



Area West Committee

Wednesday 16th October 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 Vijeh
Martin Wale

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

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

This Agenda was issued on Monday 7 October 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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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 16 October 2019

Agenda

Preliminary Items

- 1. To approve as a correct record the Minutes of the Meetings held on 3rd September 2019 and 18th September 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, Sue Osborne and Linda Vjeh.

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 20th November 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. Chard Regeneration Scheme Update Report** (Pages 6 - 8)
- 8. Area West Committee Forward Plan** (Pages 9 - 10)
- 9. Planning Appeals** (Pages 11 - 16)
- 10. Schedule of Planning Applications to be Determined by Committee** (Pages 17 - 18)
- 11. Planning Application 19/00841/OUT - Hurtham Farm, Chilson Common, Tatworth and Forton** (Pages 19 - 25)

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

Chard Regeneration Scheme Update Report

Director: Alex Parmley, Chief Executive (SSDC), Project Sponsor
Manager / Lead Specialist: Dan Bennett, Chard Regeneration Scheme Project Manager
Lead Officer: Rebecca McElliott, Property and Development Project Manager
Contact Details: Rebecca.mcelliot@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), AHR architects and Speller Metcalfe. 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.

Recommendation

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

Background

Following detailed design, SSDC applied in May 2019 for Planning Consent and Listed Building Consent to build a new Leisure Centre, Library & Community Hub and public realm improvements at the Boden Mill – ACI site in Chard. The proposal requires the removal of buildings associated with the factory site but the retention of the Mill, Building 11, the listed arch and some adjoining buildings to the south of the arch. The planning application was heard by both SSDC's Area West Committee and then Regulation Committee on 3 September 2019 where it received approval.

Project Update

Since planning permission was granted at Committee in September, the project team have been carrying out various works to satisfy a number of planning conditions. In order to progress to the enabling and demolition phase, the project team need for the planning conditions to be discharged by South Somerset District Council.

The first element of work is the demolition and enabling works which will encompass:

- Site set-up, fencing, hoarding as required
- Asbestos removal, and associated works in line with the R&D Survey provided
- Demolition
- Temporary Works as required where Building 11 is to be left and archway retained
- Mains Service Disconnections

The Council is utilising the Royal Institute of British Architects (RIBA) Plan of Work for the design and construction of the buildings. The RIBA Plan of Work organises the process of briefing, designing, constructing and operating building projects into eight stages and details the tasks, costs and outputs required at each stage. The Council's partners, Alliance Leisure, have assessed costs for demolition and enabling to RIBA stage 4 (stage 4 being "Technical Design" and the stage immediately before construction). A key consideration in making the decision to demolish and commence enabling works is that some of the buildings are within the curtilage of listed buildings. In such circumstances, developers can only progress demolition if they are in a position to replace the demolished buildings with the development proposed in the planning and listed building consents.

In relation to the budget for Phase 1, covering the Leisure Centre, Library & Hub and public realm at the Boden Mill site, costings have been developed to RIBA Stage 3, (the "Developed Design" phase) which gives a high degree of confidence in the costs. Work is currently being undertaken to progress costings to RIBA stage 4, which will give cost certainty, at which stage the Council as developer will be in a position to finalise the budget for Phase 1.

High Streets Heritage Action Zone (HSHAZ)

Chard town centre is set to benefit from a Historic High Street fund investment, after Culture Secretary Nicky Morgan announced 69 towns across the country set for a share of £95 million of funding. South Somerset District Council (SSDC) applied for £1 million of the High Street Heritage Action Zone funding. A full announcement of exactly how much will be offered by Historic England will not be known until early 2020 once a full programme design has been submitted by SSDC.

SSDC's High Street Heritage Action Zone funding bid comprised of three public realm projects, the restoration of historic buildings and a cultural programme. Public realm improvements will be phased as each part of the Chard Regeneration Programme is completed. Public consultation has been a key feature of developing proposals to date and further consultation exercises will take place over the coming months to help finalise proposals.

Next Steps

Once the demolition and enabling works are complete in early 2019, construction will commence for the leisure centre, library hub and associated public realm in spring 2020. Phase one construction target completion date is summer 2021. Whilst phase one construction is ongoing, the project team will be preparing a planning application for phase 2 and implementing some of the softer interventions as part of the wider Chard Regeneration Scheme programme. This includes support to attract artisan/independent retailers to the town, support to develop the growth of local food producers and food businesses, and undertaking a market health check in partnership with the Town Council.

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 from this report. However, the Chard Regeneration Scheme seeks to achieve a high environmental performance standard including maximising recycling of arisings from the demolition, minimising energy use in new buildings and providing renewable and low carbon energy generation on site to meet the operational needs. The Programme also aims to improve access to the town centre, in particular, encouraging walking and cycling by making it safer and easier to access the town centre on foot or cycle.

Equality and Diversity Implications

None

Background Papers

None

Agenda Item 8

Area West Committee Forward Plan

Director: Netta Meadows, Strategy and Support Services
Agenda Co-ordinator: Jo Morris, Case Services Officer
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
20th November 2019	<i>Area Chapter for the Council Plan</i>	<i>Chereen Scott, Specialist, Strategic Planning</i>
	<i>Grant application - Merriott Village Hall</i>	<i>Adrian Moore, Locality Officer</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. Linda Vijeh (in Cllr. Jenny Kenton's absence)</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

18/04034/FUL - Erection of a 2-storey detached house with three on site car parking spaces
Land Opposite Number 30 Orchardleigh, East Chinnock, Yeovil
(Officer decision)

Appeals Allowed

18/01776/LBC - The demolition of existing railings and the erection of two boundary walls.
Inkwell House, Sheephouse Farm Lane, Chillington, Ilminster, TA19 0PU
(Officer decision)

18/03339/HOU - The demolition of existing railings and the erection of two boundary walls
Inkwell House, Lower Chillington, Ilminster, Somerset TA19 0PU
(Officer decision)

Appeals Dismissed

19/00352/HOU - The erection of summerhouse (part retrospective).
64 Middle Path, Crewkerne, Somerset, TA18 8BG
(Officer decision)

Background Papers

None



Appeal Decisions

Site visit made on 20 August 2019

by **Nick Fagan BSc (Hons) DipTP MRTPI**

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

Decision date: 9th September 2019

Appeal Ref: APP/R3325/W/19/3220603

Inkwell House, Lower Chillington, Ilminster, Somerset TA19 0PU

- 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 Ms Maxine Burns against the decision of South Somerset District Council.
 - The application Ref 18/03339/HOU, dated 29 August 2018, was refused by notice dated 29 November 2018.
 - The development proposed is the demolition of existing railings and erection of two boundary walls.
-

Appeal Ref: APP/R3325/Y/19/3219119

Inkwell House, Lower Chillington, Ilminster, Somerset TA19 0PU

- 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 Ms Maxine Burns against the decision of South Somerset District Council.
 - The application Ref 18/01776/LBC, dated 7 May 2018, was refused by notice dated 29 November 2018.
 - The works proposed are the demolition of existing railings and erection of two boundary walls.
-

Decisions

1. Both appeals are allowed.

Main Issue

2. The main issue is the effect of the proposed walls on the significance of the neighbouring Grade II listed Old Manor House.

Reasons

3. Inkwell House is a detached single storey dwelling located in the middle of the village and is accessed from a track next to Sheephouse Farm. Its neighbour to the west is the Old Manor House, a Grade II listed building (LB).
4. The listing description for that building states it is a detached two storey early eighteenth-century stone house rendered with ashlar lining and colour washed. The description goes on to describe its elevations and fenestration in more detail. It is clear from this description and from my observations of the building on site that its principal significance derives from its age and vernacular design including its elevational form and appearance.

5. The Old Manor House sits in a large garden. A small piece of this garden measuring 14m by 11.5m has been purchased by the appellant to create a rear garden for her house. The proposal is to replace the former estate railings, which have already been removed, with a 2m high wall.
6. I agree with the Council that the proposed wall would change the setting of the LB but only to a very limited extent since the nearest wall would be 25m away from its nearest point and would be partly screened by vegetation within the LB's garden. This would remain the case in the winter. Such a minor change would not result in any harm.
7. An 8-foot-high (2.4m) red brick wall already defines the eastern and western boundaries of the LB. This wall also defines the boundary between the appeal property and the neighbour to the east, Lower Lawn Barn, which has been converted to a dwelling. The proposed wall would be in keeping with this existing wall and would be attached to it.
8. For these reasons the proposed wall, which would reasonably secure the privacy of the appeal property's new rear garden, would be acceptable because it would not harm the significance of the Old Manor House.
9. The appellant has provided a photograph of a brochure setting out the red brick to be used ('Olde Reclamation Clamp'), which would seem to be acceptable. However, the Council has asked that a specific condition be attached to any LB consent requiring samples of all the wall's materials including the bricks. I consider this to be necessary and reasonable in order that the design and appearance of the wall preserves the setting of the LB and reflects the character of the appeal property and Lower Lawn Barn (see Schedule of Conditions below). For the reasons given above I conclude that the proposed wall would be acceptable and that the appeals should be allowed.
10. Policy EQ2 of the South Somerset Local Plan 2006-2028 (LP) requires development to be of a high quality, which promotes the District's local distinctiveness and Policy EQ3 similarly requires it to safeguard the significance of heritage assets including LBs. For the above reasons the proposal would comply with these Policies, and with similar policy in Chapters 12 and 16 of the National Planning Policy Framework.

Nick Fagan

INSPECTOR

Schedule of Conditions

Planning Permission Condition

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.

Listed Building Consent Conditions

- 1) The works authorised by this consent shall begin not later than three years from the date of this consent.
- 2) No work shall be carried out on site unless full details of the new brick walls, including the materials (sample to be provided), copings, coursing, bonding, mortar profile, colour, and texture along with a written detail of the mortar mix, have been provided in writing; this shall be supported with a sample panel to be made available on site and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the agreed details, and the sample panel shall remain available for inspection throughout the duration of the work.

End of Conditions



Appeal Decision

Site visit made on 10 September 2019

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

an Inspector appointed by the Secretary of State

Decision date: 16 September 2019

Appeal Ref: APP/R3325/D/19/3231882

64 Middle Path, Crewkerne, Somerset TA18 8BG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant [outline] planning permission.
 - The appeal is made by Mrs Heather Palmer against the decision of South Somerset District Council.
 - The application Ref 19/00352/HOU, dated 22 January 2019, was refused by notice dated 12 April 2019.
 - The development proposed is the construction of a garden building in the form of an oriental style summerhouse.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. On my visit I observed that work on the summerhouse has commenced, with the structure partially constructed. However, I made my assessment strictly on the basis of the drawings upon which the Council made its decision.

Main Issues

3. The main issues are the effect of the proposed development on (i) the living conditions of the occupants of Bridge End, with reference to sunlight and outlook and (ii) the character and appearance of the area.

Reasons

Living conditions

4. The appeal relates to the erection of a summerhouse in the rear garden of 64 Middle Path. Considering its small plan, the structure would be notably tall, measuring 3.97m from ground level.
5. The adjacent property, Bridge End, has been extended and has a raised side patio off its conservatory, directly behind the proposed location of the structure. The patio's elevation would reduce the effect of the summerhouse to an extent. However, it would still maintain a height of 3.15m when measured from this area. Given its scale and immediate proximity to the shared boundary, its enclosing and overbearing effects would be significant. As such, it would unacceptably compromise the outlook of residents making use of the patio.
6. The appellant has supplied photographs, one of which shows Bridge End with access to sunlight at around 8am, despite the presence of the unauthorised structure. Given this evidence, I find that the proposal is unlikely to cause significant loss of morning sunlight to the patio or conservatory. I also appreciate that the extension of Bridge End has altered the original relationship

between the properties, and I agree that the summerhouse would reintroduce a greater degree of privacy for the occupants of both dwellings. However, these matters would not mitigate or justify the harm that I have identified.

7. References have been made to the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. As the height of the structure goes beyond the scope of the regulations and would be harmful when judged on its own merits, this has not had a significant bearing on my decision. Although it is indicated that Bridge End's patio is unauthorised, no substantive evidence has been supplied to support that conclusion.
8. I therefore find on this issue that, although the proposal would not cause unacceptable restrictions to sunlight, it would have an unacceptable, harmful effect on the living conditions of the occupants of Bridge End with regard to outlook. As such, it would conflict with Policy EQ2 of the South Somerset Local Plan 2006–2028 (adopted 2015) (SSLC) and the National Planning Policy Framework (the Framework) insofar as they require proposals to protect the residential amenity of neighbouring properties.

Character and appearance

9. The area around the appeal site is characterised by a mixture of properties set within their own grounds. Outbuildings of various sizes, constructed in a range of materials, including timber and corrugated sheeting, are commonplace. As such, the proposed summerhouse, which is subserviently designed, scaled and located, would be aesthetically compatible with the surrounding environment. Given that 64's garden is extensively enclosed behind substantial boundary treatments, the structure would be well hidden from public view in any event.
10. I therefore conclude on this issue that the proposal would have an acceptable effect on the character and appearance of the area. It would comply with the requirements of Policy EQ2 of the SSLC and the Framework insofar as they seek development to achieve a design which respects local character.

Other Matters

11. The site is adjacent to the Crewkerne Conservation Area (CA). I therefore have a duty to pay special attention to the desirability of preserving or enhancing its character or appearance. As the structure would be well hidden from public view and compatible with its environment, I am satisfied that the proposal would preserve the character and appearance of the CA.
12. I note the appellant's concerns with regard to the Council's conduct. However, these are not matters for me to consider in the context of a S78 appeal, which is confined to an assessment of the planning merits of the proposal.

Conclusion

13. Although the proposal would not unacceptably affect the character and appearance of the area, I have found that it would harm the living conditions of neighbouring residents. Given the importance placed by local and national policy on maintaining standards of residential amenity, I find that the proposal would conflict with the development plan as a whole. Therefore, taking all matters raised into account, I conclude that the appeal should be dismissed.

Matthew Jones

INSPECTOR

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	BLACKDOWN, TATWORTH & FORTON	19/00841/OUT	Outline application for the erection of 1 No. dwelling, demolition of workshop and other outbuildings, change of use of agricultural land to form domestic curtilage.	Hurtham Farm, Chilson Common, Tatworth And Forton	Mr & Mrs Collins

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.

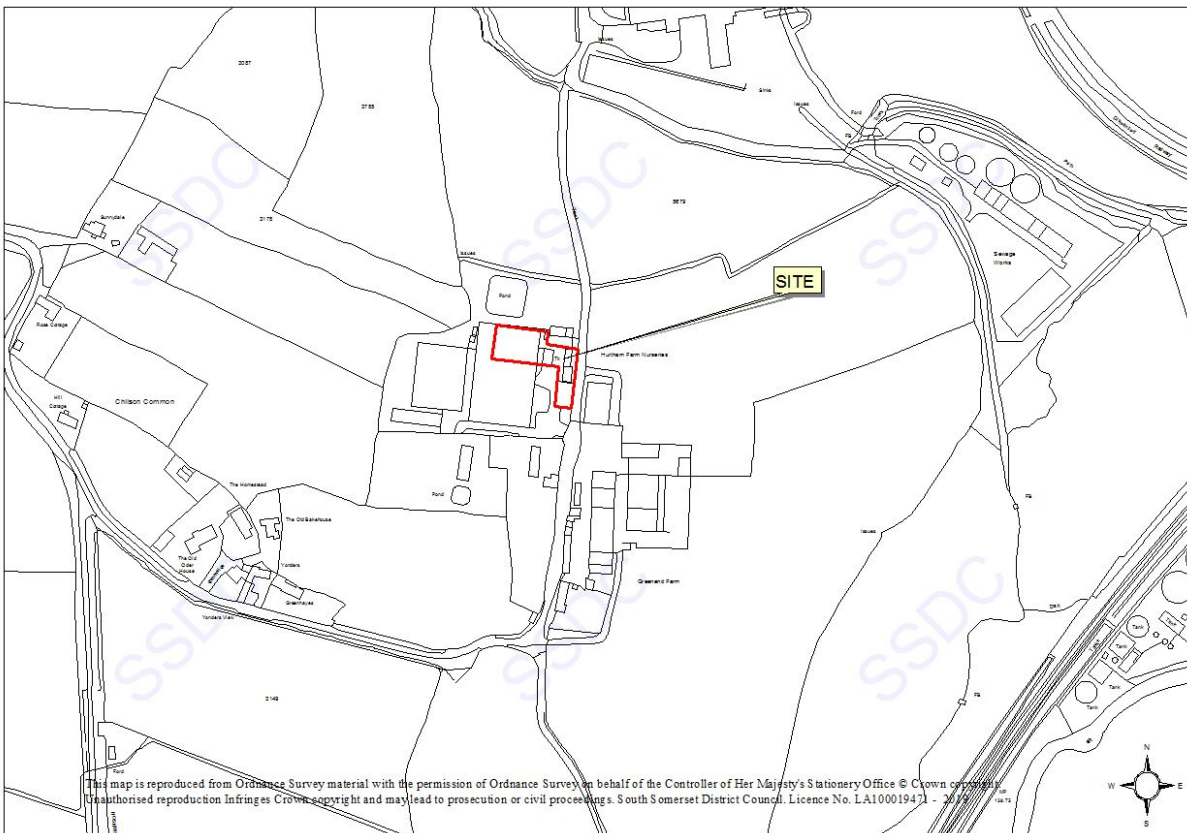
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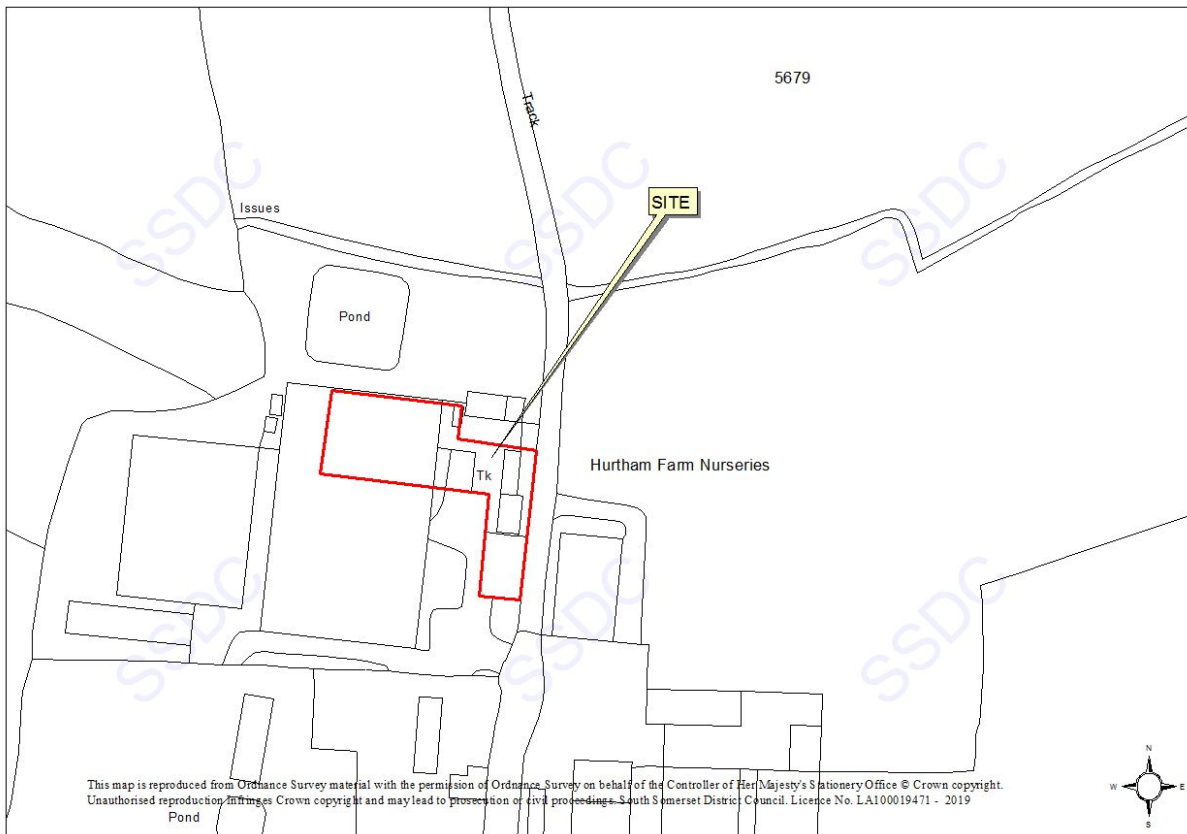
Officer Report On Planning Application: 19/00841/OUT

Proposal :	Outline application for the erection of 1 No. dwelling, demolition of workshop and other outbuildings, change of use of agricultural land to form domestic curtilage.
Site Address:	Hurtham Farm Chilson Common Tatworth And Forton
Parish:	Tatworth and Forton
BLACKDOWN, TATWORTH & FORTON Ward (SSDC Member)	Cllr Martin Wale; Cllr Jenny Kenton
Recommending Case Officer:	David Gallagher
Target date :	17th May 2019
Applicant :	Mr & Mrs Collins
Agent: (no agent if blank)	R Collins Architects Bowden's Farm Hambridge TA10 0BP
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

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





DESCRIPTION AND PROPOSAL

The site is located close to a variety of agricultural buildings comprising Greenway Farm, a dairy business. The site is accessed via Hurtham Lane, a no through road. There is a public right of way (CH5/61) which runs along Hurtham Lane.

This outline proposal is for a detached dwelling with all details reserved. The red line abuts the access to the dairy and includes a workshop that lies hard against the access and continues north to where it 'dog legs' to the west and then enlarges to a rectilinear plot which contains the proposed dwelling. The dwelling is located against the westernmost boundary of the site.

Immediately to the north east of the site is an agricultural building which was refused prior approval for change of use from agriculture to residential under application 18/02653/PAMB on 26/10/2018 due to the proximity of the dairy farm and the associated noise and odour. This stance was supported by the response from this Council's Environmental Protection Department.

The building included within the red line of this application received prior approval consent for change of use from a workshop/store to residential use on 26/10/2018 under reference 18/02652/PAP. The permitted development legislation that governs the previous prior approval consent for the change of use of the workshop to a dwelling does not allow consideration of noise impacts as a material consideration. Accordingly, despite valid objections from the Council's Environmental Protection Department the prior approval for the change of use was allowed on 26/10/2018.

06/01163/COU - Convert tomato store into agricultural repair and light industrial workshop -permitted 7/4/2008.

South Somerset Local Plan 2006 - 2028
Policies SS1, SS2, SS4, EQ2 and EQ7.

The National Planning Policy Framework
Chapter 2 - Achieving sustainable development.
Chapter 5 - Delivering a sufficient supply of homes.
Chapter 11 - Making effective use of land

Parish Council

Resolved - To recommend refusal on the same grounds as that of a previous application namely that the proposed change of use to residential would be undesirable in the proposed location due to the close proximity to a farmstead comprising a working dairy farm. The resulting noise, odour and general disturbance would result in unacceptable living conditions for future occupiers and accordingly the proposed development is contrary to O2 (1) (b) and (e)

SDDC Highway Consultant

See PROW CH 5/61. I refer to my initial comments on this scheme. I understand that the current submission essentially involves the erection of a new dwelling in lieu of an approved prior notification submission that would have resulted in the conversion of an existing workshop/building to a dwelling. On this basis, it would be unreasonable to raise a highways objection as there would be no net increase in traffic given the demolition of the workshop/building. The provision of adequate levels of car parking in accordance with the optimum standard set out in the Somerset Parking Strategy should be assured.

SCC Highways

Standing Advice Applies

Environmental Protection Department

First response:

No comments to make.

Second response:

Due to former use of the site it would be advised to keep a watching brief for potential hotspots of contamination and assess for visual/olfactory evidence of contamination during any groundworks.

If any unforeseen contamination is found during excavations Environmental Health must be notified immediately. This may include obvious visual or olfactory residues, asbestos including asbestos containing materials such as roofing, buried drums, drains, interceptors, additional fuel storage tanks or any other unexpected hazards that may be discovered during site works.

NPPF s.178: Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

The property should be designed to meet the internal noise levels specified in BS8233 for habitable rooms. As discussed, placing the bedroom windows on the northern side of the development will reduce the likelihood of sleep disturbance from early morning milking etc. Given that this activity is likely to be early, it may still be possible to have windows for the sitting room south facing without adversely impacting on noise levels within this area.

SCC Rights of Way

Thank you for consulting us on the above application. I have not visited the site.

I can confirm that there is a public right of way (PROW) recorded on the Definitive Map that runs adjacent to the site at the present time (public footpath CH 5/61). I have attached a plan for your information.

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

1. Specific Comments

The local planning authority needs to be confident that the applicant can demonstrate that they have an all-purpose vehicular right to the property along path CH 5/61. If they are unable to and permission is granted, then the local planning authority could potentially be encouraging criminal activity through permitting driving on a public path without lawful authority.

Please also note that there is a pending application to modify the Definitive Map and Statement (Modification ref. 519). This seeks to upgrade the public footpath CH 5/61 to a restricted byway. This application is currently awaiting investigation. Further details on the modification process can be found on the relevant SCCs webpage: <http://www.somerset.gov.uk/environment-and-planning/rights-of-way/apply-to-add-delete-or-upgrade-a-public-right-of-way/>

2. General Comments

Any proposed works must not encroach onto 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 Councils 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>.

Public Representations

Following consultation, objections have been received from 13 nearby properties. The following comments are made:

- Site will be serviced by a narrow access.
- Access frequently blocked by milk tankers/feed deliveries.
- Harmful increase in private vehicles.
- Would cause conflict with farming operations.
- Would diminish the character of the area.
- No different circumstances to those that led to the refusal of the Class Q prior notification (noise/odours)
- Unknown size of the proposed house.
- Peril to users of the right of way.
- No services in the access.
- Increased risk of flooding.
- Would result in the break up of a viable smallholding.
- Potential conflict new occupiers as dairying is a 24 hour operation.
- Any temporary closure of the right of way may affect deliveries/milk collection at Greenways Farm.
- The existing extant prior notification consent for the light industrial building represents the 'best of two evils'.

CONSIDERATION

Principle of development:

This location would not generally be considered appropriate for additional infill development given its detachment from South Chard and general substandard surroundings for new build development. The principal issue relates to the 'fallback' that has been established for the conversion of the workshop and the weight that this is given in supporting the current proposal. The existing workshop building subject to the fallback is located alongside the site entrance, in very close proximity (34 metres) to the dairy building on the opposite side of the access track. The main consideration is whether the siting of the proposed new build dwelling in a better location further from the dairy farm with the benefits in terms of the impact on future occupiers would be sufficient a sufficient benefit over the prior approval consent for permission to be granted.

In terms of the distances involved the current prior approval building is approximately 34 metres from the dairy building whereas the proposed dwelling would be approximately 84 metres away. The proposed dwelling could also be designed in such a way to avoid bedrooms facing the farm.

Overall, the principle of a replacement dwelling is considered acceptable in principle given the improvements that would be achieved to the amenity of future occupants. A planning condition is considered to be reasonable to secure the demolition of the workshop building that has the existing prior approval consent for change of use prior to the commencement of works.

Visual amenity:

Additional information has been submitted during consideration of the application confirming that the scale of the dwelling at reserved matters could be restricted to certain parameters. It confirms that the gross internal floor area will be limited to 160m², eaves will be a max. of 3m and the ridge to be a maximum of 6.5 metres. This would represent an increase in scale from the existing but would not be a full two storey dwelling. To provide additional certainty as to the general scale of the proposal it is considered reasonable to secure these details via a planning condition.

Overall, it is considered that an acceptable design, scale and appearance can be achieved at the reserved matters stage.

Neighbour comments:

Moving to the representations received, the Agent has provided details of the limits to be applied to the footprint and height of the proposed dwelling, which are within the bounds expected in a domestic setting. There is the potential for conflict with the operation of Greenways Farm but this will be no different to the situation if the change of use is implemented. It is possible that the removal of a number of buildings from Hurtham Farm and movements associated with their use (especially the industrial unit used for metal fabrication) and the substitution of domestic movements may reduce the pressure on the access. The loss of an industrial unit was not considered sufficient reason to refuse issuing the prior notification certificate while the loss of some ancillary buildings is unlikely to affect the viability of the smallholding as the industrial unit represents an existing diversification from the principal function of the unit. The comments from SCC ROW are noted but any disruption to the right of way is likely to be less than from the consent which is hard on to the right of way.

CONCLUSION

Had this application been submitted without the current site history significant weight would have been given to the previously expressed concerns of the Environmental Protection Department and the isolated nature of the location. However, the circumstances are significantly altered by the existing consent and

the undesirability (in absolute terms) of placing a residential unit in such close proximity to livestock buildings associated with a dairy farm. This application gives the possibility of a better location for the dwelling where living conditions will be appreciably better for the occupants and where it is possible to approve a building which has a more positive impact upon the appearance of the surrounding area than the functional building subject to the change of use. For the above reasons the proposal is considered to be acceptable and therefore accords with Policies EQ2 and EQ7 of the South Somerset Local Plan (2006-2028).

RECOMMENDATION

Approval

The application represents a significant improvement over the existing prior approval 18/02652/PAP for change of use from light industrial to residential as this dwelling is a greater distance from the adjoining dairy farm and the associated smell, noise and disturbance arising from this use. It would prevent the implementation of the aforesaid change of use and would create the opportunity to produce a dwelling with a higher level of design constructed of better materials that would make a more positive contribution to the amenity of the surrounding area than the conversion of the existing functional building. All of these factors contribute to a set of unique material considerations applying to this site alone that overcomes the presumption against residential development in close proximity to noise and odour generators. For these reasons the proposal accords with Policies EQ2 and 7 of the Local Plan and leading to this positive recommendation.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun either before the expiration of five 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.

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.

02. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan 17COL E-100B, Proposed Site Plan 17CLO P-100B and Proposed Site Plan - domestic curtilage 17CLO P-101 and in accordance with the area and height limits listed in the email from the Agent dated 08/07/2019.

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

03. Prior to the commencement of any works on site, the existing 'workshop' building shaded green on plan No. P-100B and the buildings annotated 04 (Commercial Building A), 05 (Commercial Building B), 06 (Lean to - to be demolished), 07 (Agricultural Building D - to be demolished), 09 (Animal pen - to be demolished) and 10 (Store - to be demolished) and shown on drawing 17CLO P-100 Revision B dated 16.4.2019 shall be demolished and all waste material removed from site.

Reason: Due to the very special material considerations for approving this dwelling in this unsustainable location in the open countryside where there would be a presumption against residential development and for the avoidance of doubt and in the interests of proper planning.

04. Any dwelling to be constructed on the site shall be limited to a gross floor area of 160 square metres and an eaves height of not more than 3 metres and a ridge height of not more than 6.5 metres as detailed in the Agents email dated 8.7.2019.

Reason: For the avoidance of doubt and in the interests of good planning and to preserve the character of the surrounding open area to accord with Policy EQ2 of the South Somerset Local Plan (2006-2028).

05. The change of use of agricultural land to residential use shall be limited to the domestic curtilage outlined in red on the approved plan titled 'Proposed Site Plan - domestic curtilage' numbered 17CLO P-101 Revision A dated 16.4.2019.

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

06. Any access to the residential curtilage hereby approved shall be through the access annotated 03 on drawing 17CLO P-101 Revision A dated 16.4.2019. No other access shall be formed to that curtilage.

Reason: Due to the very special material considerations for approving this dwelling in this unsustainable location in the open countryside where there would be a presumption against residential development and for the avoidance of doubt and in the interests of proper planning.

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

Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with Policy EQ7 of the South Somerset Local Plan (2006-2028).

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

Reason: In the interests of good planning and to accord with Policy EQ2 of the South Somerset Local Plan 2006 - 2028.

Informatives:

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

Liability Notice.

You are required to complete and return the 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 the Commencement Notice. You are advised to visit our website for further details <https://www.southsomerset.gov.uk/cil> or email cil@southsomerset.gov.uk