated within the new proposal.
4. The appeal scheme was not the same as the previous one, nor was it very similar; the massing and design are materially different. With regard to the garden areas, the appellant introduced detailed evidence, such as the plot schedule, which sought to challenge the previous decision. As such, the appeal submissions were materially different, and the appellant was reasonably entitled to submit the latest appeal.

#### **Conclusion**

5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

*Matthew Jones*

Inspector

# Agenda Item 13

## Schedule of Planning Applications to be Determined by Committee

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

### Purpose of the Report

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

### Recommendation

Members are asked to note the schedule of planning applications.

**Planning Applications will be considered no earlier than 6.00pm.**

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

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
14	BLACKDOWN & TATWORTH	18/02808/FUL	The erection of general purpose agricultural building	Land At Beetham, Higher Beetham, Whitestaunton	Mr K Parris
15	NEROCHE	17/04328/OUT**	Erection of 10 dwellings and associated works including the formation of 2 No. accesses (outline)	Land West Of School Lane, Ashill	Ian, Clifford & Sandra House, House & Vaux
16	CREWKERNE	18/00754/FUL	Demolition of existing buildings and the change of use of site to a tarmac 'pay and display' car park for 60 vehicles to include lighting columns.	Millers Garage, 22A East Street, Crewkerne	South Somerset District Council

17	BLACKDOWN & TATWORTH	18/03822/FUL	The change of use and conversion of existing outbuilding to form a dwelling and the removal of agricultural storage building.	Batstone Farm, Priddles Lane, Combe St Nicholas	Mr & Mrs Pitcher
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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 14

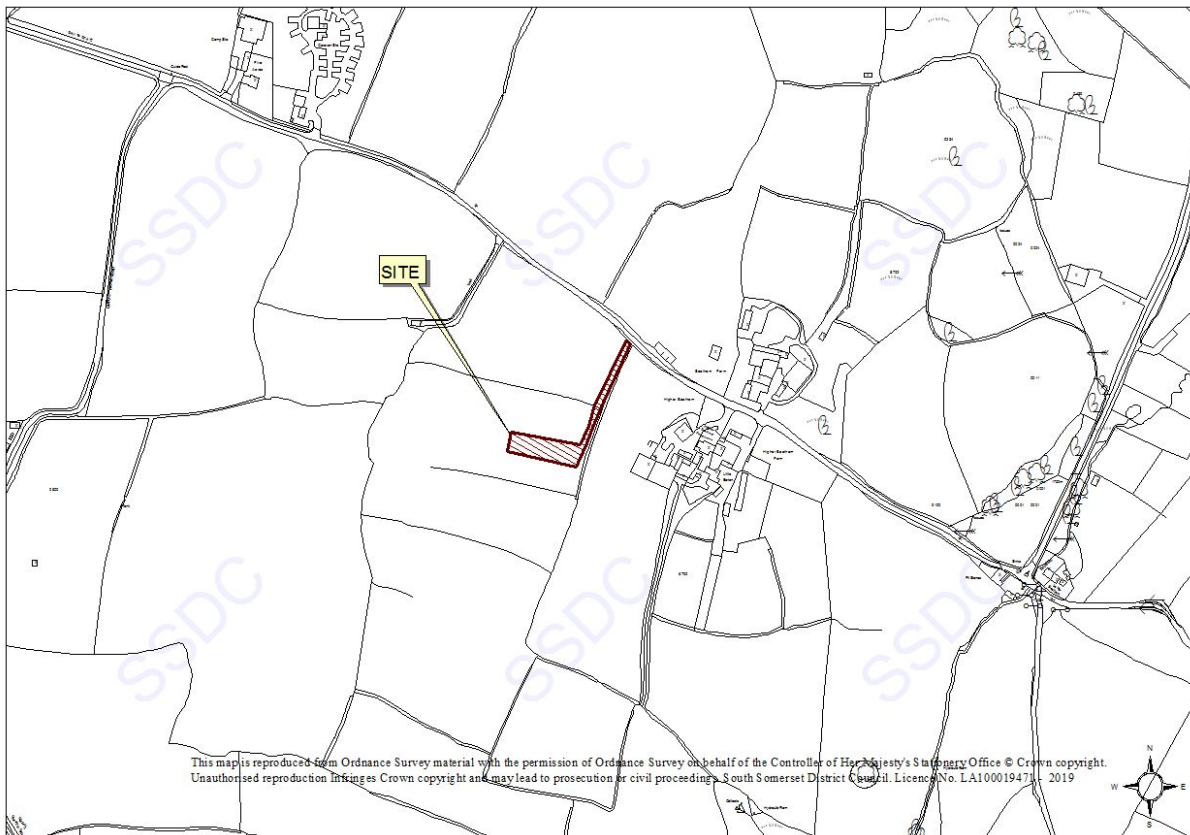
## Officer Report on Planning Application: 18/02808/FUL

<b>Proposal :</b>	The erection of general purpose agricultural building
<b>Site Address:</b>	Land At Beetham, Higher Beetham, Whitestaunton
<b>Parish:</b>	Whitestaunton
<b>BLACKDOWN and TATWORTH Ward (SSDC Member)</b>	Cllr Martin Wale, Cllr Jenny Kenton
<b>Recommending Case Officer:</b>	Mike Hicks
<b>Target date :</b>	15th October 2018
<b>Applicant :</b>	Mr K Parris
<b>Agent: (no agent if blank)</b>	Mr Sheamus Machin Windover Farm Barn Madford Hemyock Cullumpton EX15 3QX
<b>Application Type :</b>	Minor Other less than 1,000 sq.m or 1ha

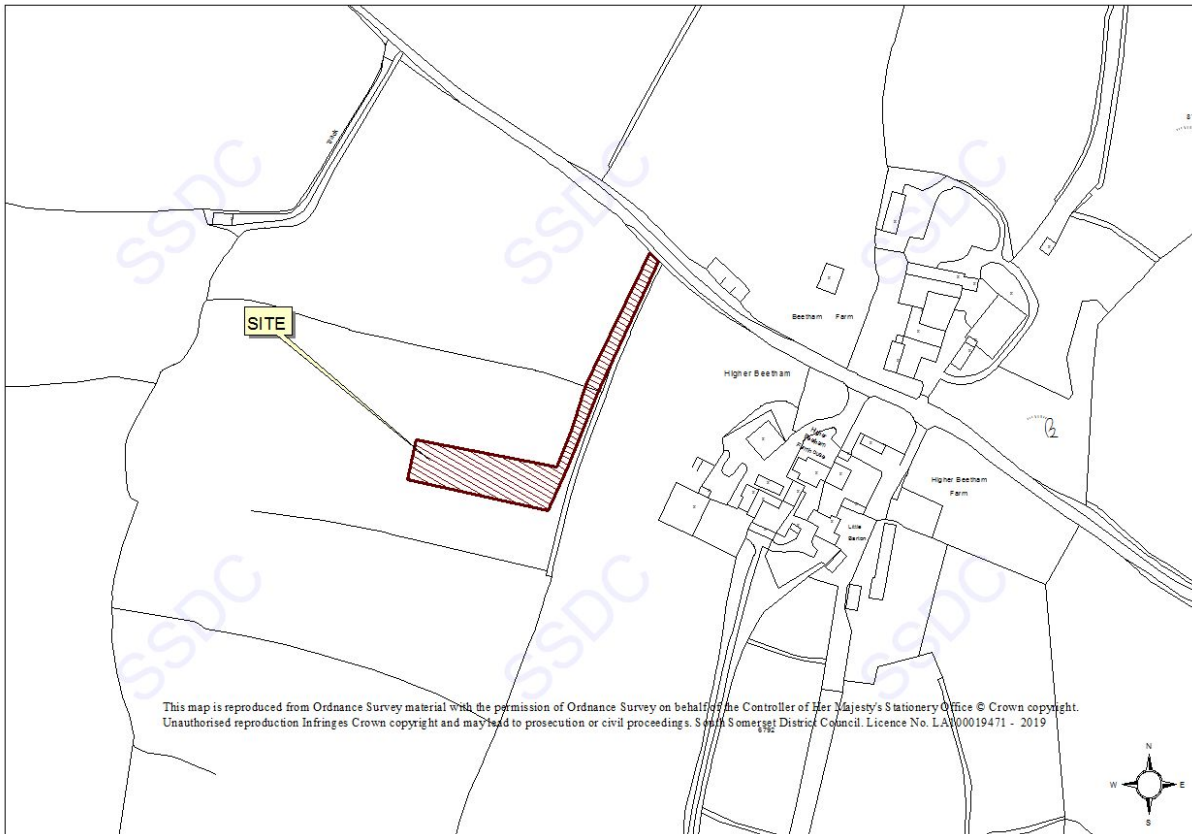
### REASON FOR REFERRAL TO COMMITTEE:

The application is being referred to committee due to public interest relating to planning issues such as the visual impact, residential amenity and impact on private water supplies.

### SITE DESCRIPTION AND PROPOSAL







The site is located in open countryside and is within the Blackdown Hills Area Of Outstanding Natural Beauty (AONB). It is located in the open countryside to the west of Higher Beetham Farm. There are several dwellings approximately 120 metres to the east of the site.

There are two existing agricultural buildings, hardstanding and an access track which were permitted under planning references 13/03145/FUL and 16/01722/FUL. There were two subsequent applications to extend both of the above which were refused by the planning committee.

The proposed building would measure 45.75 by 15.25 metres. The application states that the building would be a general purpose building to be used for the storage of straw and hay, general storage and the provision of covered accommodation to rear batches of calves.

The building would be located to the south of the existing pair of buildings. Mitigation is proposed in the form of a bank and hedge alongside the southern of the building and the removal of two existing agricultural buildings in the vicinity on land within the applicant's ownership.

The applicant's holding in this locality comprises approximately 114 acres of mainly grassland. As established by the previous applications, the applicant also has other land and the main farm unit, Birch Oak Farm, which is located just outside the District, to the west near Yarcombe.

## HISTORY

17/02164/FUL- The erection of an extension to existing building to house livestock- Refused

17/02165/FUL: The erection of an extension to existing building to house livestock- Refused

16/01722/FUL: The erection of an agricultural building to be used for livestock accommodation and straw storage.- permitted with conditions.

13/03145/FUL: The erection of an agricultural building - Allowed on appeal (Ref. 2216466).

12/01733/FUL: Erection of an agricultural building - Refused.

09/04232/FUL: The erection of an agricultural building (Revised Application) - Refused.

08/01978/FUL: The erection of an agricultural building - Application withdrawn.  
01/00388/OUT: Erection of an agricultural building and a slurry store - Application withdrawn.

## **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 (2006-2028):  
EQ2- General Development  
TA5- Transport impact of new development  
EQ7- Pollution control

Policy-related Material Considerations

National Planning Policy Framework 2019.

## **CONSULTATIONS**

**Parish Council:** No formal Parish Council.

**County Highway Authority:** Standing advice applies.

### **SSDC Highway Consultant:**

PROW CH 7/48. SSDC Highways Consultant's comments: No significant highways issues - no objection.

### **Environmental Protection Department:**

Here is the sample result from the end of last year, all satisfactory.

We are not sampling and risk assessing the water supply again until next year.

I would still say that the distance of the development from the source of the supply means there is little additional risk to the water supply from the additional development.

The Environmental protection department have further confirmed verbally that no objections are raised on the basis of odour due to there being a sufficient distance from nearby dwellings.

### **Blackdown Hills AONB Partnership:**

Great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues (NPPF, para 172). The AONB Partnership supports its local planning authorities in the application of national and local planning policy in order to ensure that any development in the AONB conserves and enhances the natural beauty of this nationally designated landscape.

In support of this, the Blackdown Hills AONB Management Plan 2014-19 is the agreed policy framework for conserving and enhancing the AONB and seeks to ensure that all development affecting the AONB is of the highest quality. It contains the following policy of particular relevance to this proposal:

PD 1/B Seek to ensure that any necessary new developments or conversions within the AONB or affecting its setting conserve and enhance natural beauty and special qualities, particularly by respecting

the area's landscape character and the local character of the built environment, reinforce local distinctiveness and seek to enhance biodiversity.

The primary objective of AONB designation is to conserve and enhance natural beauty; one of the reasons for the designation of the Blackdown Hills AONB is that the area has retained a sense of remoteness and is largely unspoilt by modern development. As such the AONB Partnership believes that any development proposal in an isolated location requires very careful consideration of landscape and visual impact, and have regard to necessity, siting, scale, design and environmental considerations in order to conserve and enhance the natural beauty of the area.

At the time of the first application for a building here we noted our concern that there should be no assumption of further development at this site should the application be granted, seeing the building as a simple ancillary outpost of the main farm, and mindful that any large modern structure will have an impact on this attractive, unspoilt, rural landscape. The continued incremental growth of this site has therefore been of concern, and this further application will result in a mass of significant structures with a considerable footprint. The size and scale relative to the holding, the local landscape and the nearby hamlet requires careful consideration.

The cumulative effect of three buildings and corresponding farming activity doesn't appear to be well addressed in the LVIA. The scale and mass of built form at an isolated site would be at odds with the otherwise undeveloped open landscape and the neighbouring hamlet of Beetham; aerial photos/google maps indicate the lack of isolated buildings in the fields of this part of the AONB and the scale relative to surrounding fields and buildings at Beetham. The corresponding additional activity associated with calf rearing would exacerbate the impact on the area.

If minded to approve this application we would like to see the proposed hedge bank to the south provide a more meaningful enhancement to the landscape and biodiversity by it tying-in to the existing hedgerow network. One of the special qualities of the AONB is its tranquillity and dark skies. As with previous applications, to maintain this characteristic there should be no external lighting and light escaping from the building itself should be kept to a minimum.

**County Rights of Way:**

I can confirm that there is a public right of way (PROW) recorded on the Definitive Map that crosses the access to the site at the present time (public footpath CH 7/48). I have attached a plan for your information.

We have no objections to the proposal, but the following should be noted:

1. General Comments

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

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

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

A PROW being made less convenient for continued public use.

New furniture being needed along a PROW.  
Changes to the surface of a PROW being needed.  
Changes to the existing drainage arrangements associated with the PROW.

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

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

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

### **Environment Agency:**

Not consulted under this application, however Comments on original application (13/03145/FUL) are set out below:

Please note that whilst it is outside of the Environment Agency's consultation checklist and therefore we should not be commenting. However, we have no objection to the proposed development, but we have the following advice to ensure that they comply with environmental legislation.

#### **Impact on Water Supply**

We note that some issues have been raised about the potential to impact on water supply for human consumption. Your Authority's Environmental Health Officers should lead on this matter.

#### **Drainage**

The site must be drained on a separate system with all clean roof and surface water being kept separate from foul drainage. There must be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches.

#### **Pollution Prevention during Construction**

Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

- the use of plant and machinery
- oils/chemicals and materials
- the use and routing of plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes.

The applicant should refer to the Environment Agency's Pollution Prevention Guidelines at: <http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>

#### **Nitrate Vulnerable Zones**

If the site is located within a Nitrate Vulnerable Zone (NVZ) then the Nitrate Pollution Prevention Regulations 2008 may apply. The applicant should refer to DEFRA at the following link: <http://www.defra.gov.uk/food-farm/land-manage/nitrates-watercourses/nitrates/>

#### **Manure**

Manure/dung heaps must be sited in an area where it/they will not cause pollution of any watercourse or water source by the release of contaminated run-off. The subsequent disposal of collected wastes must be undertaken in accordance with the "Protecting our Water, Soil and Air: A Code of Good Agricultural Practice for farmers, growers and land managers" which can be found at: <https://www.gov.uk/government/publications/protecting-our-water-soil-and-air>

## Oil and Chemical Storage

If any oil or chemical storage facilities are required as part of the operations on the site then they should be sited in bunded areas. The capacity of the bund should be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks should be regarded as a single tank. There should be no working connections outside the bunded area.

Any oil storage facility of 200 litres or more must include a bund, and comply with the Oil Storage Regulations ("The Control of Pollution (Oil Storage) (England) Regulations 2001"), a copy of which can be found at: <http://www.environment-agency.gov.uk/business/topics/oil/>

Please contact our local Environment Management team via 03708 506 506 if you have any queries. SSDC Environmental Protection: I would recommend that the Environment Agency be consulted with regard to this application. That aside I have no other recommendations.

SSDC Ecologist:

I have considered this application and I don't have any comments or recommendations to make.

## REPRESENTATIONS

The application has been advertised by press and site notice for the requisite period. Letters of objection have been received from five nearby dwellings. The following points are made:

- Concerns over visual impact of the building- LVA not fully representative of impact.
- Concerns over contamination to groundwater.
- Concerns over additional vehicular movements.
- Adverse impact on tourists, cyclists, SSSI and local character.
- No business justification for the development.
- The applicant has other land outside of the AONB that can be developed.
- Harm to the amenities of nearby residents.

## CONSIDERATIONS

### Principle of Development

The provision of agricultural buildings in the countryside is acceptable in principle, the acceptability being dependant on various considerations such as neighbour amenity, pollution and visual amenity. These issues are assessed against the relevant development plan policies.

### Justification

The proposal is for agricultural development and as such is considered to be acceptable in principle. In this instance the site is deemed to be more sensitive than the average location due to the concerns over the impact on water supply and the location within the Blackdown Hills AONB. The acceptability of the proposal depends on the assessment against the relevant development plan policies.

### Landscape Character

The application is supported by a Landscape Visual Assessment in order to set out the impacts of the development and proposed mitigation. This assessment concludes that there would be a moderate landscape impact but that the visual receptors are largely within a relatively close range of less than 400 metres. It proposes mitigation in the form of a hedge and bank to the southern end of the group of buildings and setting the floor level 2 metres below the existing building. Subject to these measures being secured via condition it is considered that the proposal would comply with policy EQ2 of the South Somerset Local Plan (2006-2028).

## **Noise/odour**

The principal considerations relate to the impact on nearby occupiers in relation to general amenity from noise and odours and the impact on private water supplies.

It is accepted that there would be a degree of noise and odour as a result of development, however it is noted that odours from cattle buildings are not generally of the same intensity as those from other livestock operations such as intensive pig and poultry farming and these impacts are expected to a point within the countryside.

It is considered that the relatively significant distance to the nearby dwellings of 120 metres is sufficient to limit the impact to an acceptable degree even if the whole of the building was used for livestock. The application states that that building would be used predominantly for storage purposes but that a small section of the building would be used for calf rearing. Having regard to the above it is considered that the proposal would comply with Policy EQ2 of the South Somerset Local Plan (2006-2028).

## **Private water supplies**

Under the original application for development on this site (13/01345/FUL) there was substantial discussion of the impact on the water supplies of nearby properties. There are two spring fed water supplies approximately 400 metres to the south east of the site which supply water to 5 nearby dwellings. This is of particular relevance as the bedrock of the hills is an extensive outcrop of Upper Greensand which has a sandy, porous structure. Water percolates through the Greensand and emerges along the spring line at the above location. There are many properties on the Blackdown Hills with spring fed water supplies.

It is acknowledged that the current application would increase the number of cattle that can be housed on site. The concern relates to the potential impact of a pollution incident on the water supply of these nearby dwellings, however it has not been proven either way whether a pollution incident in this location would result in contamination. This could only be ascertained with a reasonable degree of certainty by carrying out a full drainage path investigation which would involve techniques such as dye tracing.

The issue was considered by the planning inspector at appeal that pollution can be controlled at source and that this is central to ensuring that these water supplies are not adversely affected. The following paragraphs (18 and 19) of the Inspectors decision are relevant:

"Whilst noting the concerns of local residents, no conclusive evidence was submitted to demonstrate that the new building and its use would adversely impact on private water supplies. Both the On Tap report and the appellant's Drainage Path Study suggest that further investigations would be necessary to identify the sub surface drainage paths from the site in order to fully assess the impact of the building on the private water supplies. Given the nature and scale of the building and that there are mechanisms to control run off from both the building and hardstanding I consider that such investigation would be disproportionate to the nature and scale of the proposal. The concerns relating to seepage of waste and effluent from the building could be addressed through the imposition of suitably worded planning conditions relating to drainage, and also through the detailed design of the front and sides of the building.

Furthermore, I must have regard to the fact that there is a separate regulatory system that controls private water supplies. Private water supplies are tested by the Council and there are measures that can be taken if the water supply is found to be unsafe. Moreover, the control of waste and drainage provision in relation to agricultural development is controlled and enforced by the Environment Agency. Farmers are required to follow the DEFRA guidance Protecting our Water, Soil and Air - A Code of Good Practice for Farmers, Growers and Land Managers. It must be assumed that the pollution control regimes will be properly applied and enforced. In light of the foregoing, I am satisfied that the new building would not pose a significant risk to the quality of local water supplies. There would therefore be no conflict with the objectives of Policy EP9 of the SSLDF in relation to pollution control".

In addition to the above, it is noted that the Councils Environmental Health Department do not object to the proposal on the basis of the likely impact on water supplies. A recent test of water supplies indicates that the supplies are compliant with the relevant standards.

Notwithstanding these considerations, given the issues around the greensand geology and situation in relation to private water supplies it is considered reasonable to condition drainage details, including dirty water, and physical measures within the building to prevent pollution release.

Subject to the conditions outlined in this report it is considered that the proposal would comply with policy EQ2 of the South Somerset Local Plan (2006-2028).

### **SSSI**

There is a SSSI located approximately 350 metres to the north of the site. It is considered that there would be no detrimental impact on the SSSI given the significant distance from the proposed building. As such the proposal would comply with policy EQ4 of the South Somerset Local Plan (2006-2028).

### **Highway Safety**

Objections have also been received, raising concern about increased vehicle movements and larger vehicles accessing the site and using what is a relatively narrow lane, which already caters for several residential properties, existing agricultural operations, walkers and users of the neighbouring caravan site.

The proposed building is to be located in a field that already benefits from an existing access and is already used in relation to the agriculture taking place on the land. The proposal will not result in a significant enough increase in vehicular movements to and from the site to warrant refusal on these grounds.

### **CONCLUSION**

Overall, there is considered to be adequate justification for the proposed building and it is also deemed that with an appropriate landscaping scheme, the proposal will not have a detrimental impact on local landscape character and the natural beauty of the AONB. It is also considered that there will be no adverse impact on highway safety or on residential amenity of local residents. As such, it is considered appropriate to recommend approval of the proposed scheme.

### **RECOMMENDATION**

Approval with conditions

01. The proposed development, by reason of siting, size, scale and materials, is considered to have no adverse impact on local landscape character or on the natural beauty of the AONB or the nearby SSSI. Furthermore, it is not considered that there will be any unacceptable harm to residential amenity, highway safety or the local water environment, in accordance with the aims and objectives of saved policies EQ2, EQ7, EQ4 and TA5 of the South Somerset Local Plan (2006-2028) and the relevant sections of the National Planning Policy Framework (2019).

### **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. Other than as required by condition the development hereby permitted shall be carried out in accordance with the following approved plans: SM2; 1774/03A; 3028/02A; 3028/02A attached to email sent 03/06/2019 17:10; 3028/03A; 3028/04; unnumbered document showing aerial photograph of buildings to be demolished attached to email sent 08 November 2018 12:14 only.

Reason: For the avoidance of doubt as to the development authorised and in the interests of proper planning.

03. Prior to their installation, details (including the submission of samples if appropriate) of the materials, colour and finish of the external facing materials for the roof shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the area, in accordance with saved policy EQ2 of the South Somerset Local Plan (2006-2028).

04. No development shall be carried out on site unless foul and surface water drainage details (including details of the construction of the floor of the building hereby approved) including dirty water storage to serve the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use and shall be permanently retained and maintained thereafter.

Reason: To safeguard the amenities of the area and to protect the local water environment, in accordance with saved policy EQ7 of the South Somerset Local Plan (2006-2028).

05. Prior to the use of the building for livestock purposes details of design measures within the building to prevent the discharge of pollution shall be submitted and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the area and to protect the local water environment, in accordance with saved policy EQ7 of the South Somerset Local Plan (2006-2028).

06. The existing buildings to be demolished, annotated as 'Cattle building' and 'Dutch barn' on the submitted aerial photograph attached to email sent 08 November 2018 12:14 shall be demolished and all materials removed from the site prior to the substantial completion of the building hereby permitted.

Reason: In the interests of the character and appearance of the area to accord with policy EQ2 of the South Somerset Local Plan (2006-2028).

07. The floor level of the building hereby approved shall accord with the details on plan No. 3028/02A attached to email sent 03/06/2019 17:10.

Reason: In the interests of the character and appearance of the area to accord with policy EQ2 of the South Somerset Local Plan (2006-2028).

08. No later than the first planting season following substantial completion of the building hereby approved a landscaping scheme shall be completed in accordance with details that shall have been submitted and approved in writing by the Local Planning Authority. The scheme shall include a full specification of new hedgerow planting including maintenance details following completion, full details of the earth bund and earth cutting (including cross sections if appropriate) and details of the angle of cut at the western elevation of the approved development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become



seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

09. Silage and manure storage to serve the proposed development shall accord with details that shall be submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the area, in accordance with policy EQ2 of the South Somerset Local Plan (2006-2028).

10. No means of external lighting or other illumination shall be installed on or within the building hereby approved or operated on any part of the subject land unless details of all new lighting have been submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written agreement of the Local Planning Authority.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the area, in accordance with saved policies EQ2 of the South Somerset Local Plan (2006-2028).

11. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), (or any order revoking and re-enacting that Order with or without modification), the agricultural building hereby approved shall not be used for the purposes of intensive livestock rearing (i.e. pigs and poultry) or the accommodation of any livestock other than cattle, without the prior express grant of planning permission.

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

#### **Informatives:**

01. The site must be drained on a separate system with all clean roof and surface water being kept separate from foul drainage. There must be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches.

#### **Pollution Prevention during Construction**

Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

- The use of plant and machinery
- Oils/chemicals and materials
- The use and routing of plant and vehicles
- The location and form of work and storage areas and compounds
- The control and removal of spoil and wastes.

The applicant should refer to the Environment Agency's Pollution Prevention Guidelines at:

<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>

#### **Nitrate Vulnerable Zones**

If the site is located within a Nitrate Vulnerable Zone (NVZ) then the Nitrate Pollution Prevention Regulations 2008 may apply. The applicant should refer to DEFRA at the following link:

<http://www.defra.gov.uk/food-farm/land-manage/nitrates-watercourses/nitrates/>

#### **Manure**

Manure/dung heaps must be sited in an area where it/they will not cause pollution of any watercourse

or water source by the release of contaminated run-off. The subsequent disposal of collected wastes must be undertaken in accordance with the "Protecting our Water, Soil and Air: A Code of Good Agricultural Practice for farmers, growers and land managers" which can be found at: <https://www.gov.uk/government/publications/protecting-our-water-soil-and-air>

#### Oil and Chemical Storage

If any oil or chemical storage facilities are required as part of the operations on the site then they should be sited in bunded areas. The capacity of the bund should be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks should be regarded as a single tank. There should be no working connections outside the bunded area.

Any oil storage facility of 200 litres or more must include a bund, and comply with the Oil Storage Regulations ("The Control of Pollution (Oil Storage) (England) Regulations 2001"), a copy of which can be found at: <http://www.environment-agency.gov.uk/business/topics/oil/>

Please contact the Environment Agency's local Environment Management team via 03708 506 506 if you have any queries.

02. The applicant is advised that the finished colour of the roof panels should be anthracite grey. The applicant is further advised that samples must be agreed prior to their installation.
-

# Agenda Item 15

## Officer Report on Planning Application: 17/04328/OUT\*\*

<b>Proposal :</b>	Erection of 10 dwellings and associated works including the formation of 2 No. accesses (outline)
<b>Site Address:</b>	Land West Of School Lane, Ashill
<b>Parish:</b>	Ashill
<b>NEROCHE Ward (SSDC Member)</b>	Cllr Linda Vjeh
<b>Recommending Case Officer:</b>	Linda Hayden
<b>Target date :</b>	1st February 2018
<b>Applicant :</b>	Ian, Clifford & Sandra House, House & Vaux
<b>Agent: (no agent if blank)</b>	Mrs Claire Alers-Hankey Winchester House Deane Gate Avenue TAUNTON TA1 2UH
<b>Application Type :</b>	Major Dwlgs 10 or more or site 0.5ha+

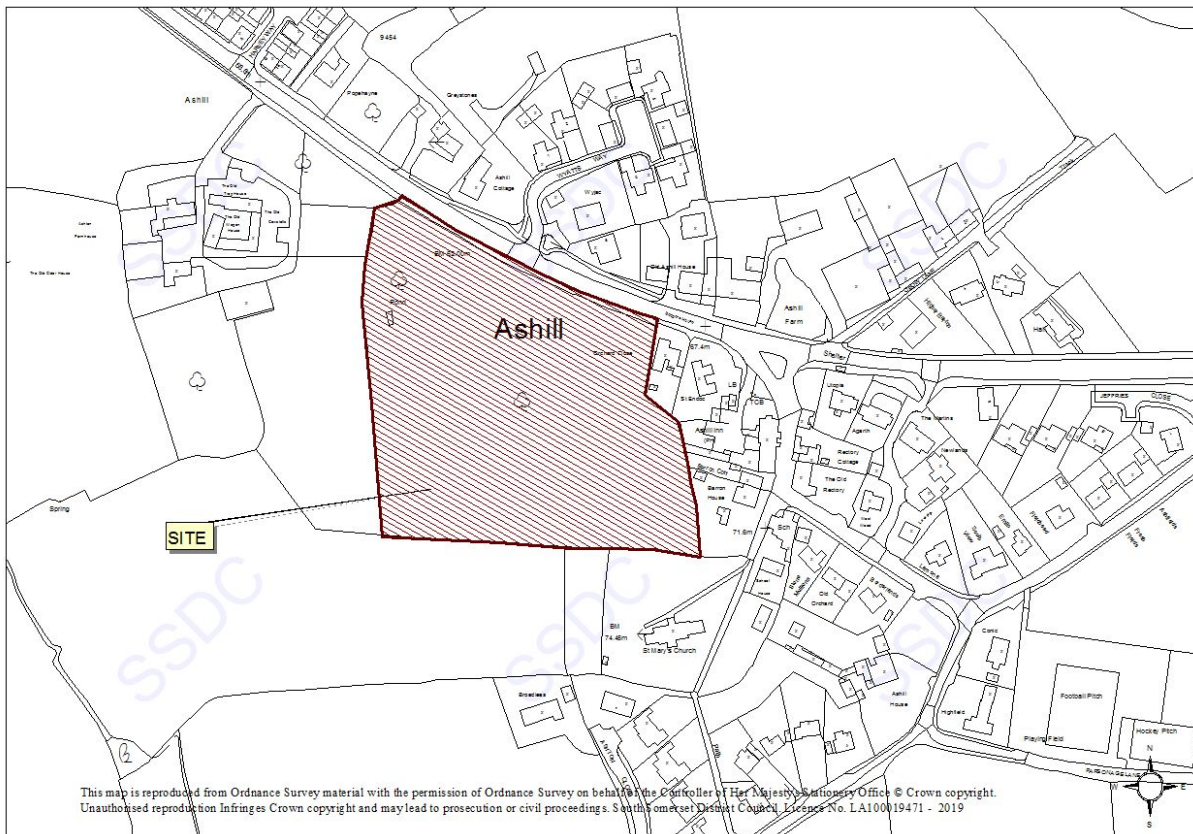
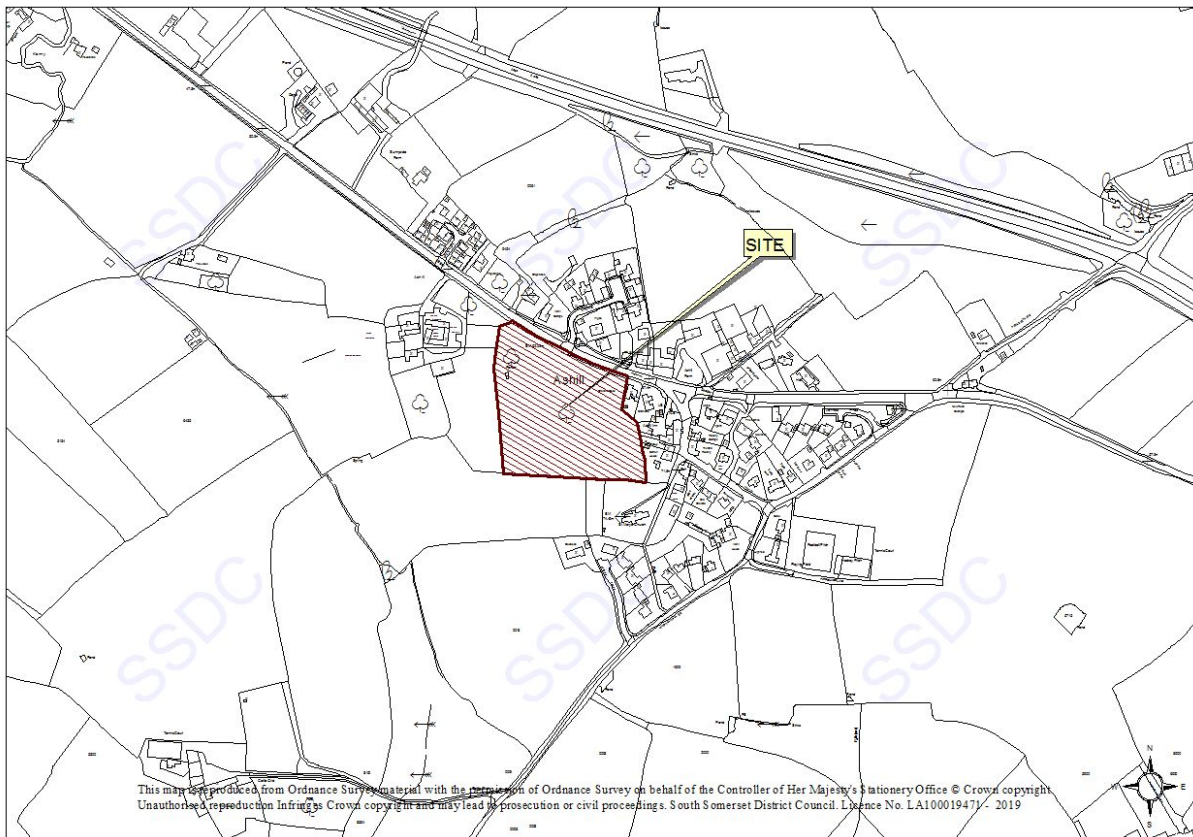
### REASON FOR REFERRAL TO COMMITTEE

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

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, which is around 1.2 hectares, is located on the western side of the village of Ashill, and is bounded by the main road through Ashill on the northern boundary, residential development to the east, the Grade II\* listed Church of the Blessed Virgin Mary to the southeast and agricultural land to the south and west. The topography of the site slopes gently downwards from the eastern side of the site closest to the village centre, to the west away from the village.

The site comprises agricultural land used for grazing and is an old apple orchard which is covered by an area Tree Preservation Order (TPO).

The site is served by a vehicular access into the site off the old A358 that passes through the village. There is a public footpath which runs just to the south of the southern boundary hedgerow of the site in an east/west direction Ref: CH1/11.

## **PROPOSAL**

This is an outline application for the erection of 10 dwellings to the east of the site to be served via a new access. The matters of access and layout are for consideration at the outline stage, with the matters of appearance, scale and landscaping saved for the reserved matters stage.

The proposed dwellings would be located along the eastern side of the site with the estate road running north to south to the west of the dwellings. The remainder of the site would be left undeveloped but an access is proposed off the new estate road to provide access to the orchard.

This is an amended application from that originally proposed. The original plans proposed a larger development for 26 dwellings that extended further to the west of the site along the road frontage. The original plans also included a car park for use by the church and school with a link to the public footpath (these elements have been withdrawn from the amended scheme.)

## **HISTORY**

830042 - Outline: Residential development of land adjoining 'Orchard Close', Main Road, Ashill, Ilminster. Refused 1983.

53326/A - Erection of dwelling and formation of vehicular access. Refused 1974.

53326 - Development of land for residential purposes, construction of service road and turning spaces and formation of vehicular access. Refused 1961.

42325 - Formation of vehicular access. Approved 1958

## **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,

Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990) require authorities considering applications for planning permission or listed building consent for works that affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of the building's character, especially if a garden or grounds have been laid out to complement its design or function.

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  
TA1 Low Carbon Travel  
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

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

In May 2016 the Court of Appeal made a decision (SoS CLG vs West Berks/Reading) that clarifies that Local Authorities should not be seeking contributions from schemes of 10 units or fewer or 1,000 square metres or fewer.

It is considered that whilst policies HG3 and HG4 are valid, the most recent legal ruling must be given significant weight and therefore it is not possible to seek an affordable housing obligation from this development. In addition, it is also no longer appropriate to seek any contributions towards Sports, Arts and Leisure (Policy SS6) as the same principle applies.

### **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

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

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

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

Footnote 7 to Paragraph 11 explains that:

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

Somerset County Council adopted Parking Standards

## CONSULTATIONS

### **Ashill Parish Council:**

(First response, 30 November 2017):

#### Principal

The site is historically an ancient orchard and is situated in a rural location at the edge of the centre of the Ashill settlement. Ashill is predominately made up of individual properties and small scale housing developments located around the Parish. The Parish Council has concerns regarding the size, design and access of the proposed development which is considered to be out of character, unneighbourly and overbearing in the context of the rural settlement, grade II listed church and adjacent properties - some of which are single storey. There is another significant development proposal in the Parish which is currently being considered by South Somerset District Council - 17/03800/OUT - Windmill Hill Lane - but the Parish of Ashill has no demonstrable need for the proposed number and mix of dwellings to be delivered in either or both of these proposed developments. A drop-in session was held by the Planning Agent in order to engage with the community regarding this proposal but the Parish Council is disappointed that the Agent has not engaged with the members of the Council as a corporate body.

#### Sustainability

The site is remote from local key services - the Parish did have a limited bus service but this has now been terminated, there is no shop, no youth facilities, children have to be transported to senior school and there are few employment opportunities - these are needs on a daily basis which means it would be necessary for the development to be constantly served by private and commercial vehicles and therefore Ashill cannot be considered to be a sustainable location in transport terms. It is considered that the temporary employment opportunities which would be generated by the planning and construction of this development would be of little, or no, benefit to the residents of Ashill. There are also concerns as to whether the current broadband and electricity infrastructure actually has the capacity to service the requirements of an additional 26 dwellings (which could be up to 56 - in the event of planning permission also being granted for 17/03800/OUT - Windmill Hill Lane). The Parish Council therefore wish to make the request for the utility companies to be fully consulted regarding this infrastructure provision.

#### Landscape / Wildlife Impact

The Parish Council considers the proposed development - which would extend the development line of the settlement of Ashill along this side of the old A358 - would adversely affect the setting of the grade II listed church and identity of the rural village. There are concerns regarding the loss of an ancient orchard and as a consequence the impact this would have on the flora and fauna. The site is considered to be of significant interest with regard to wildlife - including newts, toads and grass snakes - and bats and barn owls during the night time/darkness hours. The Parish Council is pleased to note an additional wildlife survey is to be requested by SSDC and wish to make the request that this survey is also carried out during night time/darkness hours.

#### Highway Safety / Parking

The existing road network is considered to be not adequate enough to accommodate the additional residential traffic. There are also 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. Neither the proposal to create a new footpath at the back of the proposed development, nor the existing footpath adjacent to the old A358 / proposed development, addresses highway safety concerns for all users of the road network in the area of the church/school/playing field where there are no footways and limited visibility. It is considered that insufficient provision has been made for parking within the proposed development and along with the proposed design - i.e. some garages and driveways to be at the rear of the properties - it could encourage parking adjacent to the old A358 carriageway. The Parish Council therefore wish to make the request that Highways are fully consulted regarding these highway safety concerns and this should include a projection of how the road

network could be affected by the A358 upgrading proposals.

#### 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. It is understood the geology of Ashill is made up of impermeable clay and - along with the sloping topography - there are concerns about introducing another built area which could cause more surface water flooding. There was an incident of flooding - which caused significant damage to properties located at Kenny during 2008 - due to surface water running down to the river and causing it to overflow. There are also concerns regarding the sustainable management of foul drainage and sewage treatment which is already an issue in the Parish. The Parish Council therefore wish to make the request that Wessex Water is fully consulted regarding these drainage concerns.

#### Environmental / Historical / Archaeological Impact

It is considered that the proposal would have an adverse impact on the residential amenity and privacy of the surrounding properties. There are concerns regarding the environmental impact due to the increased noise, light and air pollution which would be caused by this development. The site is also considered to be of interest in the context of history and archaeology. The Parish Council therefore wish to make the request that full surveys are carried out with regard to these issues.

#### Planning Policy

SSDC is currently reviewing the South Somerset Local Plan - adopted in March 2015 - to cover the period 2014-2034. The current Local Plan Policy SS2 deals with development in rural settlements but this policy appears to be having little, or no, weight which it is understood is due to the lack of a five year housing land supply. The policy requires that development should be commensurate with the scale and character of the settlement, provide employment opportunities, community facilities, meet identified housing need and increase the sustainability of a settlement in general. This policy should be a key part of the spatial distribution strategy for housing in South Somerset but more housing has been delivered during the first 11 years of the Local Plan period in rural settlements than had been envisaged. The question of housing developments was raised during the Prime Minister's question time in the House of Commons on Wednesday 22 November 2017 and one of the answers Mrs May gave was that "we need to have right infrastructure in place before large housing developments can take place".

#### Conclusion

Ashill Parish Council is of the opinion that Ashill does not meet the criteria for the SSDC Local Plan Policy SS2 and it does not have the infrastructure in place to support a large housing development. Having given consideration to material planning considerations the Parish Council resolved that the level of development is not appropriate for Ashill and unanimously **objects** to this proposal.'

In response to amended plans showing a revised layout plan and reduction in number of units to 21, and submission of a drainage strategy (5/6/2018), the Parish Council maintained their objection advising:

#### Drainage Strategy

Ashill Parish already has critical drainage problems and the proposed Drainage Strategy does not consider how the proposed water surface management of the site could impact downstream and elsewhere. The Drainage Strategy states the existing site is classified as greenfield which is currently 100% permeable and this proposed development would create an impermeable area of 23%. The Environment Agency (EA) flood map indicates the site is deemed to lie within Flood Zone 1 - low probability of flooding in any year - but the hamlet of Kenny which is designated by the EA as Flood Zone 3 - high probability of flooding in any year - lies within a distance of 500 metres away and is located on lower ground than the proposed development. There have been incidents of serious damage being caused to properties in Kenny after being flooded due to surface water from higher ground running down to the watercourse known as Venners Water and causing it to overflow. The Drainage Strategy suggests



it should be possible to achieve an attenuation scheme for the site with levels of the proposed new development designed to fall away from buildings and storm water being stored for gradual discharge to the local watercourse. However it is not made clear how this could be achieved by the proposed Drainage Strategy with a pond being located higher up than approximately half of the new development. The Drainage Strategy also acknowledges that a failure to have in place a programme of maintenance work could lead to a failure of the system but it is not made clear how the scheme could be sustainably maintained. The topography of the site slopes towards the Old A358 which in turn slopes down towards the dip of Kenny and already - at times of heavy rainfall - surface water flows down the Old A358 carriageway and accumulates in the dip. The Parish Council is of the opinion that a detailed and robust surface water drainage strategy should form part of the outline planning application to ensure that not only is the drainage strategy sustainably viable for the site itself but also for the properties which are located downstream and elsewhere.

#### Revised Layout

It has been noted that it is proposed to reduce the number of units from 26 to 21 but the revised layout has not changed with regard to the original proposed layout of the row of properties adjacent to existing properties and the original proposed layout of some garages and driveways being at the rear of some of the properties. It has also been noted the amended plans still show the development joining into the public footpath through the Church to the School which causes concern with regard to the potential increase of use and the implications of the wear on and adjacent to the footway. The Parish Council is of the opinion that the proposed revised layout and the drainage strategy fails to address the principle concerns raised in the response made by the Parish Council dated 30 November 2017, those raised by members of the community at meetings of the Parish Council and submitted to SSDC.'

The Parish Council also requested that consideration be given to a Section 106 agreement being in place for the eventuality if planning permission for this proposal is granted.

In response to second set of amended plans showing a reduction in the number of units to 10 with two new accesses (13/11/2018) advised:

I refer to my emails of 30 November 2017 and 18 July 2018 and can confirm that these concerns raised on behalf of Ashill Parish Council with regard to the development of this site still apply.

The Parish Council objects to this amended proposal and wishes for the following additional observations to be also taken into account:

#### Layout & Design

The linear design of the proposed two storey dwellings will directly back on to the neighbouring properties - which are predominately bungalows - and are considered to be unneighbourly, overbearing and out of scale in the context of the neighbouring properties and the landscape. The revised layout still does not address the issue of the setting and uninterrupted views of the Church of the Blessed Virgin Mary which is a Grade II\* listed building and these concerns are reflected by Historic England.

#### Recommendation

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice.

Sustainability & Infrastructure - the SSDC Area West Committee turned down a proposed development - 17/03800/OUT Part Windmill Hill Lane - for 25 houses on the grounds of landscape and sustainability. The Committee considered Ashill to be not a sustainable location for this scale of development - given its limited services and facilities - but this decision was subsequently overturned by the SSDC Regulation

Committee. The Parish Council therefore considers that the small village of Ashill is now already making a disproportionate contribution to the delivery of housing based on District need and not needs based on the sustainability of the location and local demand. The Parish Council also considers that Ashill does not meet the criteria for the SSDC Local Plan Policy SS2 and it does not have the infrastructure in place to support yet another significant housing development around the corner from the one which has now been approved.

Carbon Footprint - with the push of Central Government to reduce carbon to meet with the required standards - it is questioned how SSDC can consider allowing more development in a small rural village without any transport infrastructure/shops/doctors etc. - which will further increase this carbon footprint with even more vehicle movements necessary?

Water & Drainage - the amended plans show no provision for the way in which surface water drainage will be managed from a site that already regularly floods onto and runs down the Highway. The question of this run-off impacting on Kenny's flooding problems/concerns has still not been addressed.

Wildlife - the orchard has been there for many years and has attracted many types of wildlife - which the Ecological Report identified previously - and this still needs to be considered before any planning consent is agreed. The question has to be 'what will happen to all this wildlife once its habitat has been disrupted'? The Parish Council wishes to request that this is carefully taken into consideration before the determination of this planning proposal.

Community Infrastructure Levy/Section 106 - the Parish Council seeks clarification as to whether this proposed development would incur Community Infrastructure Levy/Section 106 payments. If the applicant does not have to make any contribution towards improving the Parish facilities and - if approved - the Parish would receive no help towards sustainability or infrastructure.

### **County Highway Authority:**

Summary of response to original plans:

- Advised that the rural nature of the location meant there would be a high reliance on private motor vehicles and it would be for the Local Planning Authority to determine if this was a suitable location for the development proposed.
- Impact of the development was not considered to be 'severe' although there would be likely to be some minor additional delays at the A358 junctions.
- Travel Plan considered to be of an acceptable standard (some amendments were required)
- Parking - broadly in line with the relevant standards, concern expressed regarding visitor parking provision
- Query the rationale for the church and school parking as part of the development
- Highway works - Required greater visibility splays.
- Pedestrian access - welcomed access to church and school, legal agreement may be required
- Estate Roads - Advanced Payment Code regime would be applicable. General layout appears suitable for adoption.
- Drainage - advise that detailed drainage proposals will need to be agreed with the County Highway Authority's Drainage Engineer. Developer advised to establish that a suitable outfall could be provided to discharge surface water run-off.

As such the County Highway Authority did not object to the principle of the development subject to the imposition of conditions.

2nd response following submission of amended plans showing a revised layout plan and reduction in number of units to 21, and submission of a drainage strategy (5/6/2018) (summary):

- Drainage Strategy - no objections to the surface water management strategy but provided advice

regarding interface with the public highway.

- Visibility splays - repeated concerns that visibility splays needed to be increased.
- In response to second set of amended plans showing a reduction in the number of units to 10 with two new accesses (13/11/2018) advised (summary):
- Traffic Impact - the impact to the road network is slightly lessened as a result of the amended plans
- Access - Visibility should be in accordance with DMRB standards as opposed to MfS standards. There is a net benefit to the safety of the site through the removal of the additional accesses.
- Permeability of site has decreased as there is no longer a link to the footpath but it does not seem proportionate to reject the proposals on this basis.
- Parking - are roughly in line with the optimum parking standards, there may be some interference with visibility on Plots 1 - 4 from proposed planting
- Internal layout - appears generally suitable for adoption but a speed reducing feature will be required. Any planting scheme needs to be checked with highways.

The County Highway Authority did not therefore object to the application subject to the imposition of various highways conditions.

**Landscape Officer (now retired):**

In response to the original scheme:

The application site is a pasture field with orchard trees, defined by native hedgerow boundaries to the south and west, with the main village street (the former A358) forming its north boundary, whilst to its east and southeast side the site abuts the core of the main village of Ashill, with the churchyard immediately alongside the southern boundary, and the pub and local residences backing onto the site along its eastern boundary. Thus the site has an immediate and bounding relationship with the historic core of the village, and occupies the same low hilltop as the village centre. I also note that it lays within an area of 'probable medieval occupation', though its use as an orchard is indicated on both the 1888 OS map, and the 1830's tithe map for the parish.

The proposal intends 26 new houses; a community car park adjacent the school and church, and the offer of the remaining orchard area to the village as public open space. A landscape statement has been submitted in support of the application, which acknowledges that development will impact upon the character and extent of the current orchard, but intends replanting and appropriate management to renew the feature. It considers that the visual effects of development will be high when viewed from its immediate surroundings only, but when viewed from the wider rural surround, is low. I would not dispute this summary.

It is clear that a development of 26 houses will project built form west toward open countryside, well beyond the current edge, yet there is a correspondence with residential development to both the north and east sides of the site, to provide a settled context into which this proposal would tie. Development will result in the loss of part of the traditional orchard, and this orchard plot has been long-established and is a distinctive component of the village edge. However, a number of the orchard trees have already been lost, and many more are over-mature and un-managed, such that the feature does not project a strength of character. Additional apple tree planting is intended, along with the dedication of the land as open space, to ensure that orchard trees maintain a presence on the site. There is also the loss of local views across the open field toward the church, though this is limited to a short length of roadside, and properties, facing the proposed frontage plots.

The application proposes a substantial development quantum for this small settlement, which will be a challenge for the integrity of the village's character to absorb without undue impact. However, whilst I consider the above landscape impacts to be minor/moderate adverse, once balanced against the positives of the renewed orchard, and open space provision, and acknowledging the tie with the adjoining built pattern, I would conclude the weight of landscape impact to be insufficient on its own to

provide a case for refusal.'

### **Historic England:**

Response to original application:

The application proposes the construction of 26 houses and provision of public open space on land currently used as an orchard in Ashill, Somerset. The village of Ashill grew from an agricultural hamlet to a small village in the post-war era, when several small housing estates around the edge of the settlement.

At the centre of the village is the Church of the Blessed Virgin Mary, a Grade II\* listed building of medieval origin with various later alterations. The setting of the church contributes to its significance; though the two-stage tower is not particularly high in the context of Somerset's celebrated churches, the church has a direct relationship with its agricultural hinterland and its prominence is enhanced by the positioning on a low hilltop.

The visual role of the church tower, signposting the centre of the village, will be diminished by the construction of the proposed housing development. It will block views of the tower from the main road through the village, which for centuries was the principal thoroughfare between Taunton and Ilminster until the bypass was constructed in the early 1990s. The reduced visibility of the tower, and the diminishing of its relationship with open agricultural land, will cause harm to its setting and thus significance.

We also note that there is a Grade II listed Cider House to the West of the site. The existing orchard makes an important illustrative contribution to the setting of the cider house. Orchards are, of course, an important component of local distinctiveness in South Somerset, and your authority will need to carefully consider whether in reducing the size of orchard and screening it from the road, the proposals "respond to local character and history" as required by NPPF paragraph 58.

We understand that this is not an allocated site for housing in your current local plan, but that South Somerset cannot demonstrate a 5-year supply of housing as required by central government. However, we do not believe this means your authority should immediately proceed to the 'planning balance' exercise of weighing the harm we have identified to a highly-graded heritage asset against the public benefit of a contribution towards your housing supply figures.

NPPF 132 notes that great weight should be given to the conservation of a heritage asset, and the more important the asset the greater the weight should be. In this case, the asset affected is a II\* listed church; a heritage asset 'of the highest significance'. Paragraph 132 also notes that any harm requires 'clear and convincing justification'. Even if you are minded to accept the principle of development at this location in order to meet housing supply targets, alterations should be made to the scheme to reduce or mitigate the harm to the setting of the church. The proposed layout of the housing will block key views of the listed church tower from the main road, but an alternative housing layout could better reveal it - and therefore, in our view, the justification for the proposals fails to be 'clear and convincing'.

### **Recommendation**

Historic England has concerns regarding the application on heritage grounds.

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

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice.

In response to the first set of amendments (revised layout and reduction in number of units to 21, (5/6/2018)):

'The additional information submitted by the Planning agent and Heritage Consultant confirms our assessment that the scheme will result in harm. Historic England views therefore has not changed and we consider that the proposal will result in harm to the grade II\* listed Church of the Blessed Virgin Mary.

We maintain that the choice of site or the proposed development has not been sufficiently justified in line with the NPPF and consequently the LPA should not jump immediately to the planning balance as set out in our letter (22nd Nov 2017) -

We understand that this is not an allocated site for housing in your current local plan, but that South Somerset cannot demonstrate a 5-year supply of housing as required by central government. However, we do not believe this means your authority should immediately proceed to the 'planning balance' exercise of weighing the harm we have identified to a highly-graded heritage asset against the public benefit of a contribution towards your housing supply figures.

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Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice.'

In response to second set of amended plans showing a reduction in the number of units to 10 with two new accesses (13/11/2018) advised:

'The revised application reduces the number of units on site from 21 to 10. This has reduced the development to the eastern boundary of the site limiting the projection into views of the Grade II\* listed Church of the Blessed Virgin Mary. The removal of additional infrastructure such as the additional car-parking is also a benefit in reducing the overall impact of development within the current open field. There is an opportunity by which planting along the boundary of the proposed site could be used more effectively to soften the transition of the former orchard into the proposed development. There is further opportunity to enhance the setting of the church by using the landscaping and planting strategy to enhance the relationship between the church to its surrounding rural setting.

The site is not allocated although; we understand that South Somerset cannot demonstrate a 5-year supply of housing. The council need to be confident that there is sufficient justification for development on the site even with the reduced number of units (Para 194, revised NPPF). Any harm will need to be considered within the wider planning balance against the public benefits offered by the scheme to ensure

that they outweigh any harm identified (Para 196, NPPF).

If the council is minded to approve the application, as this is at outline only, steps should be taken to secure through the planning process any potential benefits the scheme can offer, such as the landscaping strategy for the site as well as minimise those aspects identified as having the potential to cause harm, such as the layout of the development.

#### Recommendation

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

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice.'

#### **Conservation Officer:**

In response to original plans:

'The main issue for me relates to the grade II\* listed Church. There are views of the Church tower from the old A358 across the entire frontage of the site.

By their nature, Church towers are prospects. Historically they are the tallest building in the parish, the Church asserting its authority and presence: a constant reminder. This tower would appear to be 15th Century.

I do not agree with the assessment that this proposal causes no harm to the setting and appreciation of the heritage asset with regard to the historic views. I can see that there was once housing at the east of the site, and indeed that may well be the way forward, but as shown the view of the tower from the old A358 would be lost.

In my view there is a loss of the views of this highly graded church and this is damaging to the consciously designed aesthetic, historic and communal significance of the building, resulting in moderate adverse harm.

I can see some merit in development at the east end of the site, where there was development historically, but not along the frontage onto the old A358.'

In response to the first set of amendments (revised layout and reduction in number of units to 21, (5/6/2018)):

'This document does not change my views. Indeed I note the final paragraph accepts a minor adverse impact on the setting of the Church but takes a view that this is neutralised by the public benefits.

At the risk of repeating myself, Paragraphs 48 to 51 of the Forge Field High Court case, rehearse the presumption against planning permission being granted and the considerable weight and importance must be given. It emphasises that the public benefit must be powerful and as decision maker you and the Council must be conscious of statutory presumption in favour of preservation and this must be demonstrably applied.

I would also refer you to compare this proposal with that recently dismissed at appeal on the edge of Broadway where the setting of the Church was a main issue.

I do not see the public benefit here to outweigh the harm which the applicant accepts.'

(Officer Note: The Conservation Officer has now left the authority and so it will be necessary to rely upon the advice of Historic England)

**Planning Policy, in response to original application:**

'The development plan for South Somerset is the adopted South Somerset Local Plan 2006-2028, March 2015. Policy SD1 supports the presumption in favour of sustainable development set out in the National Planning Policy Framework (NPPF) and expects that where proposals accord with the policies in the adopted Local Plan they will be approved without delay, unless material considerations indicate otherwise.

The adopted Local Plan defines Ashill as a Rural Settlement (Policy SS1: Settlement Strategy). The settlement has a number of basic facilities, such as a public house, primary school, village hall, faith facility and play area/sports pitch. Currently, as a result of Nippy Bus no longer operating, bus services for Ashill are very limited with only a demand responsive service available. Policy SS2 strictly controls and limits development in such locations to that which provides employment opportunities; and/or creates or enhances community facilities to serve the settlement; and/or meets identified housing need, particularly for affordable housing. Policy SS2 also makes it clear that development should be commensurate with the scale and character of the settlement, be consistent with relevant community led plans, and should generally have the support of the local community following robust engagement and consultation.

This proposal is for 26 residential units, including affordable housing and includes a range of house types and sizes. Although community support is not a pre-requisite for development proposals, this should be sought through robust engagement and consultation in line with Policy SS2. Pre-application consultation has taken place, including with the Parish Council and the consultation statement summarizes the issues raised during that process, overall there is a mix of support for and objection to the proposal, with marginally more objection.

The parish of Ashill comprises 250 dwellings and 529 people (Census 2011), therefore this proposal represents a potential 10% increase in the number of dwellings and an 11% increase in the population (based upon the ONS 2019 average household population projection of 2.22 people per household) . SSDC monitoring shows that there have been six dwellings completed in the parish since the beginning of the plan period (2006) and as at 15/11/17 there are four dwellings committed. I am aware that there is a proposal pending for 30 dwellings on land Os 3727 Part, Windmill Hill Lane, Ashill (17/03800/OUT). If both this proposal and the Windmill Hill proposal were to be approved and delivered this could result in a 22% increase in the number of dwellings and a 23% increase in the population of the parish.

The impact of development on the historic environment (Policy EQ3) and the character and appearance of the settlement (Policy EQ2) are of particular relevance in the consideration of this proposal and I will leave it to colleagues in the Conservation Team to respond on these aspects of the proposal.

With regards to other material considerations, in September 2017 the Council accepted that it cannot demonstrate a five-year housing land supply, having 4.2 years  
[https://www.southsomerset.gov.uk/media/895891/ssdc\\_five-year\\_housing\\_land\\_supply\\_paper\\_finalwith\\_tweak2017.pdf](https://www.southsomerset.gov.uk/media/895891/ssdc_five-year_housing_land_supply_paper_finalwith_tweak2017.pdf).

Paragraph 49 of the National Planning Policy Framework (NPPF) states that when this occurs relevant policies for the supply of housing are considered to be out of date. Consequently, this proposal should be considered in the context of the presumption in favour of sustainable development (Policy SD1 and NPPF, paragraph 14). Planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole; or specific policies in the framework indicate development should be restricted.

In conclusion, based upon the specialist advice from colleagues with regards to the historic environment and impact on the character and appearance of the settlement you will need to determine whether any adverse impacts would significantly and demonstrably outweigh the benefits of granting planning permission where the Council is unable to demonstrate a five-year housing land supply.'

(Officer Note: It should be noted that there has been a new report (August 2018) with regard to the five-year land supply confirming that SSDC is still unable to demonstrate a five-year housing land supply. In addition, a new NPPF was issued in 2019, the relevant policies are described in the Policy section above.)

**Ecologist:**

In response to original plans:

I've noted the Protected Species Surveys report (Country Contracts, October 2017). I note quite a few objectors raise concern about orchard loss and/or impacts on wildlife species.

I suggest these concerns can be broadly categorised into three main areas:

1. Orchard/habitat loss.
2. Legally protected species (e.g. badger, dormice, bats).
3. Other species (e.g. dragonflies, birds of prey, deer).

There is also some concern expressed about the timing and adequacy of the surveys.

I address each of these areas of concern in turn.

1. Orchard/habitat loss

Historic mapping (19th century) suggests a long history of orchard use on this site. The term 'ancient' isn't officially applied to orchards as it can be to woodland (ancient woodland pre-dates 1600). It's possible that the orchard could have increased biodiversity value if there has been a long and continuous history of orchard use on the site and nearby. However, this will also be heavily influenced by current and recent farming and management practices, so historic presence is no guarantee of increased biodiversity value.

The orchard and application site is not subject to any nature conservation designation.

*'Priority habitat'*

Traditional orchards are listed as a 'priority habitat' for the conservation of biodiversity (Natural Environment and Rural Communities Act 2006). Planning policies seek to conserve priority habitats.

*Planning policy, assessment and conclusion*

Remaining traditional orchards are most frequently sited on the edges of villages, often on the same sites where potential new developments are more likely to satisfy planning policies. This conflict between conserving a priority habitat and other planning policies is therefore not uncommon for village applications.

I note the density of orchard trees is low compared to 'traditional' orchard tree densities (and 2001 aerial photos also suggest medium to low density). The commercial value of the fruit is low, and it appears this orchard is gradually changing to predominantly pasture land. In the absence of any intervention, the site may no longer be an orchard in the next few decades.

I note the proposal includes retention and improvement of approximately half of the orchard. I suggest it would be reasonable to give this favourable weight, given the gradual decline of the existing orchard, when considering the proposal against planning policies.

Consideration will need to be given to how and who will own and manage the orchard.



## 2. Legally protected species

Objectors have raised concern in respect of the following:

- bats
- badgers
- dormice
- newts

The protected species survey included assessments and surveys for the following species groups. In some cases I've added to the assessment using records from the Somerset Environmental Records Centre, general awareness of species occurrence in the area, GIS maps and aerial photos.

### *Bats*

Orchard trees were visually inspected for the possibility of bat roosts. None of the trees were identified as being likely to be used for roosting by bats. Bats are therefore unlikely to be roosting on site.

It is likely there will be some foraging by bats over the site. Foraging habitat isn't specifically protected. Although some loss of bat foraging habitat is likely, the area of loss is relatively small in comparison to the typical 'home range' of foraging bats, and is unlikely to constitute a significant impact. Furthermore, improvements to the retained orchard and new hedge planting would compensate for some of the loss of bat foraging habitat.

### *Reptiles*

Grass snake has been quoted by an objector as being present, and the site contains some habitat, particularly around the fringes, that could be used by slow worm. 'Rare' reptile species aren't thought to occur in the district. The common reptile species that could be present on site wouldn't normally be a reason for refusal, but would require translocation out of harm's way. The retention of approximately half of the site as orchard gives plenty of scope for a receptor area for translocated reptiles (plus any amphibians that are encountered).

Further survey and mitigation proposals should be made the requirement of a condition:

The development hereby permitted shall not be commenced (including any ground works or site clearance) until a survey to determine presence/absence of reptiles, plus if present, a mitigation plan or method statement detailing measures to avoid harm to slow worms, has been submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details and timing of the mitigation plan / method statement, unless otherwise approved in writing by the local planning authority.

Reason: For the protection and conservation of a priority species in accordance with policy EQ4 of the South Somerset Local Plan, NPPF and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

### *Amphibians*

Whilst newts have been cited as being present in the area, it is only great crested newt (gcn) that is legally protected. There are no records of gcn within 1km of the site (Somerset Environmental Records Centre check). It is most likely that newts observed in the area are common newt or palmate newt (there is a nearby record of the latter) which are more commonly associated with smaller garden ponds (great crested newt is rarely found in garden ponds).

The OS map base marks a pond on the application site. However, it's uncertain that this still exists and it wasn't identified in the protected species survey. Other ponds are marked over 200m away to the south east. If any of these ponds are breeding ponds for great crested newt, I consider it unlikely any greater crested newt would be present on the application site due to distance and poor habitat

connectivity to the ponds.

Common toad has also been observed by neighbour(s). This is a 'priority species', but not legally protected. It is likely that mitigation measures for reptiles would also cover toads and possibly common/palmate newt.

#### *Nesting birds*

Some of the orchard trees, hedges, and bramble scrub provide potential nesting sites for birds. I recommend a condition:

No removal of vegetation that may be used by nesting birds (trees, shrubs, hedges, bramble, ivy or other climbing plants) shall be carried out between 1st March and 31st August inclusive in any year, unless previously checked by a competent person for the presence of nesting birds. If nests are encountered, the nests and eggs or birds, must not be disturbed until all young have left the nest.

Reason: To avoid disturbance to nesting birds thereby ensuring compliance with the Wildlife and Countryside Act 1981, as amended by the CROW Act 2000, and in accordance with Policy EQ4 of the South Somerset Local Plan.

#### *Badgers*

The protected species survey didn't find any badger setts on the site. Badgers are active in the area and may be active (e.g. foraging) on the application site. Precautionary mitigation measures are recommended in section 6.4.1 and 6.4.2 of the report. I recommend this is endorsed by a condition or informative.

#### *Dormouse*

Dormice have been stated to be present by neighbour(s) and are known to be present in hedges in the wider area (but may not be present in all hedges). Dormice are arboreal and are reluctant to cross open ground. The hedges bordering the site aren't well connected to hedges in the wider landscape, which reduces the likelihood of dormice on site. However, even if dormice are present in the boundary hedges, the hedges are being mostly retained and the development will have minimal impact on them.

I therefore conclude it's very unlikely that dormice will be adversely affected.

### 3. Other species

A number of objectors include observations and raise concern about impacts upon species with either limited protection (e.g. protection only against direct harm that applies to all wild birds and reptiles), or no legal protection.

Species quoted include:

- dragonflies
- birds of prey, including barn owl
- deer
- toads
- grass snake
- bees

These species all contribute to the biodiversity of the site. However, they are not normally considered significant constraints to development for the following reasons:

- a) Lower conservation importance - widespread and relatively common species, for which a small amount of habitat loss is very unlikely to significantly affect population levels.
- b) Wide ranging - these species usually have territories or home ranges that far exceed the size of the

application site, so will still be able to survive on similar surrounding land and habitats.

- c) High mobility - these species are generally quite capable of moving out of harm's way, or avoiding potentially harmful construction sites in the first place.

I have no reason to consider this proposed development to be particularly harmful to the above listed species.

#### *Adequacy of wildlife surveys*

The adequacy of the protected species survey has been challenged by objectors. I agree the survey wasn't as extensive or thorough as surveys for some planning applications.

Guidance on, and justification for, wildlife surveys is given in Circular 06/2005, and Natural England Standing Advice. Where a proposed development could give rise to significant impacts on protected species or biodiversity, then the surveys should be completed in full before any planning decision is made. However, if protected species are either unlikely to be present, or if present are unlikely to be significantly affected (e.g. if the development layout has minimal impact), then detailed surveys may not be necessary.

For the reasons detailed in the above sections (low risks of presence or adverse impact), I don't consider there is justification to delay the application for further surveys.

#### *Other comments*

##### Biodiversity enhancement

NPPF (para.118) expects development to deliver some enhancement for biodiversity, through taking opportunities to incorporate features beneficial for wildlife (e.g. native species planting, bird and bat boxes) within new developments. I therefore recommend that any consent should include a condition requiring details of measures for the enhancement of biodiversity to be submitted either

- a) as part of any subsequent full or reserved matters application, or
- b) prior to commencement.

The reserved matters application shall include full details of proposals for the incorporation of features to enable the enhancement of biodiversity.

OR

Prior to the commencement of development, details of measures for the enhancement of biodiversity (e.g. bat and bird boxes, wildflower sowing and management) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details unless otherwise approved in writing by the local planning authority.

Reason: For the enhancement of biodiversity in accordance with NPPF.

In response to second set of amended plans showing a reduction in the number of units to 10 with two new accesses (13/11/2018) advised that he had no further comments in respect of the amended plans and his original response remained valid.

##### **Tree Officer:**

'In the past, it was considered prudent Orchard husbandry to promote the growth of tall, dense hedgerows to both shelter the Orchard trees and to increase the presence of pollinating insects - thereby boosting the overall productivity of the Orchard.

This orchard site currently appears rather too exposed to the prevailing winds. The heavy, wet clay-soil environment may have discouraged the existing orchard trees from developing deep-root systems, which might partially explain why so many of the trees have become wind-thrown. The choice of root-

stock that the trees have been grafted onto and the staking techniques employed, also has a significant impact upon their ability to withstand the wind.

This outline proposal shows a significant portion of the orchard retained and restored. Furthermore, the surrounding hedgerow and hedgerow trees are also shown as retained.

The proposal would benefit from a carefully detailed scheme of tree and hedgerow planting. I would recommend that the surrounding hedgerows are "gapped-up" and supplemented with an edge-structure shelter-belt planting to increase the density and screening values of the hedgerow.

Rather than planting yet another vulnerable mono-crop of Apple trees, I would recommend ensuring a more robust diversity of species that include an "Orchard theme".

Trees planted in close-proximity to car-parks and dwellings could include tough, long-lived flowering species such as *Pyrus calleryana* 'Chanticleer'; *Amelanchier lamarckii* 'Robin Hill' and *Prunus* 'Sunset Boulevard'. I would recommend UK-provenance, sized at 12-14's and container-grown (45 litre).

Species to improve the surrounding hedgerow could include Hazel (60%), Field Maple (20%), and Hornbeam (20%) as UK-provenance Cell-Grown '40-60's' planted within 800mm Tubex Shelterguards supported by 25mm x 25mm tantalised stakes with 500mm coir-based mulch-mats.

The hedgerow would also benefit from some more hedgerow trees, so worth including some larger-growing species at 10 metre spacings - such as Oak, Sycamore and Italian Alder. For these, I would recommend UK-provenance 'feathered' trees sized 175 cms height grown in 10 litre containers.

As for the 'Orchard' trees, I'd recommend the use of traditional non-dwarfing root-stocks, e.g. "M25" for Apples. To improve the robustness and bio-diversity of the Orchard component, other fruiting tree species could include Pears, Walnuts, Mulberry, Cobnuts, Filberts, Plums, Damsons and Gages.'

If outline consent is granted, the Tree Officer has requested conditions in relation to tree and hedgerow protection; and tree and shrub planting.

**Housing Development Officer:** (summary)

As part of the original application, the Housing Development Officer provided details of what would be required for affordable housing as part of a 26 dwelling scheme. However, as the scheme has now been reduced to 10 units Ministerial advice (as shown in the Policy Section above) advises that it is longer possible for Local Authorities to seek such contributions from schemes of 10 units or fewer or 1,000 square metres or fewer.

**Play and Youth Facilities Officer:**

As part of the original application, the Senior Play and Youth Facilities Officer provided details of what sports/play facilities or contributions would be required for of a 26 dwelling scheme. However, as the scheme has now been reduced to 10 units Ministerial advice (as shown in the Policy Section above) advises that it is longer possible for Local Authorities to seek such contributions from schemes of 10 units or fewer or 1,000 square metres or fewer.

**Somerset Wildlife Trust:** (summary of response to original plans)

Fully support the proposals for ecological mitigation and enhancements outlined in the Protected Species Survey. Wish to see more details of the proposed planting and a further bat survey.

**County Education:**

In response to the original application advised that the current education capacity is sufficient at this time so no education contributions are sought.

**County Rights of Way:**

In response to the original application, the Rights of Officer advised that they have no objections to the proposal, but it should be noted that

- Assuming that the applicant is the neighbouring landowner, then the footpath link can be captured within a S.38 agreement. However if not, then a legal agreement would be required with the neighbouring landowner with a condition to secure this. The Rights of Way Team would require a contribution of £10,000, refundable if unused after 10 years of completion, for the path surfacing between the footpath link and the school. This would need to be captured in a S.106 agreement.
- Any proposed works must not encroach on to the width of the public right of way (PROW).

In response to second set of amended plans showing a reduction in the number of units to 10 with two new accesses (13/11/2018) withdraw their comments regarding the link to the right of way and reiterate advice that proposed works must not encroach on to the width of the PROW.

**Local Lead Floor Authority:**

Objected to the original application as:

'The development indicates an increase in impermeable areas that will generate an increase in surface water runoff. This has the potential to increase flood risk to the adjacent properties or the highway if not adequately controlled.

The applicant has not submitted any proposed drainage designs for the capture and removal of surface water from the development. It is noted that geology in the area is not conducive to soakaway and that Wessex Water have no surface water drainage sewers within the area. The applicant has not submitted any proposed drainage designs for the capture and removal of surface water from the development; this gives rise to concerns that there may not be a viable solution for surface water drainage at this location.'

In response to the submission of drainage strategy (5/6/2018):

Maintained their objection as the submitted was still considered to be insufficient, advising:

'The existing site was formally an orchard and is now predominantly agricultural grazing. The proposed development indicates an increase in impermeable areas that will generate an increase in surface water runoff. This has the potential to increase flood risk to the adjacent properties or the highway if not adequately controlled.

The Drainage Strategy suggests attenuation using a detention basin and restricting flow to the receiving watercourse to  $Q_{bar}$ . These general principles are acceptable, however there is insufficient detail provided to ascertain if this scheme is deliverable.

There is no topographic information to substantiate the claim that all flows currently drain to the watercourse indicated. In fact, a recent site visit would suggest that not all of the site drains to the watercourse, some drains towards the road. A more detailed assessment of land levels and flow directions should be undertaken. This is particularly important given that the proposed watercourse has a high risk of surface water flooding (in accordance with the Surface Water Flood Mapping). This is not something that has been identified within the drainage strategy and does need to be considered to ensure that no additional flow gets into this watercourse to exacerbate an existing flooding issue downstream.

With regards to the proposals for the detention basin, the location proposed does not appear to allow for full gravity flow from the site to the basin. We would not accept a proposal for surface water drainage that requires pumping. Again, a topographic survey would be beneficial in order to review the existing natural landscape and determine the most effective strategy based on the natural drainage system.

Given the size of the site we would also like to see more consideration given to the multi-use of SUDS

across the site. SUDS are not simply about storage and attenuation but about improvements to the environment and water quality. These smaller features are particularly beneficial during the smaller order events. This would aid in further softening the impact of the development on the landscape with more source control features proposed across the site. For example, the applicant might consider land drains or swales instead of pipes.

There also remains a question over whether there is capacity for additional foul flows within the village. Initial indications suggest that capacity is limited and that upgrades to the existing pumping station may be required. There are no plans to do this within Wessex Capital programme at present. Any proposed new connections would therefore need to be agreed with Wessex Water and we would not recommend approval until such a connection can be verified to ensure that there is a solution possible for the discharge of foul water.'

In response to second set of amended plans showing a reduction in the number of units to 10 with two new accesses (13/11/2018) advised:

'We note that the density of development has been reduced to 10 dwellings.

The drainage strategy (Sands), whilst revised in August, seems to still show the original layout for the site and refers to 21 dwellings within the text. It is not clear whether the overall drainage strategy for the development has changed, or whether it is still proposed to provide a piped network conveying surface water to a single attenuation pond, with connection to watercourse? Existing flows from the development drain to the main road to the north west (where I believe there are known problems with flooding downstream?), and therefore the drainage would need to be carefully designed to ensure that the site could gravity drain to the pond, and that this could be designed to drain towards the watercourse to the west.

Due to the lack of certainty over the drainage provision for the revised site layout, I would have to maintain our objection.'

In response to the submission of an updated drainage strategy (1/2/2019) commented:

'I am now satisfied with the general principles of the outline planning application and feel that this can move forward to condition. The development will be restricting runoff to Qbar which is appropriate given the local flooding problems and we note that the pond has moved closer to the proposed development.

Condition:

The development hereby permitted shall not commence until details of the design, implementation, maintenance and management of the sustainable drainage scheme in accordance with the submitted Drainage Strategy (Sands, May 2018 Rev 4) have been submitted to the LPA and approved in writing by the LPA.

Those details shall include:

- a. Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance, the methods employed to delay, and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;
- b. Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- c. Flood water exceedance routes, both on and off site;
- d. A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the

lifetime of the development.

Reason: To secure a working drainage system to the he approved details shall thereafter be implemented, retained, managed and maintained in accordance with the approved details throughout the lifetime of the development

Informative: We actively promote the use of sustainable drainage systems (SUDS) as they provide flood risk benefit but also enhance biodiversity, amenity value and water quality .Any opportunities to incorporate a range of SUDS should be fully explored.

Informative: There must be no interruption to the existing surface water and/or land drainage arrangements of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively.'

**Wessex Water:**

In response to the original application:

Foul Drainage & Sewage Treatment

The settlement at Ashill is served by a public foul water system draining north to Ashill STW for treatment before discharge to the local watercourse. We have recently undertaken an appraisal of capacity at the treatment works as development proposals represent a significant increase in population when compared to the existing catchment. The treatment works can currently accommodate flows from this site, but is approaching capacity and the additional flows from cumulative development is predicted to exceed the current limits.

The treatment planning team has indicated that if catchment development exceeds capacity we will meet our obligations with a scheme of works. In the short term this may require temporary treatment capacity. In the longer term and subject to the level of future demand this may trigger extensions to the sewage works. We note that Ashill is defined as one of the rural settlements within South Somerset and we note that development within these areas will need to be justified to meet a number of criteria. Previous reviews carried out by Wessex Water have not identified development on this scale at this location, hence we have not currently identified the works for capital investment

There are no public foul sewers in close proximity of the site boundary and the applicant will need to install an off site sewer to connect to the existing foul network. Existing ground levels indicate that a 75m off site connection to the foul manhole adjacent to Ashill Farm may not be achievable by gravity. The developer may need to consider the installation of a sewage pumping station (SPS) within the site with a 15m buffer zone from the nearest dwelling to protect the amenity of the residents.

Connection to the public network is by application and agreement with Wessex Water who will adopt sewers and SPS through a formal agreement subject to satisfactory engineering proposals constructed to current adoptable standards. For further information the developer should contact [development.west@wessexwater.co.uk](mailto:development.west@wessexwater.co.uk) or visit our website for guidance <http://www.wessexwater.co.uk/Sewer-adoptions/>

Surface Water Drainage

There are no public surface water sewers in the vicinity of this site. The application indicates surface water discharge to a sustainable drainage system which must be disposed of in accordance with Building Regulations Hierarchy and NPPF Guidelines and will require the approval of the Lead Local Flood Authority. Therefore proposals will be subject to approval by the LLFA as required. It is critical that the site is developed with a satisfactory surface water outfall via infiltration systems or to the local land drainage system. Failure to demonstrate that this can be achieved is a material consideration and we requested that we are re-consulted if these proposals are amended.

Surface Water connections to the public foul sewer network will not be permitted. Land drainage run-off shall not be permitted to discharge either directly or indirectly to the public sewerage system

#### Water Infrastructure

There is currently sufficient capacity in the network for a connection off the 4" AC main opposite the site entrance. New water mains can be installed under a Section 41 requisition arrangement and the applicant should consult the Wessex Water website for further information: [www.wessexwater.co.uk/Developers/Supply/Supply-connections-and-disconnections](http://www.wessexwater.co.uk/Developers/Supply/Supply-connections-and-disconnections).

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

No objections or comments on this application.

#### **Senior Historic Environment Officer:**

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

#### **Somerset Waste Partnership:**

Response to original plans following clarification from agent on areas of concern raised by the Waste Partnership:

'Whilst it is not ideal that waste and recycling containers are a distance away from people's properties, if those properties fronting on to the main road are encouraged to place their containers out on the main road for collection, it should reduce the numbers of containers being clustered in the same place and thus minimising problems with local management of waste once the properties are occupied.'

#### **Crime Prevention Design Adviser:**

Had no objection in response to the original plans subject to there being no blank gable ends to units 1, 8, 9, 10, 14, 20, 21, 22 & 24.

In response to the first set of amendments (revised layout and reduction in number of units to 21(5/6./2018) had no objection subject to:

- The new hedgerow created as indicated will need to be supported by a post and rail fence to allow the hedgerow to mature, offering some protection to the dwellings that abut the orchard
- As in my earlier response please avoid any blank gable ends especially any that overlook parking i.e. units 7, 9, 11, 15 & 19

In response to second set of amended plans showing a reduction in the number of units to 10 with two new accesses (13/11/2018) had no objection or comments.

#### **REPRESENTATIONS**

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

- Concerns regarding privacy as houses will be metres from existing property and be overbearing on a single storey dwelling
- Concerns regarding safety with more traffic and no pavements
- Concerned about impact upon wildlife that uses the site; destruction of habitat
- Extra housing would impact the flooding risk, properties in Kenny already flood. Lack of appropriate information on this issue.
- Unsuitable and inadequate sewerage system
- Insufficient infrastructure with no essential services in the villages (no public transport, shops, doctors, post office etc.) so future residents will be dependent upon private cars. Village is not in a sustainable location.



- School has limited capacity and has no room to expand
- Lighting of development will affect neighbouring gardens and cause light pollution
- Concerned about loss of greenfield and impact upon the setting of the historic village and the Grade II\* listed Church
- Concerned about level of development in Ashill (there was a separate application for 25 dwellings on the opposite side of the village (now approved)). Proposal represents a 32.5% increase.
- There are already problems accessing the A358 at peak times. Concerned about pollution from additional traffic which will be exacerbated by proposed improvements to A358 and the impact on climate change.
- There will be parking problems as occupiers do not use garages
- Concerned about future occupants of affordable housing
- Development is out of character with existing village and contrary to Policy EQ2 of the Local Plan
- Proposal is for new residential development in the open countryside for which no overriding essential need has been justified.
- Wessex Water have previously said that the existing sewerage plant would be unable to safely process additional sewerage and improvement works could take up to three years.
- Devaluation of existing properties
- An application for residential development in Wood Lane, Ashill (16/04454/OUT) was refused; similar issues apply to the application site.
- Proposal is contrary to settlement strategy (Policy SS1) and Policy SS2 of the Local Plan.
- Archaeological assessment is inadequate
- Arboricultural assessment is inadequate, protected trees have not been kept in a healthy state
- Construction of the development will cause disruption
- Development could be in other parts of the site
- Question the stated outcomes of the public consultation event
- No need for the proposed church/school car park
- No guarantee that the s.106 money would be spent in the village
- There is a problem with water pressure in the village
- Current broadband speeds are low and would need to be addressed.
- Development will adversely affect views from adjacent properties
- Development will not bring additional services or employment to the village
- Application shouldn't be considered until the impact of the development of 400 homes in Ilminster is assessed.

The Campaign for the Protection of Rural England (CPRE) object to the application on the following grounds (summarised):

- Sustainability of settlement
- Cumulative impact of both residential developments proposed in the village must be assessed.
- Support the views of the Parish Council that the settlement is not a sustainable location for the level of development proposed.
- Refer to Historic England's concerns about the impact of the proposal on the significance of the church.
- Despite the lack of a five year housing land supply we still have a plan led system and the sustainability principle of the adopted local plan settlement strategy should not always be overridden due to the housing land supply situation.

34 letters/emails were received in regard to the first amended scheme (drainage strategy, revised layout and reduction in number of units to 21) which reiterate the various concerns /objections outlined above and make the following additional comments (summarised):

- Drainage details do not include sufficient details or address the concerns regarding in flooding in

Kenny. There should be a more details and considered surface water drainage strategy.

- Query the proposed location of the drainage system.
- Refer to High Court decisions: Forge Field, Barnwell Manor, South Lakelands which refer to setting of listed buildings.
- Photos provided of site to show lack of drainage two weeks following snowfall on 1 March 2018 and the flooding that occurred in 2008 and 2014.
- The site is an Ancient Orchard and therefore greater weight now needs to be given to this in line with updates to the NPPF (July 2018)
- Query the provision of open space
- Disappointed to discover that the revised plans for the orchard seem to have been confirmed as a token gesture to get plans approved to make way for further development.
- The objections put forward from all concerned individuals do not seem to have been taken into account, rather, the applicants have reduced units with the eye on the end gain of making this orchard into a bigger development
- Query the need for further access to the orchard as this leads to concern about potential of future development
- Query the removal of an email from the website from the agent raising potential for future development at the site
- Proposed drainage provision would serve a large number of dwellings than that proposed.

36 letters/emails were received in regard to the second set of amendments (showing a reduction in the number of units to 10 with two new accesses (13/11/2018)) which reiterate the various concerns /objections outlined above and make the following additional comments (summarised):

- Plans are deceptive as they have omitted to show the church
- Young deer have been seen using the site
- The benefits to the local community have now been removed.
- Single storey dwellings should be proposed instead of two storey as a number of adjoining properties are bungalows.
- Other nearby planning applications have now been granted.
- The number of applications/approvals and the proposed dualling of the A358 are causing much anxiety for the villagers

Marcus Fysh MP has written requesting that the views of his constituents are taken into account before a decision is made on the application.

## **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 one 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 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, 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. However, outline approval has recently been granted for 25 dwellings at Windmill Hill Lane (17/03800/OUT). 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 the old A358, the Highway Authority are satisfied with the 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 access details, visibility, street lighting and a Construction Management Plan.

The proposal is therefore considered to accord with Policy TA5 and TA6 of the South Somerset Local Plan 2006-2028.

### **Landscape/ Character of Village**

The site is currently an agricultural field on the western edge of Ashill. The landscape officer assessed the original scheme for 26 dwellings and concluded that the weight of the landscape impact from the proposal to be insufficient in its own to provide a case for refusal. As the proposal has now been reduced to 10 dwellings it is considered that the given the original advice it would not be possible to sustain a reason for refusal on landscape grounds.

In terms of the potential impact upon the character of the village, it is considered that the amended scheme will relate appropriately to the existing village. The proposal is for an informal layout of relatively low density development that sits along the western edge of the village. There are three dwellings that will face the road with linear development behind running along the edge of the site. This is reflective of the village character and considered to be an appropriate design response that respects the surroundings.

The proposal therefore accords with Policy EQ2 of the South Somerset Local Plan 2006-2028 which regard to landscape impact.

### **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 with particular concern about the flooding difficulties that have been experienced at Kenny.

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 development (that was updated through the course of the application). 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. In regard to water supply, Wessex Water have confirmed that there is sufficient capacity in the network to accommodate the development.

### **Heritage Assets**

The application has been amended from that originally proposed in order to respond to the concerns expressed by both Historic England and the Conservation Officer about the potential harm to the setting of the Grade II\* listed Church. The NPPF advises that in the case of a development proposal leading to less than substantial harm to the significance of a designated heritage asset (paragraph 196), this harm should be weighed against the public benefits of the proposal. In this case, the layout of the site has been redesigned in order to reduce the potential impact upon the setting of the listed church as the dwellings are now sited on the eastern part of the site which will allow for a greater view of the church from the north. Historic England has withdrawn its previous concerns about the application noting *'This has reduced the development to the eastern boundary of the site limiting the projection into views of the Grade II\* listed Church of the Blessed Virgin Mary. The removal of additional infrastructure such as the additional car-parking is also a benefit in reducing the overall impact of development within the current open field.'*

Historic England do repeat their advice that the council needs to be confident that there is sufficient justification for development on the site even with the reduced number of units (Para 194, revised NPPF). And that any harm will need to be considered within the wider planning balance against the public benefits offered by the scheme to ensure that they outweigh any harm identified (Para 196, NPPF).

As advised by Historic England, the lack of a five year supply of housing land has to be weighed in the balance and as such appropriate weight has to be given to the provision of housing on a sustainable site. In this case, the proposal would provide 10 dwellings in a sustainable location and, therefore, it is considered there are public benefits to the scheme that weigh in the schemes favour. This benefit allows for a favourable recommendation despite the harm (less than substantial) caused to the heritage asset. This is due to the significant reduction in the size of the scheme which has allowed for the views to the

Church to be respected.

It is therefore considered the site can be developed in a manner to safeguard the setting of the listed building and the wider landscape in general in accordance with the NPPF and Local Policies EQ2 and EQ3.

### **Residential Amenity**

This is an outline scheme but layout is a matter to be considered at this stage. It is considered that the proposed location of the dwellings ensures that there are appropriate 'back-to-back' distances (over 21m) to protect neighbouring privacy. In addition, the distances between the proposed and existing dwellings ensures that the development will not be overbearing or result in an unacceptable loss of light. The proposal therefore accords with Policy EQ2 of the South Somerset Local Plan 2006-2028 in relation to impact upon neighbouring amenity.

### **Ecology**

The Ecologist has thoroughly assessed the submitted biodiversity report along with the concerns of local residents (reported in full above). He had no overall objections to the scheme subject to the imposition of conditions to secure a further survey, protect nesting birds and mitigation/enhancement measures.

The proposal is therefore considered to accord with Policy EQ4 of the South Somerset Local Plan 2006-2028.

### **Other issues**

- Impact on school - County Education have advised that the current education capacity is sufficient at this time and therefore no education contributions are sought
- Lighting - A condition can be imposed to secure details of proposed street lighting
- Devaluation of neighbouring properties- This is not an issue that can be given significant weight in the determination of a planning application.
- Appeal at Wood Lane, Ashill - The Inspector for this appeal determined that Ashill was a sustainable location for additional housing growth (the appeal was dismissed on the grounds of harm to the character and appearance of the area and the loss of employment land and premises).
- Archaeology - the submitted report has been assessed by the archaeologist at South West Heritage Trust who was satisfied with the information submitted and does not consider that it is necessary to carry out any further work at the site.
- Trees - The Tree Report has been assessed by the Tree Officer who is satisfied with the proposal subject to the imposition of conditions.
- Disruption during construction - It is recognised that there is likely to be some disruption during the course of the development however this will be temporary and it is not considered that it would be appropriate to refuse the application on this basis. A condition can be imposed to require a construction traffic management plan that will include delivery and working hours.
- Broadband - Whilst it is recognised that there may be some impact upon broadband speeds in the vicinity, it is not reasonable to refuse the application on this basis.
- Loss of views - The loss of a view over private property is not an issue that can be given significant weight in the consideration of a planning application. The setting of the listed building has been considered above.
- Open space - The retention of the orchard is no longer part of the application as an open space requirement is not required on a scheme of this size. However, the trees on the site will continue to be protected by the Tree Preservation Order.
- Potential for future development - This scheme has been assessed and determined on the basis of the amended plans for 10 dwellings. Any application for future development would have to be

assessed on its own individual merits in the full knowledge of the previous advice from Historic England.

## **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. Whilst it is accepted that there are local concerns regarding the development, 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.

## **COMMUNITY INFRASTRUCTURE LEVY**

The application is CIL liable at the reserved matters stage.

## **RECOMMENDATION**

Grant Permission

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

### **SUBJECT TO THE FOLLOWING:**

01. The development hereby permitted shall be begun 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 approved shall be carried out in accordance with the following approved plans: Drawing numbers: 2479-sk-15, 2479-PL-04 Rev A and 247 - PL-01

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

04. The development hereby permitted shall not be commenced (including any ground works or site clearance) until a survey to determine presence/absence of reptiles, plus if present, a mitigation plan or method statement detailing measures to avoid harm to slow worms, has been submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details and timing of the mitigation plan / method statement, unless otherwise approved in writing by the local planning authority.

Reason: For the protection and conservation of a priority species in accordance with policy EQ4 of the South Somerset Local Plan, NPPF and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

05. No removal of vegetation that may be used by nesting birds (trees, shrubs, hedges, bramble, ivy or other climbing plants) shall be carried out between 1st March and 31st August inclusive in any year, unless previously checked by a competent person for the presence of nesting birds. If nests are encountered, the nests and eggs or birds, must not be disturbed until all young have left the nest.

Reason: To avoid disturbance to nesting birds thereby ensuring compliance with the Wildlife and Countryside Act 1981, as amended by the CROW Act 2000, and in accordance with Policy EQ4 of the South Somerset Local Plan.

06. Any steep sided construction excavations over 1 metre deep and left open overnight must be covered plated or have a means of escape should an animal fall in. (A suitable means of escape is a rough wood plank inclined from the base of the excavation to the surrounding ground surface).

Any voids or openings over 100mm in diameter, or equivalent, beneath new structures must be blocked over night to deter badger entry.

Reason: For the protection and conservation of a priority species in accordance with policy EQ4 of the South Somerset Local Plan, NPPF and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

07. The reserved matters application shall include full details of proposals for the incorporation of features to enable the enhancement of biodiversity.

Reason: For the enhancement of biodiversity in accordance with NPPF.

08. The development hereby permitted shall not commence until details of the design, implementation, maintenance and management of the sustainable drainage scheme in accordance with the submitted Drainage Strategy (Sands, May 2018 Rev 4) have been submitted to the LPA and approved in writing by the LPA.

Those details shall include:

- a. Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance, the methods employed to delay, and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;
- b. Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- c. Flood water exceedance routes, both on and off site;
- d. A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development.

Reason: To secure a working drainage system to the he approved details shall thereafter be implemented, retained, managed and maintained in accordance with the approved details throughout the lifetime of the development

09. The reserved matters application shall include foul water drainage details to serve the development. 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.

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

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

11. 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 and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

12. The proposed estate roads, footways, footpaths, tactile paving, 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 and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

13. 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 and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

14. 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 and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).



15. 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 and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

16. None of the dwellings hereby permitted shall be occupied until a scheme of street lighting has been installed within the development 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 and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

17. 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 120 metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced/occupied/brought into use and shall thereafter be maintained at all times.

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

18. 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 in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

19. Prior to commencement of the development, site vegetative clearance, demolition of existing structures, ground-works, heavy machinery entering site or the on-site storage of materials, a detailed scheme of tree and hedgerow protection measures shall be prepared by a suitably experienced and qualified arboricultural consultant in accordance with British Standard 5837: 2012 - Trees in relation to design, demolition and construction and submitted to the Council for their approval. Upon approval in writing from the Council, the tree and hedgerow protection measures shall be installed and made ready for inspection. A site meeting between the appointed building/groundwork contractors and a representative of the Council (to arrange, please call: 01935 462670) shall then be arranged at a mutually convenient time. The locations and suitability of the tree and hedgerow protection measures shall be inspected by the Council and confirmed in-writing by the Council to be satisfactory prior to any commencement of the development. The

approved tree and hedgerow protection requirements shall remain implemented in their entirety for the duration of the construction of the development and the protective fencing and signage may only be moved or dismantled with the prior consent of the Council in-writing.

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

20. No works shall be undertaken until there has been submitted to and approved in writing by the Local Planning Authority, a scheme of tree and shrub planting. Such a scheme shall include the details of provenance, planting locations, numbers of individual species, and sizes at the time of planting, details of root-types/grafting and the approximate date of planting. The installation details regarding ground preparation, staking, tying, strimmer-guarding, weed-suppression and mulching shall also be included in the scheme. All planting comprised in the approved details shall be carried out within the next planting season following the commencement of any aspect of the development hereby approved; and if any trees or shrubs which within a period of fifteen years from the completion of the development die, are removed or in the opinion of the Council, become seriously damaged or diseased, they shall be replaced by the landowner in the next planting season with trees/shrubs of the same approved specification, in the same location; unless the Local Planning Authority gives written consent to any variation.

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

21. Prior to first occupation of the dwellings hereby permitted, electric charging points (of a minimum 16amps) for electric vehicles shall be provided for each dwelling adjacent to their designated parking spaces or garages shown on the approved plan. Sufficient electric charging points for at least one per dwelling shall be provided in this way. Once installed such charging points shall be retained and maintained in working order, unless otherwise agreed in writing with the Local Planning Authority.

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

22. The development hereby permitted shall not exceed 1000m<sup>2</sup> (combined gross floor space).

Reason: Otherwise the development would be required to make contributions towards affordable housing and sports/leisure facilities in accordance with Policies HW1, SS6 and EQ2 of the South Somerset Local Plan 2006-2028.

#### **Informatives:**

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

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

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

02. The applicant will be required to secure an appropriate legal agreement/ licence for any works within or adjacent to the public highway required as part of this development, and they are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting.
03. Any proposed works must not encroach on to the width of the PROW.

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

- If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:
    - A PROW being made less convenient for continued public use.
    - New furniture being needed along a PROW.
    - Changes to the surface of a PROW being needed.
    - Changes to the existing drainage arrangements associated with the PROW.
    - If the work involved in carrying out this proposed development would:
      - make a PROW less convenient for continued public use; or
      - create a hazard to users of a PROW, then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure: <http://www.somerset.gov.uk/environment-and-planning/rights-of-way/apply-for-a-temporary-closure-of-a-right-of-way/>.
04. The LLFA actively promote the use of sustainable drainage systems (SUDS) as they provide flood risk benefit but also enhance biodiversity, amenity value and water quality. Any opportunities to incorporate a range of SUDS should be fully explored.
  05. There must be no interruption to the existing surface water and/or land drainage arrangements of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively
-

# Agenda Item 16

## Officer Report on Planning Application: 18/00754/FUL

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

### REASON FOR REFERRAL TO COMMITTEE

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

### UPDATE

Consideration of this application was deferred at the June 2018 Area West Committee meeting in order for outstanding concerns to be resolved with the Town Council. The main areas of concern were the height and form of the new boundary treatment running adjacent to Wyvern Court, light pollution and the creation of a rat run through the car park. Following the meeting of the Area West Committee, meetings have been held with officers, Ward / Town Council members and residents of Wyvern Court to discuss the issues. Amended plans showing a 1.5 metre high boundary fence were received in February. The Town Council supported the plans although concerns remained about rat running and light pollution. Concerns were received from local residents about the inadequate height of the fence.

Following further discussion between residents, a local ward member and members of the Town Council, it has been agreed that a 1.8metre high wooden fence, as measured from Wyvern Court, should be constructed to run along the whole length of the boundary between the new car park and Wyvern Court. An amended plan has now been submitted to show a 1.8m high fence. No further comments have been received to date. An oral update in regard to any comments received will be given at committee.

There had been some discussion about whether it was feasible to keep the existing rear garage walls which provide the majority of the current boundary walling. However, these do not run the whole length of the site and new boundary treatment would need to be erected in between. In addition, the structural stability of the remaining rear walls once the rest of the garage structure has been removed is also unknown but likely would not be secure without stabilisation. Moreover, in discussion with the adjoining residents, it had been agreed that a 1.8 metre high wooden fence, as measured from the ground floor of Wyvern Court, running the whole length of the boundary, would be acceptable. This would maintain privacy to the residents of Wyvern Court and help minimise glare from car headlights.

In respect to the concern about creating a rat run, Council officers have looked at this matter and traffic calming measures will be installed within the car park, including 3 speed ramps that should deter most drivers from using this as a rat run. The design and layout of the car park has been carefully considered to minimise rat running and to make the best use of the available space for parking. However, as per the Town Council's request, dialogue will certainly remain open between the District and Town Council

about the operation of the car park. Any future concerns about this particular matter can be discussed, reviewed and appropriate measures taken if required.

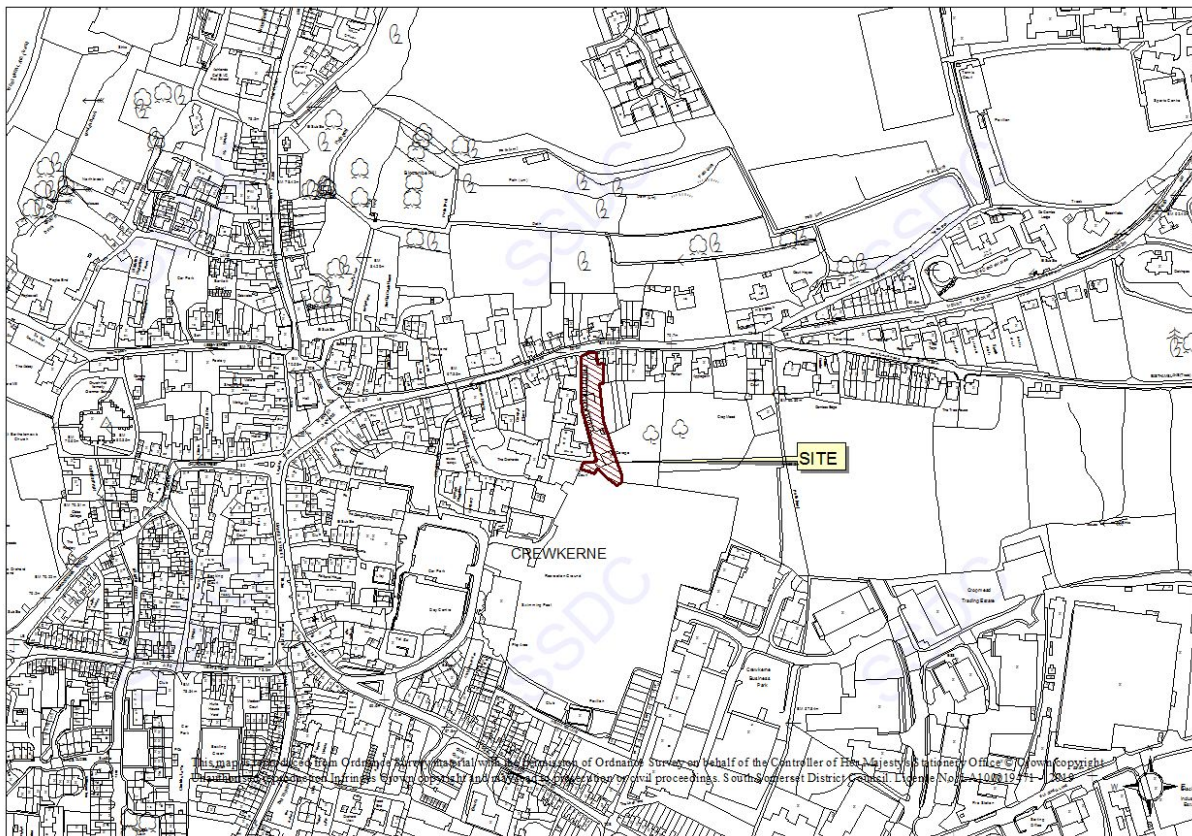
In regard to the concerns about light pollution, the lights within the car park will be LED style and the design/ technology directs the light more efficiently towards the car park areas.

A turning area has been included towards the top of the site to address a point about turning raised by the Highway Authority.

Importantly, it should be noted that this car park will be run and managed by the District Council. As a result, the District Council will be able to monitor and assess how the car park operates and look at implementing any remedial measures as necessary.

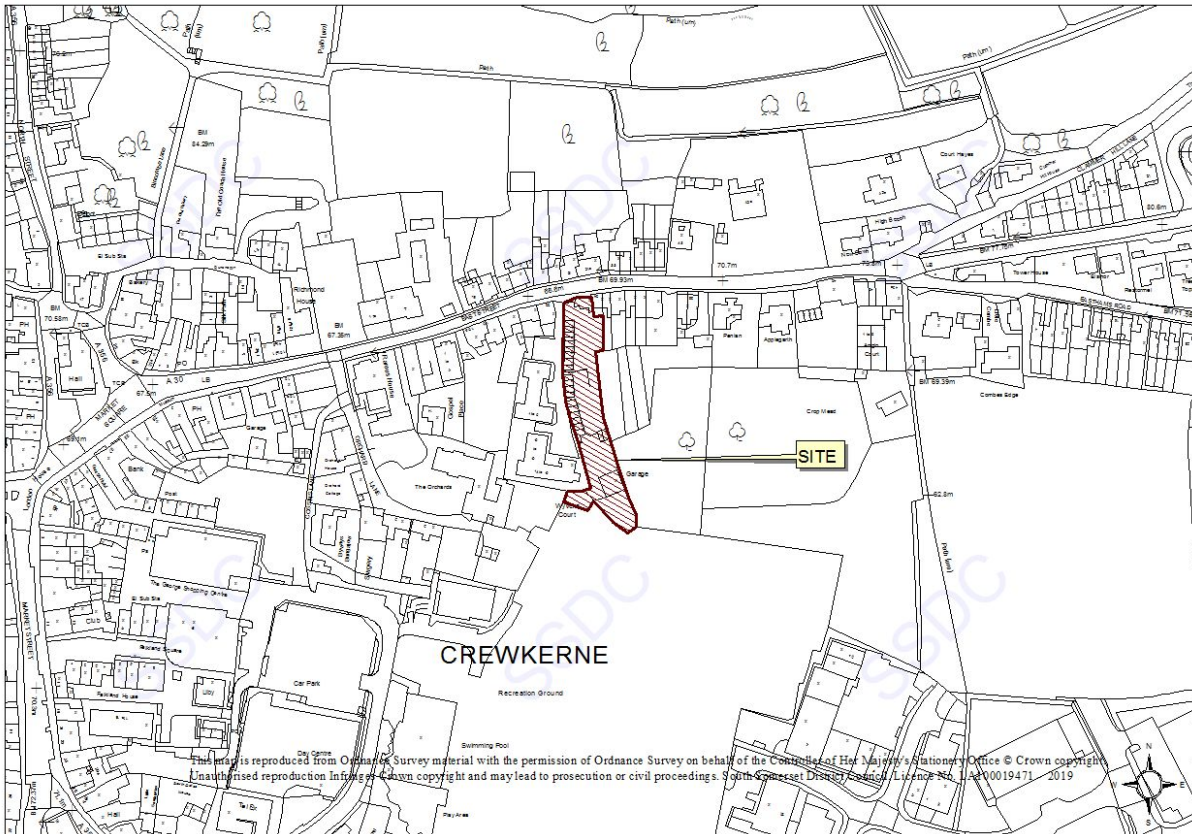
The original officer report is included in full below:

### SITE DESCRIPTION



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





## PROPOSAL

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

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

Much of the current site surface is covered with a mix of tarmac and concrete with some grassed areas. The car park site will be surfaced with porous tarmac with drainage of surface water through existing sewers along with the construction of new soakaways and gullies. Landscaping will be provided and the site will be illuminated with 5 metre columns fitted with 60w LED units.

## HISTORY

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

## **POLICY**

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

### Relevant Development Plan Documents

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

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

South Somerset Car Parking Strategy

## **CONSULTATIONS**

**Crewkerne Town Council:** (original comments April 2018)

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

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

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

Officer comment:

Following receipt of the above comments, the case officer asked for and received the following reply from the Council's engineer:

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

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

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

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

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

Crewkerne Town Council: (additional comments received May 2018)

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

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

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

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

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

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

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

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

**Landscape Officer:**

The application for 60 parking spaces is at last with us. It is disappointing that potentially larger and more comprehensive schemes that better juxtapose with adjacent land have not materialised, such that this proposal is a single, rather utilitarian alignment, with little scope for landscape treatment that is fitting for its location within the setting of the town's conservation area. The access off East Street does lay within the conservation area, hence it is essential that treatments and material use are appropriate to the historic environment. Within the site, it will be essential that bands of planting are introduced running across the grain of the car park, to ensure that view of the long north-south lines of parked cars are softened and broken-up. A new soft east boundary treatment will also be essential, to visually contain the parking area. These details should be offered pre-determination, to ensure landscape and material mitigation is appropriate to context.

You will be aware that during the past 15 years, the conservation team has looked at a number of options that provide a two-way connection from East Street to South Street, either via the Henhayes edge and the road by Waitrose to the South Street junction; or to link with Cropmead, facilitated by additional



development to the east of this application site to facilitate a road link. Either option offers that essential second route through the town, to improve vehicular permeability, and to avoid the prospect of impasse within the town when there is a traffic incident in Market Street. However this scheme might be received, for the good of the town's future growth and related urban design, I would urge both officers and the local politicians to ensure that approval of this scheme does not compromise the possibility of this two-way link coming forward in the future, as a remedy for the town's traffic problems, and to avoid a continued dependency upon the current sole route through the town.

**Conservation Officer:**

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

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

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

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

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

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

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

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

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

**County Highways:**

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

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

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

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

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

**County Archaeologist:**

No objection on archaeological grounds.

**Crime prevention Design Advisor:**

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

**Environmental Health Officer:**

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

**REPRESENTATIONS**

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

Comments received are as follows:

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

Those objecting raised the following points:

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

## **CONSIDERATIONS**

### **Principle of Development:**

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

### **Need for a long stay car park:**

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

### **Highways:**

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

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

The option of making the East Street entrance 2-way has been fully explored by the Council. However, without being able to secure adequate visibility upon egress, this would not be acceptable in highway

safety terms. Comment has also been received about additional development/road proposals for the town that may require use of this site as a road link. However, those proposals are not currently being put forward and the merits of this proposal need to be assessed. Moreover, it is not considered that this car park scheme would compromise any adjacent scheme coming forward provided all of the necessary highway and any other requirements could be secured.

#### **Conservation Area/ Setting of Listed Buildings:**

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

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

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

#### **Impact on residential amenity:**

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

Concern has also been raised about potential noise created by the proposed use. Whilst it is accepted that there would be the usual noise associated with a car park use, it is not considered that this would be so adverse as to warrant refusal. It is also important to note that the site has and could still have a commercial use with the potential for greater noise generating activities and uses. Some concern has been raised about the noise that may be generated by the use of alligator teeth at the entrance from East Street. These are not considered to be noisy in operation and will be positioned so that vehicles will traverse them from a straight angle. These will be inspected and maintained regularly. On this basis, it is not considered that the use of the alligator teeth should give rise to adverse noise.

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

**Landscape:**

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

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

**SECTION 106 PLANNING OBLIGATION**

Not applicable to this application.

**RECOMMENDATION**

Grant permission.

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

**SUBJECT TO THE FOLLOWING:**

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

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

02. The development hereby approved shall be carried out in accordance with the following approved plans:  
Drawing Numbers: AW/009-21, AW/009-23 and AW/009-24.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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# Agenda Item 17

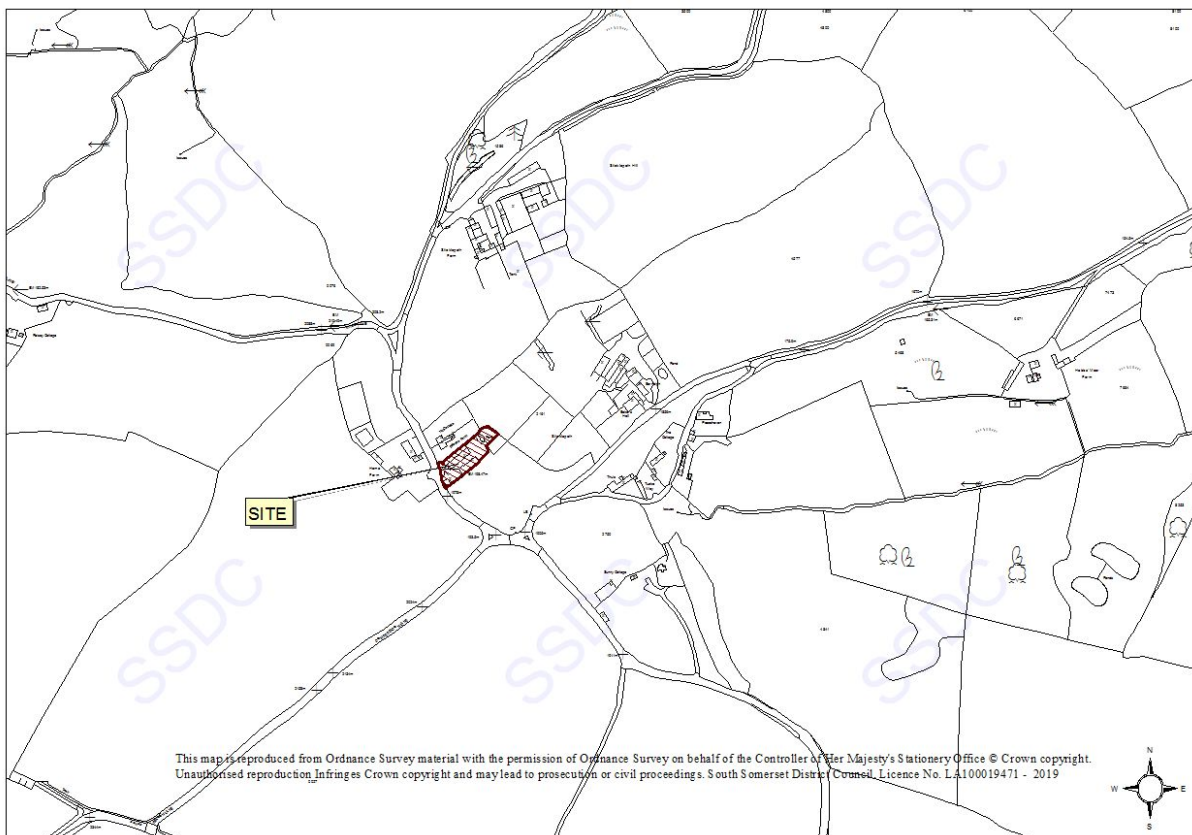
## Officer Report on Planning Application: 18/03822/FUL

<b>Proposal :</b>	The change of use and conversion of existing outbuilding to form a dwelling and the removal of agricultural storage building
<b>Site Address:</b>	Batstone Farm, Priddles Lane, Combe St Nicholas
<b>Parish:</b>	Combe St Nicholas
<b>BLACKDOWN and TATWORTH Ward (SSDC Member)</b>	Cllr Martin Wale, Cllr Jenny Kenton
<b>Recommending Case Officer:</b>	Mike Hicks
<b>Target date :</b>	7th February 2019
<b>Applicant :</b>	Mr & Mrs Pitcher
<b>Agent: (no agent if blank)</b>	Greenslade Taylor Hunt Winchester House Deane Gate Avenue Taunton TA1 2UH
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

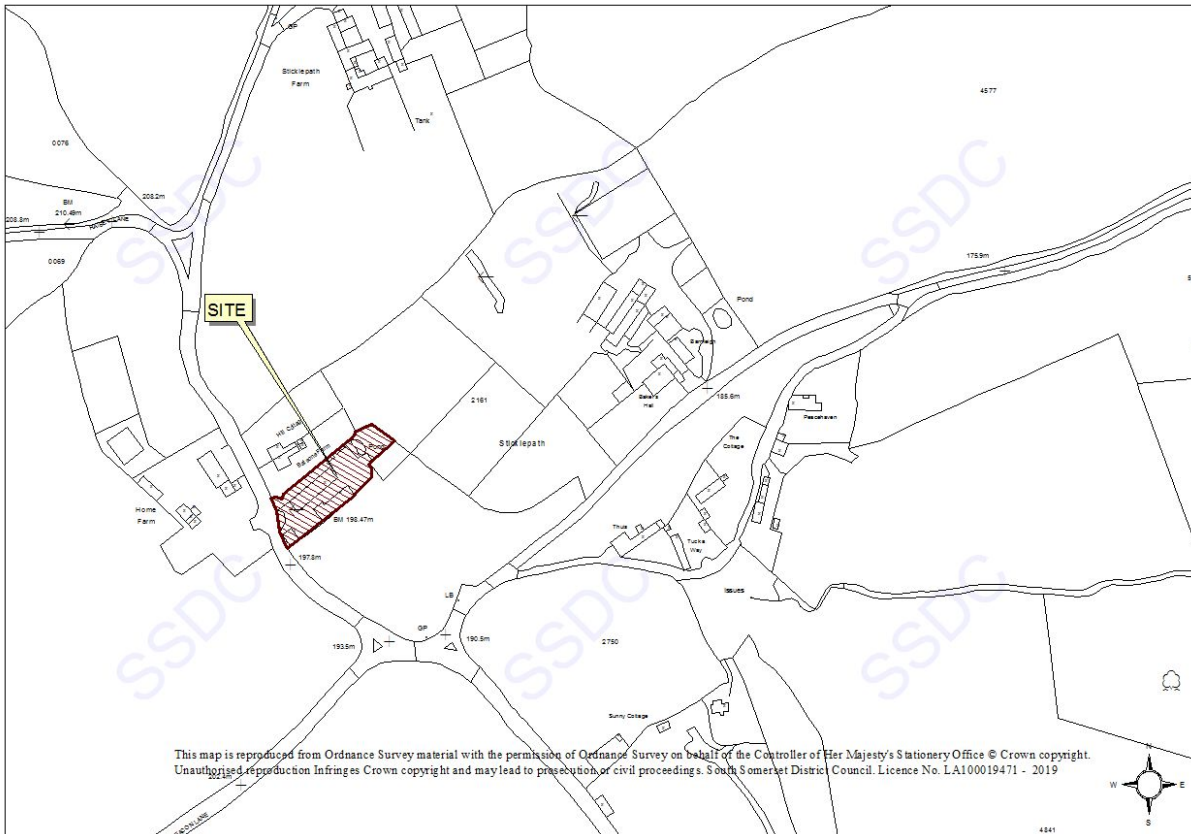
### REASON FOR REFERRAL TO COMMITTEE:

To allow consideration of the range of planning issues involved in this application.

### SITE DESCRIPTION AND PROPOSAL







The site is located in an isolated location and consists of a single storey concrete block building currently used as a cattery. There is an adjoining dwelling, agricultural building and garage. The site is located on a hillside approximately 500 metres from the Blackdown Hills AONB.

### **HISTORY**

04/01365/COU- Change of use of part of an existing agricultural building to that of a 12 pen boarding cattery- Permitted with conditions.

### **POLICY**

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

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

South Somerset Local Plan (2006-2028)

Policy SD1 - Sustainable Development

Policy SS1 - Settlement Strategy

Policy TA5 - Transport impact of new development

Policy TA6 - Parking standards

Policy EQ2 - General Development

Policy EQ4 - Biodiversity

National Planning Policy Framework (2018)

National Planning Practice Guidance  
Guidance within the PPG is a material consideration.

## **CONSULTATIONS**

### **Parish Council:**

No objections.

### **County Highway Authority:**

Standing advice applies.

### **SSDC Highway Consultant:**

Refer to SCC comments.

## **REPRESENTATIONS**

Following consultation no representations have been received.

## **CONSIDERATIONS**

### **Principle of residential development/ Character and appearance**

The site is located in an isolated location where there is a strong presumption against residential development set out by National Guidance and Local Policy. The Local Plan seeks to locate housing development within certain settlements as set out in the settlement strategy policy- SS1. Paragraph 79 of the NPPF provides certain exceptions to the above advice. It states:

"Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- d) the development would involve the subdivision of an existing residential dwelling; or
- e) the design is of exceptional quality, in that it:
  - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
  - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area".

The applicant has accepted that the proposal would not meet the 'redundant' test of the above guidance as the building is still used for business purposes, however a case is made that there would be an enhancement of the immediate surroundings of the site. The applicant cites some other cases where it was accepted that non redundant buildings could be converted to residential use.

In this instance, it is considered that the above tests have not been sufficiently met. The 'enhancement' would result from the demolition of a relatively modest agricultural building and the planting of a hedge along the boundary of the site. It is considered that these enhancements are marginal. An additional dwelling, the associated domestic paraphernalia, garden area lighting etc. would impact on the rural character of the area and this impact would be increased by the prominent nature of the site on a hill side and within proximity to the Blackdown Hills AONB.

Whilst it is accepted that there would not be harm to the locality, there would be no enhancement to the immediate surroundings and accordingly the principle of a new residential planning unit in this location would be contrary to guidance in paragraph 79 of the NPPF and the Local Plan Settlement Strategy, Policy SS1.

### **Highway Implications**

With conditions to secure an improvement to visibility to the south of the access and the retention of the parking area it is considered that the highway aspects of the proposal are acceptable. The access and parking and turning areas are considered to be acceptable.

Accordingly it is considered that the proposal would comply with Policy TA5 of the South Somerset Local Plan (2006-2028).

### **Residential Amenity**

The proposal is considered to be acceptable in relation to the impact on neighbouring properties given the scale of the development and distance from adjoining neighbours. Accordingly it is considered that the proposal would comply with Policy EQ2 of the South Somerset Local Plan (2006-2028).

### **RECOMMENDATION**

Refuse planning permission for the following reason:

01. The site is located within an isolated location, remote from services and facilities and in a sensitive landscape setting. The building is not redundant and the applicant has not demonstrated that the proposed dwelling would achieve an enhancement of the landscape setting of the site. Accordingly it is considered that the proposal would result in a new planning unit in an unsustainable location, contrary to policy SD1 and SS1 of the South Somerset Local Plan (2006-2028) and the relevant sections of the NPPF (2018).

### **For the following reasons**

01. In accordance with paragraph 38 of the NPPF, the council, as local planning authority, approaches decisions on proposed development in a positive and creative way, working proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area by:
- offering a pre-application advice service, and
  - as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

The applicant sought pre application advice from the Council, however the issues raised relate to the principle of the development and there are no alterations that would be made to overcome these objections.

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