



Area West Committee

Wednesday 18th September 2019

5.30 pm

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

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



The following members are requested to attend this meeting:

Jason Baker
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 Vjeh
Martin Wale

Consideration of planning applications will commence no earlier than 6.00pm.

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

This Agenda was issued on Monday 9 September 2019.

Alex Parmley, Chief Executive Officer



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

Information for the Public

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

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

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

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

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

Agendas and minutes of meetings are published on the council’s website
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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.

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

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Area West Committee

Wednesday 18 September 2019

Agenda

Preliminary Items

- 1. To approve as a correct record the Minutes of the Meeting held on 21st August 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 16th October 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. Community Grant to Merriott Village Hall (Executive Decision)** (Pages 6 - 10)
- 8. Area West Committee Forward Plan** (Pages 11 - 12)
- 9. Planning Appeals** (Pages 13 - 23)
- 10. Schedule of Planning Applications to be Determined by Committee** (Pages 24 - 25)
- 11. Planning Application 18/03454/OUT - Land Adj Winterhay Lane Farm, The Beacon, Ilminster** (Pages 26 - 32)

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

Community Grant to Merriott Village Hall (Executive Decision)

Director: Martin Woods, Director of Service Delivery
Manager / Lead Specialist: Tim Cook, Locality Manager
Lead Officer: Adrian Moore
Contact Details: adrian.moore@southsomerset.gov.uk or 01935 462409

Purpose of the Report

Councillors are asked to consider the awarding of a grant of £11,500 towards Solar Array and Battery Storage for Merriott Village Hall.

Public Interest

Awarding grants is a key way that SSDC supports and helps to deliver community projects sponsored by Parishes and voluntary community organisations in the towns and villages across the district.

Merriott Village Hall has applied to the Area West community grants programme for financial assistance with the costs of installing a Solar Array and Battery Storage. The application has been assessed by the Locality Officer who is submitting this report to enable the Area West Committee to make an informed decision about the application.

Recommendation

It is recommended that Councillors award a grant of £11,500 to Merriott Village Hall, the grant to be allocated from the Area West capital programme and subject to SSDC standard conditions for community grants (appendix A)

Application Details

Name of applicant:	Merriott Village Hall
Project:	Solar Array and Battery Storage
Total project cost:	£24,478
Amount requested from SSDC:	£11,500
Application assessed by:	Adrian Moore

Community Grants Assessment Score

The table below shows the grant scoring for this application. Applications must meet the minimum score of 22 to be considered for SSDC funding under Community Grants policies.

Category	Actual score	Maximum score possible
A Eligibility	Y	Y/N
B Equalities Impact	6	7
C Need for project	4	5
D Capacity of organisation	14	15
E Financial need	3	7
F Innovation	3	3
Grand total	30	37

Background

Merriott Village Hall is a lovely, spacious and characterful village hall with a large hall that has a production stage, PA system, hearing loop, an extra meeting room, well-fitted kitchen, and ample parking to the rear with designated disabled parking. There is very good access for wheelchair users at both front and rear doors, together with disabled toilets.

The main hall can accommodate up to 220 people and is light and airy. There is also the Blake Room which is perfect for meetings and smaller groups and can be used as a waiting room, bar, cloak room or changing room amongst other things. It is an excellent venue for wedding receptions, parties, wakes and other large functions. Regular groups include; Badminton, Short Mat Bowls, Bridge Club, Baby Sensory Classes, Pilates, Zumba, Yoga and Dance Clubs.

The Village Hall is in good order and very well managed. The management committee have now ventured to install solar panels on the roof and install a battery storage system to take small steps, where they have influence, to help tackle the crisis of climate change. There is no gas or oil supply to the hall and everything runs on electricity including the air source heat pump. This investment in solar power will not only help in reducing the financial running costs of the hall and keep hiring costs affordable to the community, but will also greatly reduce the use of fossil fuelled generated electricity and therefore drastically reduce the hall's carbon footprint year after year.

In May 2019 SSDC declared its recognition of a 'Climate and Ecological Emergency' and agreed to develop an environment strategy to help protect the environment and ecology, reduce carbon emissions and to work towards the Council and district becoming carbon neutral. The Strategy will be presented to Full Council in the autumn. SSDC has said that adapting to climate change means changing the way it does things, however the Strategy will look not only at how SSDC can manage its environmental performance and reduce impacts but will also address how it can work with and support its communities to do the same.

It is well known that SSDC is now in partnership in a massive investment in cutting-edge, groundbreaking, renewable energy technology. SSDC has a clear commitment to green energy and is already having influence on the environmental decision making of our communities.

Parish information

Parish*	Merriott
Parish Population	1,979
No. of dwellings	900

*Taken from the 2011 census profile

The project

The project involves the installation of 26 solar panels on the southwest facing roof of Merriott Village Hall. The panels are estimated to generate approximately 9,300 kWh (Kilowatt Hours) per year. However, there will be a mismatch between generation time and use. Therefore, the project also includes the installation of electric storage batteries to assist with the mismatch. The current tiles on the roof are chrysotile and contain asbestos. There is therefore the need to engage a company which can deal with the safe and secure removal of these tiles and can install the solar panels and the batteries. The disturbed roof around the solar array will be replaced with matching non-asbestos containing tiles. All works are estimated to be completed within three days.

The Village Hall Committee have future proofed this project to enable the addition of car charging points to be added if and when further external funds are secured from elsewhere in the future. This is aspirational at this stage but the current project has that potential.

Local support / evidence of need

The current hall users and Merriott village residents have been canvassed for their views on this project and there has been an overwhelming positive response. Other village halls, that have already installed solar panels, have also been contacted by the hall committee and have reported that the result of their solar installations have been extremely beneficial.

The installation project will be explained on the hall notice boards both inside and outside the hall and will be advertised on the hall and village websites. An article will appear in the Merriott Messenger (distributed free to all residents) and offered to a wider press. A meter will be installed in the hall showing how much electricity is being generated.

Project costs

Project costs	Cost £
Solar Array – Supply of Photovoltaic System (7.80 kWp)	7,079
Installation	1,440
Access Equipment	1,260
SolarWatt 4.8kW Battery storage system supply and install	4,199
Roofing Works	10,500
Total	24,478

Funding plan

Funding source	Secured or pending	Amount £
Own Funds	Secured	5,000
Somerset Community Foundation	Pending	5,000
The Bernard Sunley Charitable Foundation	Pending	5,000
Gannet Foundation Newsquest	Pending	5,000
Bath & West Community Energy Fund	Pending	5,000
South Somerset District Council	Pending	11,500
Total		36,500

Conclusion and Recommendation

It is recommended that a grant of £11,500 is awarded.

If the pending funding sources are very successful then the SSDC contribution will be reduced from £11,500 to only meet the shortfall required to reach the £24,478 total budget of the project.

Financial implications

The balance in the Area West Capital programme is £143,829. If the recommended grant of £11,500 is awarded, £132,329 will remain.

Grants are awarded subject to all other funding being secured before the commencement of the project and are on a % basis of the full project costs. Payment of the grant cannot exceed the grant award and is proportionally reduced if full project costs are under budget.

Council Plan Implications

Health and Communities - To build healthy, self-reliant, active communities we will:

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

Carbon Emissions and Climate Change Implications

Reduced electricity consumption and reduced carbon footprint

Equality and Diversity Implications

The project aims to provide for people across all age and interest groups in the local community.

Background Papers

None

Appendix A

Standard conditions applying to all SSDC Community Grants

The applicant agrees to: -

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

Standard conditions applying to buildings, facilities and equipment

- Establish and maintain a “sinking fund” to support future replacement of the building / facility / equipment as grant funding is only awarded on a one-off basis.
- Use the SSDC Building Control Service when buildings regulations are required.
- Incorporate disabled access and provide an access statement where relevant.

Special conditions

Agenda Item 8

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.

Notes

- (1) Items marked in italics are not yet confirmed.
 (2) Further details on these items, or to suggest / request an agenda item for the Area Committee, please contact the Agenda Co-ordinator; Jo Morris, 01935 462055 or e-mail jo.morris@southsomerset.gov.uk

Meeting Date	Agenda Item	Lead Officer(s) SSDC unless stated otherwise
16th October 2019	<i>Historic Buildings at Risk</i>	<i>Specialist – Development Management</i>
	<i>Chard Regeneration Scheme Update Report</i>	<i>Rebecca McElliott, Property and Development Project Manager</i>
20th November 2019	<i>Area Chapter for the Council Plan</i>	<i>Chereen Scott, Specialist, Strategic Planning</i>
11th December 2019	<i>Blackdown Hills Area of Outstanding Natural Beauty (AONB)</i>	<i>Adrian Moore, Locality Officer</i>
	<i>Blackdown Hills AONB – report from SSDC representative</i>	<i>Cllr. Martin Wale</i>
	<i>Chard and District Museum Society</i>	<i>Cllr. Jenny Kenton</i>
22nd January 2020	<i>Ile Youth Centre Management Committee</i>	<i>Cllr. Brian Hamilton</i>
	<i>Avon & Somerset Constabulary</i>	<i>Sgt. Rob Jameson</i>
19th February 2020	<i>Ilminster Forum</i>	<i>Cllr. Val Keitch</i>
	<i>Meeting House Arts Centre, Ilminster</i>	<i>Cllr. Val Keitch</i>
18th March 2020	<i>Stop Line Way Steering Group</i>	<i>Cllr. Sue Osborne</i>
	<i>A Better Crewkerne & District (ABCD)</i>	<i>Cllr. Mike Best</i>
TBC	<i>Highways Authority Update</i>	
Quarterly Update Reports	<i>Chard Regeneration Scheme</i>	<i>Rebecca McElliott, Property and Development Project Manager</i>

Agenda Item 9

Planning Appeals

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

Purpose of the Report

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

Recommendation

That the report be noted.

Background

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

Report Detail

Appeals Received

19/00368/LBC - Alterations and the erection of a porch and relocation of front door.
Location: Whitegates, Longforward Hill, Allowenshay, Hinton St George TA17 8TB
(Officer decision)

Appeals Dismissed

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)

16/03607/LBC - Alterations and conversion of skittle alley and store into 3 No. dwellings.
Furnham Inn, Furnham Road, Chard, Somerset, TA20 1AP
(Officer decision)

16/03606/FUL - Alterations and conversion of skittle alley and store into 3 No. dwellings.
Furnham Inn, Furnham Road, Chard, Somerset, TA20 1AP
(Officer decision)

18/01601/FUL – The erection of a pair of two bedroomed semi detached dwellinghouses and associated parking (revised application 18/00438/FUL)
Land Rear Of Victory Garage Church Street Winsham Chard Somerset TA20 4JD
(Officer decision)

Background Papers

Decision notices attached.



Appeal Decision

Site visit made on 30 July 2019

by S Shapland BSc (Hons) MSc MILT

an Inspector appointed by the Secretary of State

Decision date: 29 August 2019

Appeal Ref: APP/R3325/W/19/3229473

The George, Back Street, Winsham, Chard TA20 4ED

- 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 Mrs Paula Bramley-Ball (Winsham Shop Limited) against the decision of South Somerset District Council.
 - The application Ref 18/00001/FUL, dated 02 January 2018, was refused by notice dated 1 March 2019.
 - The development proposed is described as relocation of Winsham village shop to The George, entailing a change of use of a listed residential building into a shop, offices and café. The works to the listed building include internal alterations and signage externally.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council has altered the description of the development on the decision notice to read 'Alterations to include the change of use of ground floor of dwelling (Use Class C3) to a shop/Post Office (Use Class A1) and café (Use Class A3). First floor to be ancillary to shop and café use'. The appeal form also uses this altered description. This is a more precise description of the development than the one given on the application form, and I have considered the appeal on this basis.

Main Issue

3. The main issue is the effect of the proposed development on highway safety, with regard to access for all users and parking provision.

Reasons

4. The appeal site is a Grade II listed dwelling in the centre of Winsham, located at the five arm cross-road junction of the B3162, Church Street, Back Street, Fore Street and Western Way. Directly in front of the dwelling within the highway boundary is the Grade II listed village cross. The site is located within the Winsham Conservation Area.
5. The appeal proposes the change of use from the existing residential dwelling into a shop and post office, with a café. The proposal would see the relocation of the existing village shop and post office from Church Street to the appeal site.

6. The change of use from dwelling to a shop, post office and café would increase pedestrian movements directly outside the appeal site. The appellant has stated that as the proposed appeal site is located in relatively close proximity to the existing shop, this relocation would not make any significant difference to the pattern of pedestrian movements. However, based on my observations during my site visit I do not find this would be the case. Pedestrians currently accessing the village shop exit directly onto the footway of Church Street, where if there is a need to cross to access either Fore Street or Back Street there is good visibility in either direction. It is recognised that the relocation of the shop would remove the need for crossing in this location for those who live on the northern side of Church Street.
7. However, pedestrians leaving the proposed shop and turning right to walk either in the direction of Western Way or along the B3162 towards the recreation field would have very little visibility along this road. This is due to the appeal site being bounded directly by the road with no footway. Currently anyone walking to the existing shop from the direction of Western Way and the recreation fields can do so via the footway along Church Street without needing to cross this road.
8. During my site visit I observed the difficulty that pedestrians would now have when making a crossing to the appeal site from the direction of Western Way. With the level of restricted visibility, it was not possible to see vehicles on the B3162 without stepping into the carriageway. An intensification of pedestrians crossing in this location would cause unacceptable harm to pedestrian safety.
9. The appellant has indicated that planters could be provided between the edge of the appeal property and the B3162 which would restrict pedestrians from being able to cross in this location. As this area forms part of the adopted highway, a license from the Highway Authority would be required to locate planters here. It is evident from the appellant's statement that the appropriate permissions have not been sought to locate these planters, and as such there is no guarantee that they could be sited here. Furthermore, whilst planters may stop pedestrians from attempting to cross at this point, it would necessitate pedestrians standing in the junction of Back Street in order to cross the B3162. I therefore find that an intensification of pedestrian activity in the location of the appeal site as a result of this proposal would cause unacceptable harm to pedestrian safety.
10. The Council has stated that the current junction layout of Back Street and Church Street is substandard as it does not provide the recommended visibility contained within Manual for Streets. As such, any intensification of use of this junction by cyclists, private vehicles or delivery vehicles as a result of the appeal proposals would lead to unacceptable highway safety harm. I have not been provided with any plans which show these visibility splays that demonstrates the level of available visibility at this location. However, from my on-site observations it was clear that vehicles using this junction face limited visibility when looking to the right.
11. I understand that the accident records for this junction for a period covering the last three years has not recorded any accidents in this location. However, this evidence has not been submitted for me to consider as part of the appeal. Notwithstanding this, accident data only records personal injury collisions and does not record damage only accidents. Furthermore, intensification of vehicles

- at a substandard junction can increase the risk of collisions occurring in the future. Whilst accident data can be a useful indicator of the safety of a junction, it should be considered in the context of local highway conditions.
12. The proposal includes more facilities than the existing shop, which includes a café. No evidence has been submitted to demonstrate the level of additional trips for private vehicles or cyclists which would likely to be generated by a café of this size. The Council has stated they would not expect this use to be a major trip generator, but no substantive evidence has been provided. Notwithstanding this, even a small increase of private vehicles and cyclists trips to the appeal site would require the use of the substandard junction of Back Street and Church Street. This intensification of use of this junction would further harm road safety.
 13. The appeal site would not have any dedicated parking provision and therefore would be reliant on existing on-street car parking within Winsham. The nearest available on street parking is located on Church Street, opposite the existing shop. However, whilst there is parking available within close walking distance to the site it is likely customers would seek to park as close as possible to the shop. This would lead to an increase in parking on Back Street and its associated substandard junction. This is a narrow road, and any parking which takes place here would create an additional obstruction to movements at this junction. Whilst it was clear during my site visit that parking does currently take place within this junction, having a shop in this location would exacerbate this problem. I find that a lack of dedicated parking provision would harm road safety as a result of parking in a sub-standard junction.
 14. It is likely that any deliveries to the appeal site would wish to park in close proximity to the shop and would therefore park on Back Street. A delivery vehicle parking in this location would create a further obstruction within the junction, which would cause harm to road safety. The appellant has provided evidence that delivery lorries for the shop on Church Street currently park in this location. Whilst this may be the case, the appeal would result in an intensification of use of this junction by both pedestrian and vehicle movements in the vicinity of Back Street. Parking delivery vehicles in this location would therefore cause additional harm in respect of road safety.
 15. Accordingly, I find conflict with policy TA5 and TA6 of the South Somerset Local Plan (2006 – 2028) and paragraphs 108 and 109 of the National Planning Policy Framework. Together these policies seek, amongst other things, that development secures safe access for all users and provides adequate parking provision. This is to ensure there is no unacceptable harm on highway safety.

Other matters

16. The appeal site is a grade II listed building. As such I have a statutory duty under section 66(1) of the Planning (listed Building and Conservation Areas) Act 1990 'The Act' to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historical interest which it possesses. Furthermore, section 72(1) of the Act requires that special attention is had to the desirability of preserving or enhancing the character or appearance of a Conservation Area. The appeal proposal would require the reinstatement and enlargement of previously blocked up former opening in at the rear of the building. In addition, a new disabled ramp would be constructed to provide access at the front of the building. I find that these

relatively small alterations to the listed building would have a neutral effect on both the significance of the listed building and the character and appearance of the conservation area.

17. I note that there is considerable local support for the proposals, with the local community keen to ensure that a future for the shop and post office can be secured within Winsham. This is something which I have given due consideration to, and I afford weight in favour of the appeal. However, whilst I recognise the importance of local facilities such as these for rural communities, this does not outweigh the significant harm I have identified above in respect of highway safety.
18. The appellant has raised concerns about the manner in which the Council determined the planning application at the site, with particular reference made to the conduct of the Council at the planning committee. Further concerns have been raised in respect of the role of the Highway Authority in the determination of the planning application. These are not matters within the remit of this appeal, and my consideration of the proposals which has to be assessed on its planning merits which is what I have done.

Conclusions

19. For the reasons given above the appeal is dismissed.

S Shapland

INSPECTOR



Appeal Decisions

Site visit made on 12 August 2019

by Neil Pope BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 August 2019

Appeal A Ref: APP/R3325/W/18/3202337

Furnham Inn, Furnham Road, Chard, Somerset, TA20 1AP.

- 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 Ken Mason against the decision of South Somerset District Council (the LPA).
 - The application Ref. 16/03606/FUL, dated 18 August 2016, was refused by notice dated 12 December 2017.
 - The development proposed is the conversion of redundant skittle alley and store into 3 no. dwelling units.
-

Appeal B Ref: APP/R3325/Y/18/3202444

Furnham Inn, Furnham Road, Chard, Somerset, TA20 1AP.

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Ken Mason against the decision of South Somerset District Council (the LPA).
 - The application Ref. 16/03607/LBC, dated 18 August 2016, was refused by notice dated 12 December 2017.
 - The works proposed are the conversion of redundant skittle alley and store into 3 no. dwelling units.
-

Decisions

1. The appeals are dismissed.

Preliminary Matters

2. The skittle alley and store are attached to the grade II listed Furnham Inn. The LPA has informed me that the proposal would not adversely impact upon the historic fabric of the listed building. However, it is concerned that no satisfactory mechanism has been proposed to secure reinvestment of any profit from the proposed conversion into protecting the future of the listed building.
3. The LPA has not refuted the appellant's claim that it is unable to demonstrate five years housing land supply (HLS) within the district.

Main Issues

4. The three main issues are: firstly, whether the proposal would provide adequate living conditions for occupiers of the proposed dwellings, having particular regard to noise disturbance (appeal A); secondly, the likely effect upon highway safety along Victoria Avenue (appeal A) and; thirdly, whether the proposal would preserve the Furnham Inn or its setting or any features of special architectural or historic interest which it possesses (appeals A and B).

Reasons

Living Conditions (Appeal A only)

5. The development plan¹ and the National Planning Policy Framework (the Framework) include a requirement for new development to achieve a high standard of amenity for future users of land and buildings.
6. The proposed dwellings would be located immediately adjacent to two long-standing industrial units. I understand that vehicle repairs, welding, spraying, tyre fitting and sales occur/are able to take place from these units together with some associated fuel and chemical storage. It also appears that there are no restrictions on the days/hours of operation of business use from these adjacent industrial units. Whilst some housing has been permitted nearby, this is set back from the boundary with these neighbouring industrial units.
7. During my site visit² it appeared that not all of these neighbouring industrial units were in operation. However, some business activities were taking place. Notwithstanding that some sound insulation would be provided within the proposed dwellings³, given the very close proximity of the industrial premises, incoming residents would be likely to experience considerable noise disturbance from business activities immediately alongside.
8. In this regard, the LPA's Environmental Protection Officers (EPO) has advised that 'Amenity' and 'Statutory nuisance' are distinct and separate from one another. Moreover, the potential for noise/vibration from these business premises, including the close proximity of the vehicle spray shop, would result in occupiers of the proposed dwellings having inadequate amenity. I afford this much weight and note that the EPO recommended that permission be refused.
9. Given the close physical relationship between the appeal site and the industrial units, the proposed development would be unlikely to provide a high standard of amenity for future occupiers of the dwellings. At best, it could result in complaints being made to the LPA, which it would have to use scarce resources to investigate and which could ultimately affect the viability of long-standing business uses. During the period of investigation and any enforcement by the LPA, incoming residents would have an unsatisfactory living environment. The efficient operation of local businesses would also be adversely affected. This includes any re-use of the remainder of the public house, which could generate late night disturbance to the occupiers of the proposed dwellings.
10. On behalf of the appellant, my attention has been drawn to planning permission for 4 dwellings at High View Meadows and on land adjoining a builder's yard (ref.16/00418/FUL). However, I do not have all the details of that application and it is unclear what safeguards may have been proposed as part of that development. Whatever the circumstances of that application it does not overcome or outweigh the adverse effects of the appeal scheme that I have identified above.
11. I conclude on the first main issue that the proposal would fail to provide adequate living conditions for occupiers of the proposed dwellings and would

¹ This includes the South Somerset Local Plan 2006-2028 (LP).

² This is only a snapshot in time and was during the peak holiday season when some businesses may have closed.

³ Some rooflights would also be inserted into the facing roof slopes of the skittle alley and store.

conflict with the objectives of LP policy EQ2. This weighs heavily against granting planning permission.

Highway Safety (Appeal A only)

12. Vehicular access to the appeal site is from Victoria Avenue. As I saw during my visit, there was a steady flow of traffic along this highway, which I estimate was travelling at about 25 mph. There are parking restrictions around the entrance to the site and some limited on-street parking. Visibility at the site entrance is adequate for emerging vehicles. In addition to the skittle alley and store, the access serves several dwellings in Victoria Avenue and Carey Mews. This access varies in width but is sufficient for two cars to pass at the entrance.
13. Using TRICS data, the Highway Authority (HA) has calculated that the proposed development would generate approximately 24 vehicle movements per day. It has argued that this would result in a significant increase in vehicle movements to and from the site over the existing movements. However, it is unclear to me if the HA has made any allowance for the authorised use of the buildings as a skittle alley and store. This also has potential to generate vehicular traffic.
14. Whilst during a working week a re-use of the buildings would be unlikely to result in such frequent/regular as the proposed residential use, a skittles match and/or goods vehicles (such as dray lorries) could result in numerous vehicles using the access road. Moreover, it may be possible to convert the skittle alley to additional drinking/eating areas as part of any re-use of the public house and without needing planning permission⁴. In all likelihood, the proposal would result in a very modest increase in vehicular traffic over and above any lawful or permitted use of the buildings that are the subject of this appeal.
15. The HA is also concerned that the proposed parking arrangements (four spaces) would reduce the width of the access road and result in vehicles being unable to turn within the site and enter the highway in a forward gear. If this were to arise it would be likely to compromise highway safety interests along Victoria Avenue with the drivers of vehicles having to reverse onto this section of the highway. I agree with the HA that if all of the proposed parking spaces were occupied the driver of another motor car entering the site would be likely to have difficulty turning and could attempt to reverse onto the highway.
16. As the proposed units are only one and two bedroomed dwellings and would be located within a town where there is a wide range of services and facilities, including employment, not all occupiers may choose to own a motor car. However, even if they did, given the lawful use of the appeal buildings the increase in risk of drivers reversing onto Victoria Avenue would be small.
17. My attention has not been drawn to any road safety issues regarding the use of the existing access and I cannot agree with the HA assessment that, in the context of the Framework, the proposal would have a severe impact on the public highway. Nevertheless, the small increase in risk of drivers of cars having to reverse onto Victoria Avenue weighs against granting permission.
18. I conclude on the second main issue that the proposal would be likely to pose a limited increase in risk to highway safety interests along Victoria Avenue and would be at odds with the provisions of LP policy TA5.

⁴ I have not been alerted to any restriction preventing such ancillary uses from taking place.

Preservation of the Furnham Inn (Appeals A and B)

19. The appeal has not been advanced as enabling development. However, information submitted in support of the application states "*If the proposals are approved the Public House will continue to be marketed as such and any monies available from the works will be used to repair the fabric of the pub.*"
20. The LP and the Framework recognise the importance of conserving heritage assets and securing their optimum viable use. Unsurprising for a building that has not been used for a number of years⁵, and from what I saw during my visit, the Furnham Inn requires some works of maintenance and repair.
21. I understand that some new neighbouring dwellings have been built on land that was previously used in association with the operation of the Furnham Inn. There is no cogent evidence before me to demonstrate that this listed building is no longer viable for use as a public house or that an alternative use would secure the future conservation of this designated heritage asset.
22. The proposed loss of the skittle alley and store to separate residential use could diminish the attractiveness of the Furnham Inn to prospective purchasers. These existing facilities and the ancillary space they provide could be necessary to secure the re-use of this listed building as a viable public house and ensure it is preserved. There is no mechanism in place, such as a planning obligation, to ensure that any monies available from the proposed works would be used to repair the fabric of the pub. In this regard, I note the concerns of the LPA's Conservation Officer that the proposal is tantamount to asset stripping.
23. If the proposal was permitted it could undermine efforts to secure the re-use of the Furnham Inn as an historic public house and would fail to preserve this listed building. It would result in less than substantial harm to the significance of this designated heritage asset. However, great weight should be given to an asset's conservation. The harm I have identified would not be outweighed by the limited public benefits that would arise in helping to address the shortfall in HLS or support for the construction/building industry.
24. I conclude on the third main issue that the proposal would fail to preserve the Furnham Inn and would conflict with the objectives of LP policy EQ3.

Other Matters

25. The proposed development would be designed to avoid any serious overlooking or harmful loss of privacy to neighbouring residents.

Overall Conclusion

26. Given my findings on the main issues above, these appeals should not succeed. Even if I had found differently on the third main issue (listed building) the harm in respect of the first main issue (living conditions of incoming residents) would have significantly and demonstrably outweighed the benefits of the appeal scheme when assessed against the policies in the Framework as a whole.

Neil Pope

Inspector

⁵ I understand that this public house ceased trading in about 2013.



Appeal Decision

Site visit made on 12 August 2019

by Neil Pope BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 August 2019

Appeal Ref: APP/R3325/W/18/3210232

Land adjoining former Victory Garage, Church Street, Winsham, Chard, Somerset, TA20 4JD.

- 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 and Mrs M Pike against the decision of South Somerset District Council (the LPA).
 - The application Ref.18/01601/FUL, dated 30/4/18, was refused by notice dated 2/8/18.
 - The development proposed is the erection of a pair of two bedroomed semi-detached dwellinghouses and associated parking.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site lies within the Winsham Conservation Area (CA) and forms part of the setting of grade II* listed Church of St. Stephen.
3. I understand that the LPA is unable to demonstrate a five year housing land supply. As set out in Footnote 6 of the National Planning Policy Framework (the Framework), the tilted balance contained within paragraph 11(d) would only apply if policies to protect designated heritage assets were not offended.

Main Issue

4. The main issue is whether the proposal would preserve the setting of the Church of St. Stephen and preserve or enhance the character or appearance of the CA.

Reasons

5. This 0.19 ha site comprises part of a field at the rear of the former Victory Garage which is now being redeveloped as four dwellings (ref. 17/00033/FUL). Whilst I understand that in the past the site was used as a storage and overflow area for the garage, its lawful use appears to be agricultural.
6. Whatever the actual planning status of the appeal site, it forms part of the pleasing open landscape that abuts the western edge of the village of Winsham and assists in maintaining the broadly linear form of the settlement.
7. The CA covers a sizeable part of the village and is focused on the historic core. The significance of this area is derived primarily from its special architectural qualities, which include various listed buildings, such as the Church of St. Stephen which dates from the 13th century and grade II listed 19th century

buildings in Church Street, as well as its historic qualities which include its early medieval street layout. Many of the gardens, open spaces and fields (including the appeal site) that form part of the CA also contribute to the significance (historic interest) of this designated heritage asset.

8. The significance of the Church of St. Stephen is derived primarily from its architectural qualities, including the chancel, nave, tower, panelled doors and windows, as well as its historic interest, including its building fabric, its focus for rural worship and associations with notable former residents of the parish. The open fields (including the appeal site) and countryside to the south and west form part of the historic landscape setting of the church and contribute to the significance (historic interest) of this designated heritage asset.
9. The proposed two storey houses would be sited to the rear (west) of the houses currently under construction and would be designed to reflect the local vernacular. The slab level of these buildings would be considerably lower than the level of Church Street to the east and for a large part of the year, boundary vegetation would screen much of the development from public view.
10. However, during the winter the proposed dwellings would be visible. Whilst seeing a development does not in itself amount to harm, the proposal would intrude into and erode the open land within this part of the CA¹ and, in so doing, adversely affect the character, appearance and significance of the CA.
11. I also agree with the LPA's Landscape Architect that these additional dwellings would be seen with the four dwellings already approved alongside and would comprise an awkward finger of development protruding into the landscape setting of the CA and at odds with the characteristic grain of development.
12. In the context of the Framework the adverse impact upon the CA would comprise less than substantial harm to the significance of this designated heritage asset. However, this does not amount to a less than substantial planning objection. Great weight should be given to an asset's conservation.
13. During the winter, the proposed dwellings would be glimpsed from part of the churchyard of the Church of St. Stephen, as well as intruding into some glimpsed views of the church. The height and mass of the new building would detract from an appreciation of the historic rural landscape setting of the church and harm its significance. In the context of the Framework, it would comprise less than substantial harm.
14. The proposed development would provide public benefits through additional self-build housing, support for local services and facilities and would help to address the shortfall in housing land supply within the district. However, this would be insufficient to outweigh the harm that I have identified above.
15. The proposal would fail to preserve the setting of the Church of St. Stephen and would not preserve or enhance the character or appearance of the CA. It conflicts with the most relevant provisions of the development plan², as well as the provisions of the Framework. The appeal should not therefore succeed.

Neil Pope
Inspector

¹ Davies Close and much of Court Farm Close lie outside the boundary of the CA.

² Policy EQ3 of the South Somerset Local Plan (2006-2028).

Agenda Item 10

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
11	ILMINSTER	18/03454/OUT	Outline application for the erection of two dwellings with garaging.	Land Adj Winterhay Lane Farm The Beacon Ilminster	Mr G Pearce

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

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

Referral to the Regulation Committee

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

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

Human Rights Act Statement

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

Agenda Item 11

Officer Report On Planning Application: 18/03454/OUT

Proposal :	Outline application for the erection of two dwellings with garaging.
Site Address:	Land Adj Winterhay Lane Farm The Beacon Ilminster
Parish:	Ilminster
ILMINSTER Ward (SSDC Member)	Cllr Val Keitch; Cllr Brian Hamilton
Recommending Case Officer:	Louisa Brown
Target date :	18th December 2018
Applicant :	Mr G Pearce
Agent: (no agent if blank)	Paul Rowe Architectural Services CAPARO 11 Mervyn Ball Close CHARD TA20 1EJ
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE:

This application is back before committee due to it being deferred at the July committee meeting. The deferral was at the request of members to allow time for the submission of more detailed information on the access arrangements. Amended plans showing changes to the access and a highway report have been submitted to the Local Planning Authority and sent out for consultation, a verbal update on any comments received will be given within my presentation. My original report is set out below.

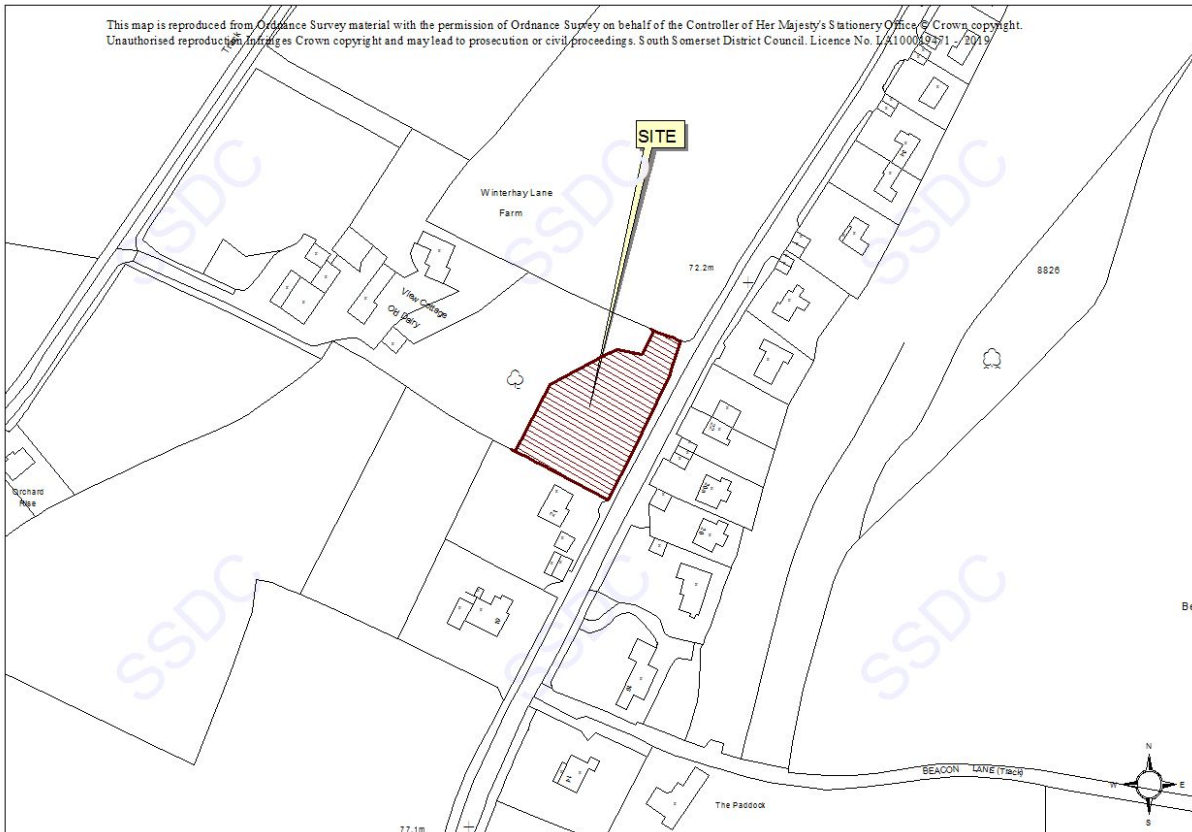
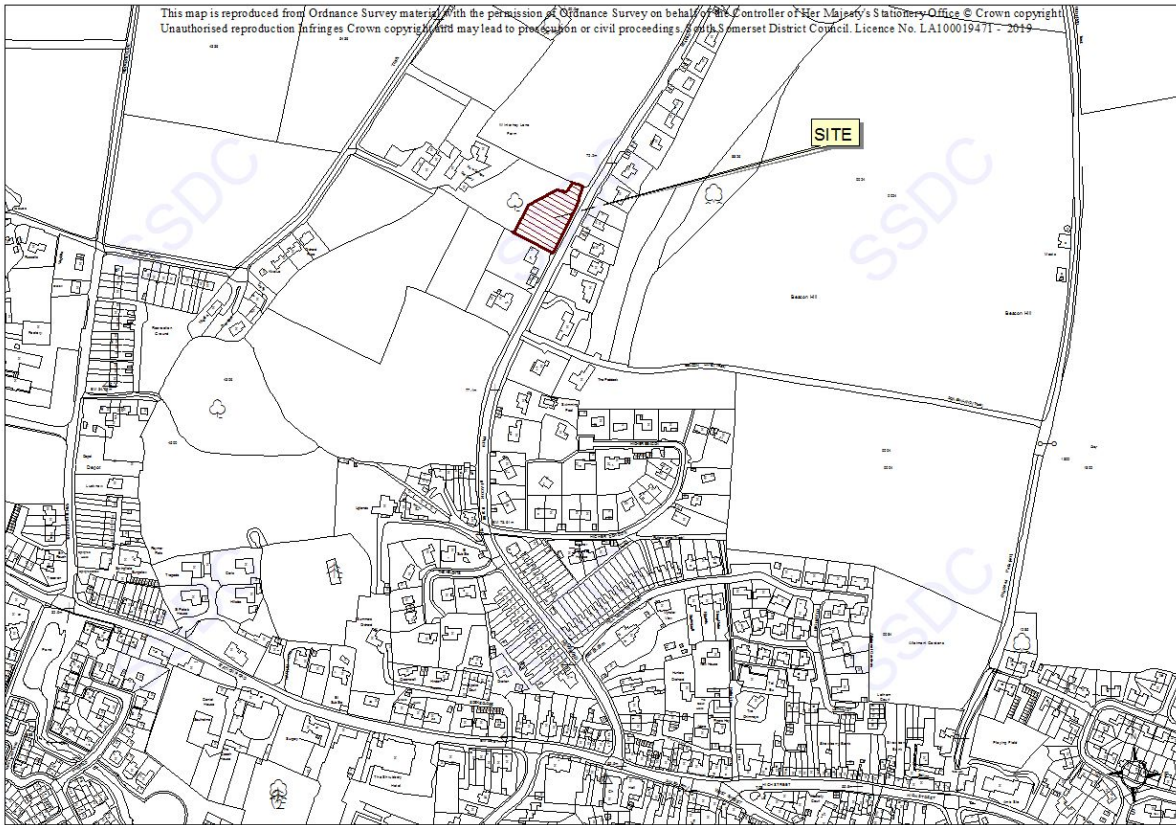
SITE DESCRIPTION AND PROPOSAL

This is an application seeking outline planning consent with all matters reserved except access for the erection of 2 no. dwellings at Land adj. Winterhay Lane Farm, The Beacon, Ilminster.

The site is located on the western side of the main highway on a steeply sloping site, running down from the highway to Winterhay Lane Farm.

There are two detached dwellings to the southwest of the site and opposite the site to the southeast the street is made up of predominantly detached dwellings of various styles and age.

The site is on the fringes of Ilminster and to the north of the town centre.



HISTORY

No planning history for applications at the site

POLICY

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

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) Policies:

SD1 - Sustainable Development

SS1 - Settlement Strategy - identifies Horton as a Rural Settlement

SS2- Development in rural settlements

SS4 - District Wide Housing Provision

SS5 - Delivering New Housing Growth

SS6 - Infrastructure Delivery

HG4 - Affordable housing contributions

TA1 - Low Carbon Travel

TA5 - Transport Impact of New development

TA6 - Parking Standards

EQ2 - General development

EQ3 - Historic Environment

EQ4 - Biodiversity

EQ5 - Green Infrastructure

National Planning Policy Framework

Chapter 2: Achieving sustainable development

Chapter 5: Delivering a sufficient supply of homes

Chapter 9: promoting sustainable transport

Chapter 12: achieving well designed places

Chapter 15: conserving and enhancing the natural environment

National Planning Practice Guidance

Design

Other Material Considerations

Somerset County Council Parking Strategy (March 2012)

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

ENVIRONMENTAL IMPACT ASSESSMENT

None required

CONSULTATIONS

Iminster Town Council:

Recommend approval

SCC Highways:

Referred to standing advice

Tree Officer:

No comments received

Ecologist:

No objection raised, recommended conditions.

South West heritage trust (Archaeology):

No objection

REPRESENTATIONS

Twelve neighbours were notified and a site notice displayed. One letter of representation was made raising concern of visibility to be looked at and hedge height. Seven letters of support have been received referring to the development being good on this unused land, the need for housing and the proposal will enhance the area and landscaping.

Four letters of objection have been received, in summary the issues raised were;

- Site is a green field site and too small for the development
- Will set a precedent for further housing in this location
- Adversely affect landscape character
- Ilminster has just had new housing approved
- Difficult and dangerous access
- Doubtful that the new orchard would be planted and maintained
- Engineering works required would be a challenge and result in a lot of concrete
- Concern over foul drainage.
- Loss of agricultural land
- Not within a designated area for housing expansion in Ilminster
- If hedges reduced in height then development will be seen from the road

CONSIDERATIONS

The main issues to assess as part of this application is the principle of housing in this location and the proposals impact on visual amenity, landscape character, residential amenity, and highway safety.

Principle of housing in this location:

The starting point for decision-making is the statutory development plan, which is the South Somerset Local Plan (2006 - 2028). Adopted in March 2015, this provides the policy framework through which to make decisions on whether or not to grant planning permission for development in the district.

However, the lack of a five-year housing land supply means that policies relating to the supply of housing should not be considered up-to-date. As such, proposals for residential development fall to be determined in light of Paragraph 11 which states that where development plan policies are out-of-date planning permission should be granted unless:

- 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
- 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.

Having regard to the above, the planning merits of the proposal are considered against the aims of the

NPPF and these considerations are set out below:

Sustainability of the settlement:

The general principle of additional housing within Ilminster is acceptable and complies with policies SD1, SS1, SS4 and SS5 of the South Somerset Local Plan, as it will contribute to housing provision and growth in a primary market town. This is subject to its compliance with other local plan policies.

It is considered that the principle of the development would comply with the NPPF and thus policies SD1, SS1, SS4, and SS5 of the South Somerset Local Plan.

Visual amenity and Landscape character:

The plans show an indicative layout for two dwellings utilising the existing access to the field. In order to facilitate the works it is considered that extensive engineering works will be required due to the steep slope within the site, this is demonstrated on the submitted concept section plan.

There has been no topography plan submitted and it is considered that it has not been demonstrated that the dwellings can be located on this site whilst creating a quality of place, given the extensive engineering required which would have a detrimental impact on the visual amenity and landscape character.

The submitted Landscape Statements states; 'Housing is less prominent to the west of Beacon on the steeply sloping hillside. A number of fields provide a degree of separation between the ribbon development along the road from the linear development at Winterhay Lane, on the lower ground below the hill. This maintains the relatively open character of Beacon Hill.' This statements reinforces the importance of the open character of the area on the western side of the Beacon. To mitigate some of the impact the Landscape Statement states, 'Hedgerow trees are proposed within the plot boundaries and a reinstatement of the orchard in the lower part of the field.' The conclusion states 'there is a degree of visual exposure in the surrounding landscape to the south west, west, north west and north,' and that with additional planting mitigation 'the effect on the views can be moderated.' However the plan on the front cover of the Design and Access Statement shows the orchard area to be planted within the red site line, this is not shown on the submitted location plan. On the submitted plans the red site line does not go around the area to have the orchard planting in and as such landscaping within this area is not within control of this application or any future reserved matters application.

The comments made within the Landscape Statement have been taken into consideration, however it is considered that even though the views may be moderate with additional landscaping the development would still be visible within this sensitive location and some of the landscaping proposed is not shown within the red site line. Advice has been given at pre-application stage that the site is particularly sensitive in landscape terms, being on elevated and sloping land.

A landscape study by SSDC has been undertaken in the past as part of the emerging Local Plan to assess if this area of Ilminster could be developed and at that time the land was identified as being particularly sensitive, and in landscape terms, is not a site that would be supported for development. The site has far reaching views from the A303. Additional land was identified for housing in Ilminster and this has been allocated within the adopted Local Plan, for which housing of 400 units has been approved at committee.

This outline is submitted with the access to be considered. There is concern that the necessary changes required to the existing access point in regard to engineering works and implementation of visibility splays will have a detrimental impact on the character of the area and landscape. There are no plans submitted showing how works to the access will be undertaken or the extent of the visibility splays required and as such the level of impact this would have.

Notwithstanding comments received it is considered that there is a lack of information to demonstrate

that the access would not be harmful to the character of the area and landscaping, by reason of the engineering works required and visibility splays. Furthermore it is considered that the principle of two dwellings in this location could not be designed in such a manner as to not adversely affect visual amenity, the character of the area and landscape character, in this elevated and visually sensitive location and as such is not in accordance with policy EQ2 of the South Somerset Local Plan and the NPPF.

Residential Amenity:

The proposed plans are indicative only and as such the layout of the properties and detailed matters such as the position of windows will be considered at the reserved matters stage. However it is considered that 2 no. dwellings could be accommodated within the site without adversely impacting upon neighbouring residential amenity, given the size of the site and the indicative layout shown.

It is not considered that a development of two dwellings would result in unacceptable levels of noise and disturbance to neighbouring properties.

Notwithstanding comments received it is considered that this site can be developed without adverse impact upon neighbouring properties and is therefore in accordance with Policy EQ2 of the South Somerset Local Plan 2006-2028.

Ecology:

The ecologist has raised no objection subject to recommended conditions to address biodiversity.

It is considered that the proposal is in accordance with policy EQ4 of the South Somerset Local Plan.

Highway safety:

This outline application has been submitted with the access to be determined. The plans show that the existing access will be utilised, however there are no plans submitted showing the extent of work to the access in regard to visibility splays and gradient of the access, which is considered essential in this sensitive location.

The Design and Access statement refers to the application having engaged the services of a highway consultant and that they have adhered to the advice given, however no formal highway report has been submitted or plan showing detailed work to the access.

Somerset County Council Standing Advice requires for this site the following:

- a gradient of the access not in excess of 1:10
- an access width of 5 metres for the first 6 metres of the access
- visibility splays based on traffic speeds of 30mph

The agent has been sent new guidance as part of the Agents Forum in regard to SSDC Highway Access and Parking Guidance, within that guidance it states;

"The following guidance is provided to assist applicants to ensure that their submitted plans whether at pre-application stage or formal application submission show the appropriate levels of detail in respect of the proposed access arrangements and on-site parking/turning facilities for new development schemes. The guidance also applies to both Full and Outline (where 'access' is not a reserved matter) applications.

Failure to provide the requisite level of detail may result in the planning application being refused without negotiation on the grounds that insufficient information has been submitted to the local planning authority for it to properly assess the highway safety implications of the development proposal."

It is considered that it has not been demonstrated that the proposed access, that forms part of this outline application, accords with the relevant highway standards.

In regard to sustainability it is considered that the site is within a sustainable location as the town is within walking distance and there are pavements to provide safe access.

It is considered that there is insufficient information to demonstrate that the access does not adversely affect highway safety in accordance with the Somerset County Council Highways Development Control - Standing Advice (June 2013), Policy TA5 of the South Somerset Local Plan 2006-2028 and the NPPF.

Affordable Housing Contributions and CIL:

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

The proposal will be liable for CIL at reserved matters stage.

RECOMMENDATION

Refuse

For the Following Reasons

01. The principle of two dwellings in this location could not be designed in such a manner as to not adversely affect visual amenity, the character of the area and landscape character, in this elevated and visually sensitive location and is contrary to the aims and objectives of policy EQ2 of the South Somerset Local Plan. The adverse impacts of the proposal would significantly and demonstrably outweigh the benefits and the development is contrary to advice contained within the NPPF.
02. There is insufficient information to demonstrate that the access will not adversely affect highway safety and is contrary to the Somerset County Council Highways Development Control - Standing Advice (June 2013), Policy TA5 of the South Somerset Local Plan 2006-2028 and the NPPF.
03. There is insufficient information to demonstrate that the access would not be harmful to the character of the area and landscaping, by reason of the engineering works required and visibility splays and is contrary to the aims and objectives of policy EQ2 of the south Somerset Local Plan (2006-2028) and the NPPF.

Informatives:

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

In this case pre-application advice was sought in 2013, 2016 and 2018 and it was stated that as a Local Planning Authority an application to develop the land would be resisted, based on its adverse impact on the landscape character. The most recent pre-application advice further stated the need to demonstrate that the improvements to the access would not be detrimental.
