
Area West Committee

Wednesday 18th March 2020

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
Linda Vijeh
Martin Wale

Consideration of planning applications will commence no earlier than 5.30pm.

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

This Agenda was issued on Tuesday 10 March 2020.

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
www.southsomerset.gov.uk/councillors-and-democracy/meetings-and-decisions

Agendas and minutes can also be viewed via the mod.gov app (free) available for iPads and Android devices. Search for ‘mod.gov’ in the app store for your device, install, and select ‘South Somerset’ from the list of publishers, then select the committees of interest. A wi-fi signal will be required for a very short time to download an agenda but once downloaded, documents will be viewable offline.

Public participation at committees

Public question time

The period allowed for participation in this session shall not exceed 15 minutes except with the consent of the Chairman of the Committee. Each individual speaker shall be restricted to a total of three minutes.

Planning applications

Consideration of planning applications at this meeting will commence no earlier than the time stated at the front of the agenda and on the planning applications schedule. The public and representatives of parish/town councils will be invited to speak on the individual planning applications at the time they are considered.

Comments should be confined to additional information or issues, which have not been fully covered in the officer’s report. Members of the public are asked to submit any additional documents to the planning officer at least 72 hours in advance and not to present them to the Committee on the day of the meeting. This will give the planning officer the opportunity to respond appropriately. Information from the public should not be tabled at the meeting. It should also be noted that, in the interests of fairness, the use of presentational aids (e.g. PowerPoint)

by the applicant/agent or those making representations will not be permitted. However, the applicant/agent or those making representations are able to ask the planning officer to include photographs/images within the officer's presentation subject to them being received by the officer at least 72 hours prior to the meeting. No more than 5 photographs/images either supporting or against the application to be submitted. The planning officer will also need to be satisfied that the photographs are appropriate in terms of planning grounds.

At the committee chairman's discretion, members of the public are permitted to speak for up to three minutes each and where there are a number of persons wishing to speak they should be encouraged to choose one spokesperson to speak either for the applicant or on behalf of any supporters or objectors to the application. The total period allowed for such participation on each application shall not normally exceed 15 minutes.

The order of speaking on planning items will be:

- Town or Parish Council Spokesperson
- Objectors
- Supporters
- Applicant and/or Agent
- District Council Ward Member

If a member of the public wishes to speak they must inform the committee administrator before the meeting begins of their name and whether they have supporting comments or objections and who they are representing. This must be done by completing one of the public participation slips available at the meeting.

In exceptional circumstances, the Chairman of the Committee shall have discretion to vary the procedure set out to ensure fairness to all sides.

Recording and photography at council meetings

Recording of council meetings is permitted, however anyone wishing to do so should let the Chairperson of the meeting know prior to the start of the meeting. The recording should be overt and clearly visible to anyone at the meeting, but non-disruptive. If someone is recording the meeting, the Chairman will make an announcement at the beginning of the meeting.

Any member of the public has the right not to be recorded. If anyone making public representation does not wish to be recorded they must let the Chairperson know.

The full 'Policy on Audio/Visual Recording and Photography at Council Meetings' can be viewed online at:

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

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Area West Committee

Wednesday 18 March 2020

Agenda

Preliminary Items

- 1. To approve as a correct record the Minutes of the Previous Meeting held on 19th February 2020**
- 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 15th April 2020 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. Reports from Members on Outside Organisations** (Page 7)
- 8. Area West Committee Forward Plan** (Pages 8 - 9)
- 9. Planning Appeals** (Pages 10 - 20)
- 10. Schedule of Planning Applications to be Determined by Committee** (Pages 21 - 22)
- 11. Planning Application 19/00810/FUL - Land at Tail Mill, Tail Mill Lane, Merriott, TA16 5PF** (Pages 23 - 29)

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

Reports from Members on Outside Organisations

Purpose of the Report

To introduce reports from members appointed to outside organisations in Area West.

Public Interest

Each year Area West Committee appoints local Councillors to serve on outside bodies (local organisations) in Area West. During the year Councillors make a report on the achievements of those organisations and other relevant issues.

Background

To replace “Reports from members on outside organisations” as a generic standing agenda item it was agreed at the August 2012 meeting to include specific reports about each organisation in the Committee’s forward plan.

Members were appointed to serve on outside bodies at the June 2019 meeting.

Reports

Reports can be verbal or written. There is no standard format, but if possible they include an explanation of the organisations aims, their recent activities, achievements and any issues of concern.

This month the member report is :

A Better Crewkerne & District – Cllr. Mike Best

Recommendation

That the report is noted.

Financial 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 Officer (Strategy and Commissioning)
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
15th April 2020	<i>Stop Line Way Progress Report</i>	<i>Adrian Moore, Locality Officer</i>
20th May 2020	<i>Area Chapter Outturn Report</i>	<i>Tim Cook, Locality Team Manager</i>
TBC	<i>Ilminster Forum</i>	<i>Cllr. Val Keitch</i>
TBC	<i>Meeting House Arts Centre, Ilminster</i>	<i>Cllr. Val Keitch</i>
TBC	<i>Highways Update</i>	<i>Highway Authority</i>
Quarterly Update Reports	<i>Chard Regeneration Scheme</i>	<i>Dan Bennett, 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 Dismissed

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

18/02808/FUL - The erection of general purpose agricultural building
Land At Beetham ,Higher Beetham, Whitestaunton, Chard, Somerset, TA20 3PY
(Committee Decision)

17/02734/FUL - Alterations and change of use from retail and office to form 3 No. 1 bedroom flats.
Alterations and change of use of first floor courtroom and rear ground floor shop to community (D1),
shop (A1) office (A2) and cafe (A3)
9 Fore Street, Chard, TA20 1PH
(Non-Determination)

17/02735/LBC - Alterations and change of use from retail and office to form 3 No. 1 bedroom flats.
Alterations and change of use of first floor courtroom and rear ground floor shop to community (D1),
shop (A1) office (A2) and cafe (A3)
9 Fore Street Chard Somerset TA20 1PH
(Non-Determination)

Background Papers – Decision notice attached.



Appeal Decision

Site visit made on 21 February 2020

by H Porter BA(Hons) MScDip IHBC

an Inspector appointed by the Secretary of State

Decision date: 05 February 2020

Appeal Ref: APP/R3325/Y/19/3227330

Whitegates, Longforward Hill, Allowenshay, Hinton St George TA17 8TB

- 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 Screech against the decision of South Somerset District Council.
 - The application Ref 19/00368/LBC, dated 6 February 2019, was refused by notice dated 3 April 2019.
 - The works proposed are porch and relocation of front door at Whitegates.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the Grade II listed building, including its features of special architectural or historic interest, would be preserved.

Reasons

3. The Grade II listed building known as White Gates is a detached cottage, once two cottages, dating from the 18th century or earlier. Situated in a prominent position within the small rural settlement of Allowenshay, it is a simple vernacular building of two storeys, constructed of rubble Ham stone under a thatched roof with brick end stacks and timber joinery.
4. Since the time of its listing, the appeal building has been sensitively converted into a single dwelling; while to its rear, the separately Grade II listed Church Room has been attached and converted into its living room.
5. In spite of changes over time, elements of the two former cottages can be found within the appeal building's front (south) façade and internal plan-form, illustrated on the submitted drawings. The significance and special interest of White Gates are derived from its unpretentious composition, simplicity and the well-preserved and authentic qualities of a modest rural dwelling. The building's historic plan-form is also of interest and, despite some changes, is legible through window and door positions and internal wall structure. These factors underpin the listed building's historic integrity and relationship with other historic buildings in Allowenshay, with which the appeal building shares a group value.
6. The proposal is to relocate the doorway to a roughly central position on the building's principal south elevation and introducing a duo-pitch roofed porch around it. This would involve adapting the existing middle-bay three-light

casement window and truncating the extant entrance to form a window, infilling in matching Ham stone.

7. The Appeal Statement refers to an historic photograph showing the windows and doors arranged symmetrically along the full length of the appeal building. However, the statutory list description indicates that, at the time of its listing in 1981, the building's southern elevation was comprised of irregular fenestration, with a part-glazed door between bays 1 and 2, and between bays 3 and 4. This description confirms my own observations and the Heritage Statement that the extant entrance door has ostensibly been the entrance to the west-side cottage; and the door to the east-side cottage is now a two-light casement window. This also indicates that the central three-light casement is an original opening.
8. The proposals would adjust the opening and fenestration pattern on the building's principal elevation and obfuscate legibility of its likely original form. Changing the point of entry into the building would also change the historic circulation and internal plan-form beyond the changes already made as part of the conversion works. The porch itself would be comparatively substantial, projecting further than the existing mono-pitched porch, and almost double its width. The apex of the roof would reach just below the cill of the first-floor window and would have an uncomfortable relationship with it. Moreover, the proposed use of slate would be a hard and stark contrast with the soft tones of the Ham stone façade and thatched roof.
9. Ultimately, the proposed works would have an awkward and dominating relationship with the historic structure, which would detract from its simple, unassuming character and undermine its integrity. The proposal would harm the simple, vernacular appearance of the cottage and cause disparity with the other modest, historic buildings in the locality. The group value that the cottage currently shares would therefore be weakened.
10. The proposed works would therefore fail to preserve the special interest and significance of the Grade II listed building. The degree of harm to the significance of the asset would be less than substantial. The appeal property is evidently in good condition and a well-appointed dwelling; the proposed works would therefore not be essential to achieve the optimum viable use of the building. The benefits of a larger kitchen space, convenience or increased value would accrue to the appellant, and not be of public benefit. Short-term economic benefits associated with the construction phase would not be significant. Therefore, there would not be public benefits sufficient to outweigh the less than substantial harm.
11. Conflict therefore arises with s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990; the historic environment policies of the National Planning Policy Framework, revised 2019; and with Saved Policy EQ3 of the South Somerset Local Plan (2006 – 2028), adopted 2015, which seeks to safeguard and enhance the significance of heritage assets.

Conclusion

12. For the reasons given above, I conclude that the appeal should be dismissed.

H Porter

INSPECTOR



Appeal Decision

Site visit made on 21 January 2020

by H Porter BA(Hons) MScDip IHBC

an Inspector appointed by the Secretary of State

Decision date: 05 February 2020

Appeal Ref: APP/R3325/W/19/3239313

**Land at Higher Beetham (Easting 327536, Northing 112076),
Whitestaunton TA20 3PY**

- 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 K Parris against the decision of South Somerset District Council.
 - The application Ref 18/02808/FUL, dated 17 August 2018, was refused by notice dated 20 June 2019.
 - The development proposed is general purpose agricultural building.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the Blackdown Hills Area of Outstanding Natural Beauty (AONB); and the effect on the living conditions of nearby residents, with regards to noise and disturbance.

Reasons

3. The appeal site is located downhill from an unclassified country lane that runs through the small hamlet of Beetham. The appeal site sits within a medium-sized field that is part of a wider agricultural holding of some 114 acres. Two large agricultural buildings and associated hardstanding already exist on the appeal site, and on the surrounding fields are a dilapidated Dutch barn and cattle building. Otherwise, the wider appeal site is devoid of permanent structures and is characterised by open arable fields bounded by mature hedgerows.
4. The wider appeal site forms part of the very attractive open countryside that surrounds Beetham and is within the Blackdown Hills AONB. Designated in 1991, the AONB comprises a distinctive, diverse rural landscape, characterised by a sense of relative remoteness and tranquillity. The verdant, undeveloped nature of the wider appeal site, with its mature hedgerow boundaries, is typical of the rolling, predominantly pastoral rural landscape that characterises The Blackdown Hills Plateau Escarpment Foothills and Valleys Visual Character Area¹. The soft, informal and open qualities of the local landscape that

¹ South Somerset Landscape Character Assessment, 1993

- surrounds the cluster of development in Beetham and includes the appeal site, therefore contribute to the intrinsic character and beauty of the countryside and to the special qualities of the wider AONB as a nationally important landscape.
5. The appeal structure would measure 46 metres long by 15.5 metres wide and constructed of steel portal-frame with concrete and timber sides under a fibre cement roof. The overall form would be similar of a similar form to the two existing buildings, albeit, cut into the ground, appearing lower in the landscape. It is proposed to introduce a bank created with excavated material topped with hedgerow planting along the southern side of the appeal building.
 6. The appeal building would increase the amount of built form on the appeal site by approximately a third, and the scale and mass of the three buildings together would be considerable. The proposal would perpetuate a gradual encroachment of hard, permanent structures onto the undeveloped pasture land that surrounds Beetham. In combination with the extant buildings on it, the proposal would erode the soft, verdant qualities of the appeal site and the contribution these make to the landscape character of the area.
 7. Even if ground-level excavations succeeded in lowering the perceptible ridge height, the excavations, in combination with the introduction of an earth bund, would be an engineered solution at odds with the natural slope of the field. The supplementary hedgerow on top of the raised bank would introduce a line of planting in the middle of the field that would extend only the length of the appeal building. Even though the supplementary hedge would include traditional species, its alignment would cause it to stand out as an arbitrary feature, which would neither integrate with the existing hedgerows, nor assimilate with the wider landscape.
 8. It is proposed to remove the Dutch barn and cattle building. Compared to the appeal building, however, these are substantially smaller scale and unobtrusive. While the removal of the Dutch barn would tidy the wider site, this would not compensate for the cumulative harm the appeal scheme would cause. Neither would any ecological benefits, once the supplementary hedge reached maturity, nor the retention of existing trees.
 9. The sloping local topography, existing structures, mature hedgerows and proposed supplementary, banked hedgerow, would provide some degree of screening. However, even if there would be no changes in views from any settlements, the appellant's Landscape Visual Impact Assessment (LVIA) concedes the proposed building would be visible from some vantages, including nearby public roads and rights of way. In any event, reducing visibility would not overcome the further incremental loss of an open, verdant field through the encroachment of substantial built form.
 10. For the above reasons, the proposed development would fail to protect or enhance the valued landscape and would undermine the intrinsic character, integrity and beauty of the countryside. Although the harm would be limited in its extent, the proposed development would nonetheless fail to conserve or enhance the landscape and scenic beauty of the AONB, a matter which is afforded great weight. Conflict arises with Saved Policy EQ2 of the South Somerset Local Plan (2006 – 2028), 2015 (the LP), insofar as it seeks to ensure development proposals conserve and enhance the landscape character of an area and does not risk the integrity of AONBs.

Living conditions

11. The proposed development would provide storage of stray, hay and machinery, with for sheltering livestock. The Council's Officer report considered that, even if the whole of the building was used for livestock, cattle buildings are not of the same intensity as, for example pig or poultry farming, and the distance to nearby dwellings would ensure adequate living conditions.
12. Countering this, however, are representations from interested parties who have had direct experience of the existing cattle enterprise and the odours and disturbance it already generates. Given the scale of the proposed structure, allocating a large proportion to calve-rearing could give rise to a significant increase in odours and disturbance. Consequently, the proposed development would fail to protect the living conditions of neighbouring residents. Conflict therefore arises with Saved Policy EQ2 and EQ7 of the LP insofar as these seek to ensure development proposals, on their own or cumulatively, and to protect residential amenity.

Planning balance and conclusion

13. Being inside the AONB, the appeal site is situated where the scale and extent of development should be limited². National and local planning policies seek to support the rural economy and the Council does not dispute that the proposal is necessary to support the appellant's agricultural enterprise, high industry standards and animal welfare. I am sympathetic to this and recognise that previous applications to extend the extant buildings were refused.
14. Although there are examples of large agricultural buildings in the wider vicinity, those given in the LVIA are not usefully comparable to the site-specific circumstances applicable in this case, as they appear to be associated with a main farmstead. In any case, each case must be determined on its own merits. Matters of water supply and highway safety were considered by the Council and permission was not refused on either grounds; I see no reason to come to a different conclusion.
15. On balance, the cumulative weight of benefits to the appellant's enterprise and supporting the rural economy do not outweigh the significant weight that the harm to landscape and scenic beauty carries. Additionally, the proposed development would cause harm to neighbours' living conditions in respect of odours.
16. Given the above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

H Porter

INSPECTOR

² Paragraph 172 National Planning Policy Framework, Revised February 2019 (Framework)



Appeal Decisions

Site visit made on 21 January 2020

by H Porter BA(Hons) MScDip IHBC

an Inspector appointed by the Secretary of State

Decision date: 05 February 2020

Appeal A Ref: APP/R3325/W/19/3239846

9 Fore Street, Chard, Somerset TA20 1PH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Bradley Management against South Somerset District Council.
 - The application Ref 17/02734/FUL, is dated 16 May 2017.
 - The development proposed is alterations and change of use to create 3 flats from existing ground – 2nd floor offices and for use of 1st floor courtroom and rear ground floor shop for community/retail/office and café use.
-

Appeal B Ref: APP/R3325/W/19/3239854

9 Fore Street, Chard, Somerset TA20 1PH

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by Bradley Management against South Somerset District Council.
 - The application Ref 17/02735/LBC is dated 16 May 2017.
 - The works proposed are alterations and change of use to create 3 flats from existing ground – 2nd floor offices and for use of 1st floor courtroom and rear ground floor shop for community/retail/office and café use.
-

Decisions

1. Appeal A is dismissed. Appeal B is dismissed.

Main Issues

2. The main issue, common to both appeals, is whether the proposed works and development would preserve the Grade I listed building or any features of special architectural or historic interest it possesses. In respect of Appeal A, the second issue is the effect the development would have on the living conditions of the future occupiers of the proposed flats, in regard to noise and disturbance.

Reasons – both appeals

3. The appeal concerns part of the Grade I listed building known as 'Waterloo House and Manor Court House' (list entry number 1197449). The statutory list description identifies the appeal building as being a house and courtroom, now

- shops and offices, dating from the late 16th/early 17th centuries with possible earlier origins and later, principally mid-19th century, alterations.
4. The appeal building's origins as a Tudor town house and courtroom are denoted by surviving architectural features and historic fabric from that period, including the barrel-vaulted courtroom, distinctive moulded plasterwork, timber panelling and window seats, and stone mullion windows. Within the appeal building, the grandest rooms occur towards the front and on the first floor, whilst on the second, the scale and intricacy of architectural features diminishes, providing less prestigious spaces.
 5. The appeal building has suffered from the effects of partitioning and decades of neglect through conversion to offices and a subsequent lack of use, it has survived as a rare example of a relatively high-status Tudor building that has retained a significant amount of its historic fabric, features, plan-form and integrity. Surviving historic architectural features, layouts and circulation routes all add to an understanding of the function and architectural hierarchy of the building, and reveal the building's evolution over time. Therein lies the building's special interest, which is implicit in its inclusion in the highest category of listed buildings of national significance.
 6. The appeal building occupies a prominent position in the Chard Conservation Area (CA). The CA is a town centre location, with a mix of commercial, civic and other uses. Its significance lies in its historic origins, the interrelationship of streets and spaces, and the diversity in the age and styles of buildings.
 7. The appeal building presents an attractive, clearly historic, frontage onto Fore Street. It also follows a linear, narrow plot that includes an arched and gated entrance and alleyway off Fore Street that reflects an historic route and plot structure of perhaps medieval origin. The change of use of the appeal building from residential to commercial is evidence of the historic evolution of the CA. It makes a valuable contribution to the built back cloth that underpins the evolution of Chard and therefore to the significance and special interest of the CA as a whole.
 8. The proposal is to keep the ground-floor front and second rooms in use as retail spaces; to use the courtroom space for an antique show room; and to convert the small room below for use as a café. The foremost aspect of the scheme would involve the creation of two one-bedroomed flats on the building's first floor and a third on the second floor.
 9. The proposal to convert the upper floors into three flats and the inevitable internal subdivision and autonomy of spaces this would entail, would compromise the legibility and integrity of its origins as a single, high-status townhouse. Further partitioning and sub-division on the first floor to create two very small flats would erode further legibility of its plan form and weaken the traditional hierarchy inherent within it. Furthermore, there would be an added degree of permanence and separation created between the two flats, involving additional sound and fire insulation and independent entrances. Moreover, the proposals on the first floor would introduce radiators in front of three of the historic timber window-seats, compromising their architectural interest.
 10. On the floor above, the staircase would be boarded over and a bathroom portioned off within the back-middle office; a rooflight inserted over the staircase. There would also be some loss of historic fabric associated with the

insertion of the rooflight, while legibility of circulation routes would be eroded through the removal or blocking up of staircases that are, if not original, at least historic survivals that signify the building's evolution. Some detail is provided show ventilation, waste and water, and service runs. These and other upgrades, such as providing for fire and sound attenuation Also, the upgrading of doors to provide necessary fire resistance would lead to a disruption of historic fabric. Within the courtroom, the proposed drawings do not show the existing staircase. This could be a draughting error, but, as shown, would cause further serious harm.

11. As a consequence of the proposal's impact on historic features, architectural hierarchy, plan-form and integrity, there can be no question that there would be some harm to the significance of the Grade I listed building, which would not be preserved. Given that historic buildings, including the appeal building, make a valuable contribute to the character and appearance of the CA, there would inevitably be some residual harmful effect on the CA as a whole.
12. Having regard to the circumstances of the case and given the nature and scale of the impact of the proposed works and development on the listed building and the CA, the harm to their significance as designated heritage assets would be less than substantial. Paragraph 194 of the Framework¹ requires clear and convincing justification for any harm to the significance of a designated heritage asset. Paragraph 196 also requires this harm be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.
13. The appeal site has undergone several physical changes and the upper floors and rooms to the rear of the plot have stood empty and neglected for a number of years. The site unquestionably requires significant investment in order to secure any reasonable use and longer-term conservation. The scheme devised by the Council is not before me to consider. Pragmatically, any use would be likely to require some physical interventions.
14. The appeal site has been subject to market for sale and for rent, for office use for almost 20 years. In more recent years, however, there was a loss in momentum of the site's active marketing. I have not seen any evidence of the appeal site being marketed for sale at the most recent, 2018, valuation price. Whilst the appellant asserts that any future marketing of the appeal premises as offices would be a waste of time, without a much more recent and comprehensive marketing campaign, it is not possible to ascertain that the appeal site was marketed for commercial use, at a price that fairly reflected its condition and listed status.
15. At points during the period the appeal site was marketed, asking and letting prices were set above the estate agent's valuation and leasing the property was offered on a full repairing and insuring basis, contrary to the estate agent's recommendation. A too high asking price or placing the cost of repairing the building on the leaseholder could have deterred potential users or purchasers.
16. In terms of the viability of a 2-bedroomed conversion scheme, there have broad comparisons with 1 bedroomed flats in Chard. However, it is unclear whether these are comparable in terms of being in a listed building or such a central location. The detail of the build and development costs figures and how

¹ National Planning Policy Framework, Revised February 2019

they have been arrived are not comprehensive. Without much clearer figures and forecasts it is not possible to judge the credibility of the assertions made regarding viability.

17. There may well have been a down-turn in the commercial market in Chard during the years that the appeal site has been subject to marketing; and the offer for the whole of the building may not adequately reflect the value of the premises to the owners. However, the available evidence casts doubt over whether the appeal site was marketed appropriately, seeking to reach potential buyers who may have been willing to find a viable use for the site that still provides for its conservation. It is therefore not currently possible to ascertain that the appeal proposals would achieve the optimum viable use of the appeal site, while causing least harm to the significance of the asset.

Living conditions – Appeal A

18. There are refrigeration units associated with its use as a butcher's shop fixed to the neighbouring property, on its wall within the central courtyard. While there have been no recorded statutory complaints to Environmental Health relation to the extant units, I do not know what rooms the windows above the butcher's shop serve.
19. Under the current scheme, the bedroom for each flat would have windows that open onto the central courtyard. Even if the units are quieter than previous models, and the walls are of thick stone, the windows are single pane, and the units generate a low, audible hum. The noise from the refrigeration units would be likely to be intrusive in the quieter hours of late night and early morning, and during the summer when windows might be left open.
20. I therefore conclude that the proposal would fail to provide adequate living conditions for future occupiers of the three flats in respect of noise and disturbance. This runs contrary to Saved Policy EQ2 of the South Somerset Local Plan (2006 – 2028), adopted 2015 (LP) and to the Framework, insofar as these seek to ensure developments provide a good standard of amenity.

Planning balance and public benefits

21. There would be benefits associated with the delivery of three dwellings onto the open market, which would make a small but beneficial contribution to the housing supply and to the choice of homes in the District; the appeal site is well located to access a range of services, facilities and public transport options; and there would be economic benefits associated with the construction phase and future occupiers of the proposed dwellings feeding into the local economy and support services therein.
22. The sustained deterioration of the heritage asset has in all likelihood made costs of repair more expensive. I am aware that my decision will protract the fate of the appeal building, however, the presumptive desirability of preserving the asset and its setting must be given considerable importance and weight. If the appellant chooses to allow the decay of the building go un-checked, this would amount to the deliberate neglect of the asset.
23. I am unconvinced that the building's sub-division into three separate flats is the only and most sensitive way of ensuring its conservation. Therefore, the benefits of bringing the site into an active use and investing in its fabric would come at considerable cost in failing to preserve the Grade I listed building, the

CA, and in causing harm with respect to the living conditions of future occupiers.

24. Conflict therefore arises with the clear provisions of Sections 66(1) and 72(1) of the Act, the historic environment and design objectives of Saved Policies EQ2, EQ3, EQ7 as well as those of the National Planning Policy Framework, Revised February 2019 (the Framework).

Conclusion

25. For the reasons given above, and having considered all other matters raised, I conclude that both Appeal A and Appeal B should be dismissed.

H Porter

INSPECTOR

Agenda Item 10

Schedule of Planning Applications to be Determined by Committee

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

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.

Please note: Consideration of planning applications will commence no earlier than 5.30 pm.

SCHEDULE					
Agenda Number	WARD	Application	Brief Summary of Proposal	Site Address	Applicant
11	EGGWOOD	19/00810/FUL	<p>The erection of 2 No. commercial buildings with the provision for car parking, access and turning areas.</p> <p>The proposed buildings are to provide employment opportunity for SME businesses and to the local residents of Merriott.</p>	Land At Tail Mill Tail Mill Lane Merriott TA16 5PF	Mr Patrick Quinn

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.

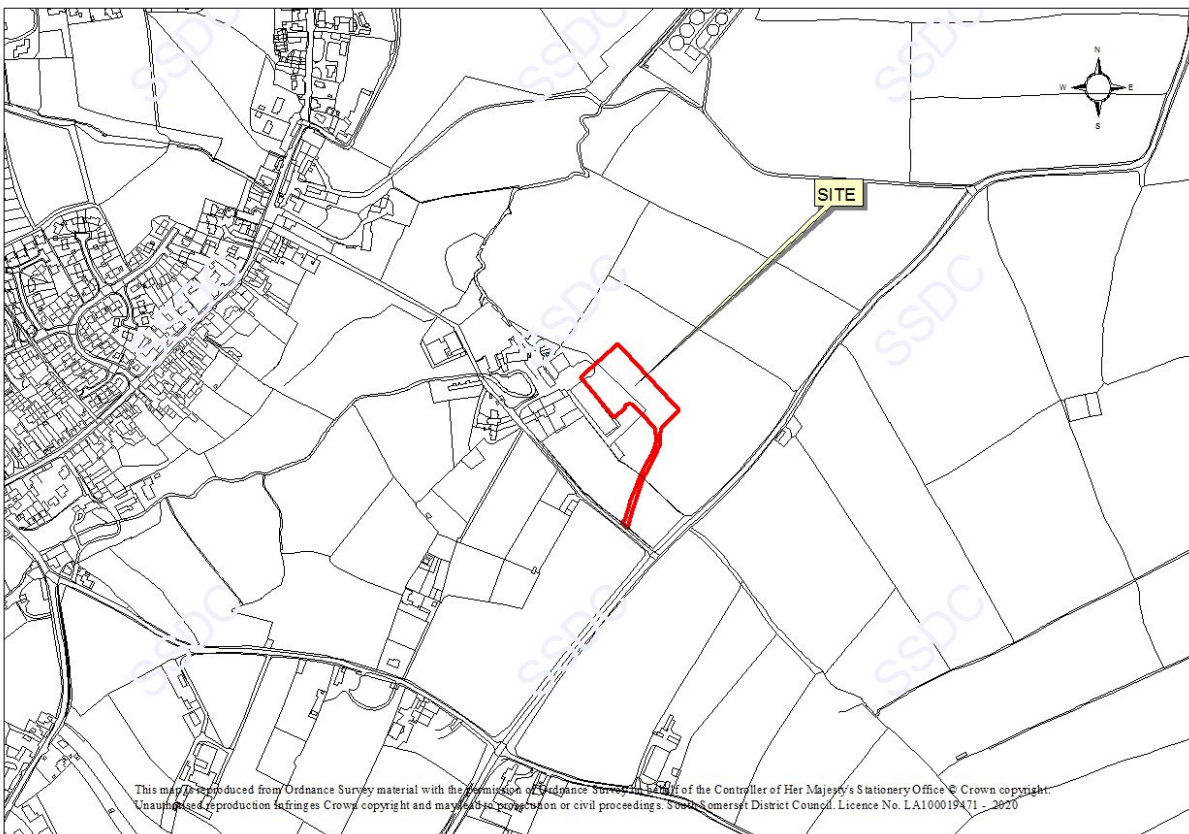
Agenda Item 11

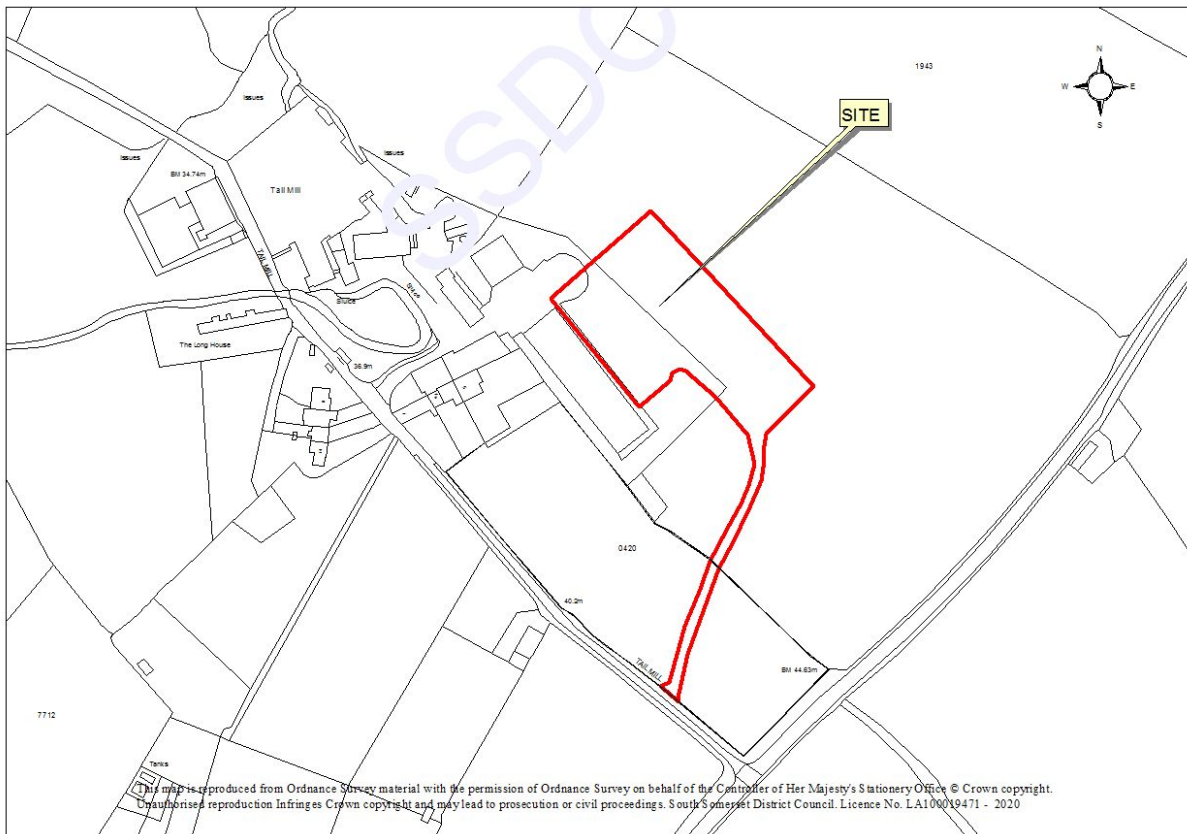
Officer Report On Planning Application: 19/00810/FUL

Proposal :	The erection of 2 No. commercial buildings with the provision for car parking, access and turning areas. The proposed buildings are to provide employment opportunity for SME businesses and to the local residents of Merriott.
Site Address:	Land At Tail Mill Tail Mill Lane Merriott TA16 5PF
Parish:	Merriott
EGGWOOD Ward (SSDC Member)	Cllr Paul Maxwell
Recommending Case Officer:	Ian Cousins
Target date :	13th June 2019
Applicant :	Mr Patrick Quinn
Agent: (no agent if blank)	Lyndon Brett Partnership County Court Chambers Queen Street Bridgwater TA6 3DA
Application Type :	Minor Other less than 1,000 sq.m or 1ha

Members will recall that this item was deferred at the February Committee to allow negotiations to take place with the applicant regarding the layout and appearance of the road. These negotiations have taken place and amended plans received.

SITE DESCRIPTION AND PROPOSAL





The application site lies within the countryside to the east of Merriott and the historic Tail Mill site. The site comprises an existing commercial unit which accommodates two businesses. Access to the site is from the west between the Tail Mill re-development scheme and Tail Mill Cottages.

This application seeks consent to erect two commercial buildings to the north east of the existing building to accommodate small start-up businesses within 9 units. The units comprise a workshop/storage area with associated office and staff welfare facilities. A new road is proposed to be provided from Tail Mill Lane to the south along with parking and new landscaping. The plans have been amended to include planting and a reduction in width to the access road.

HISTORY

07/02464/FUL - Erection of an extension and the upgrade of existing factory together with highway improvements and landscaping. - Permitted - May 2007

08/03871/FUL - Extension to proposed factory buildings relating to planning approval 07/02464/FUL by the addition of a 6m wide bay to approved extension - Permitted - October 2008

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.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006-2028 (adopted March 2015).

Policies of the South Somerset Local Plan (2006-2028)

SD1 Sustainable Development
SS2 Development in Rural Settlements
TA5 Transport Impact of New Development
TA6 Parking Standards
EQ1 Addressing Climate Change in South Somerset
EQ2 General Development
EQ3 Historic Environment

National Planning Policy Framework

Chapter 4 - Decision Making
Chapter 6 - Building a Strong, Competitive Economy (Paragraphs 83 & 84)
Chapter 12 - Achieving Well-Designed Places (Paragraph 124)

Planning Policy Guidance

Climate change
Design
Somerset County Council Parking Strategy (March 2012)

CONSULTATIONS

Merriott Parish Council

"Support the application and recommend approval"

County Highway Authority

"No objection as the level of parking is acceptable. Details of the disposal of surface water will need to be submitted prior to the occupation of the units."

SSDC Highway Consultant

"Refer to comments made by County Highways."

Environment Agency

"No objections subject to an informative being imposed advising of safeguarding during the construction phase"

Environmental Health

"If a B2 use is to be included in the proposal, then a noise report will be required."

REPRESENTATIONS

4 representations received objecting to the application on the grounds of neighbour amenity, impact on character of area, highway concerns and loss of views.

CONSIDERATIONS

Principle of Development

The site lies within an area defined as countryside and therefore the principle of development is considered against Chapter 6 of the NPPF (specifically paragraph 83 (rural economy)) and policy SS2 of the Local Plan. These policies seek to support employment opportunities appropriate to the scale of the settlement and promotes a prosperous rural economy.

Merriott is considered to be a rural settlement which has key facilities that are easily accessed from the application site. Furthermore, Merriott has accommodated development and grown over recent years.

Given this, it is considered that the scale of development is commensurate to the size and nature of Merriott and provides for employment opportunities and as such, the principle of development can be considered to be acceptable.

Scale and appearance

The proposed buildings are considered to relate well to the built form of the existing commercial building and are of a scale and appearance that will not appear incongruous. Accordingly, this element of the development is considered not to be detrimental to the character of the area. Furthermore, given that the proposed buildings are to be located further away from the recent Tail Mill development than the existing industrial building, this element of the proposal is not considered to be detrimental to the historic setting of Tail Mill.

The proposed access road will cut across an undeveloped agricultural field resulting in the creation of two separate parcels of land. This element of the proposal raised concerns on the grounds that the design of the road would introduce an urban feature which would be visually intrusive and therefore harmful to the rural character of the countryside.

Accordingly, a revised design for the access road has now been negotiated. The pathways have been omitted and the road will narrow to a central pinch point from the junction. A grass bund will be provided to a section of the road to its north east side and planted with a hedgerow. Following these changes, it is considered that the urban appearance of the road has been suitably designed out and is now more appropriate to its rural setting. Furthermore, it is considered that the proposed landscaping will further assist the integration of the road into the landscape.

Highways and parking

It is considered that the new access road is suitable for the proposed development and can accommodate the level of likely traffic movements without detriment to highway safety. Furthermore, the new road will divert the traffic for the existing building away from the residential area which is considered to represent a benefit to highway safety and neighbour amenity. The existing access will be stopped up and abandoned however, pedestrian access into the site will remain.

Neighbouring amenity

The closest residential buildings are located to the north west of the site, beyond the existing industrial building which is sited closer to them. It is considered that, given this distance and providing the use of the buildings is restricted to B1 or B8 use, the proposed use is compatible with the surrounding area and any noise generated will not be detrimental to neighbour amenity to any degree that would warrant the refusal of the application. The restriction of B1/B8 uses can be imposed with the use of an appropriate condition however, it must be noted that, should the applicant also require a B2 use, then a suitable noise report would need to be undertaken. The noise report would have to demonstrate that a B2 use can be accommodated on site without being detrimental to neighbouring residents.

Conclusions and Planning Balance

The proposed site is considered to be relatively well related to Merriott, a rural settlement with a number of key facilities and services and therefore complies with the requirements of policy SS2 of the Local Plan. Furthermore, given that the siting of the proposed development is to be adjacent to an established commercial building, it is considered that the character of the area will not be detrimentally affected by the development. The new access road is now considered to be visually acceptable with the benefit of

removing existing commercial traffic from the residential area.

RECOMMENDATION

APPROVE

01. The proposed site is considered to be relatively well related to Merriott, a rural settlement with a number of key facilities and services and therefore complies with the requirements of policy SS2 of the Local Plan. Furthermore, given that the siting of the proposed development is to be adjacent to an established commercial building, it is considered that the character of the area will not be detrimentally affected by the development. The new access road is now considered to be visually acceptable with the benefit of removing existing commercial traffic from the residential area.

SUBJECT TO THE FOLLOWING:

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

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

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

Proposed Site Location Plan - A24/200227
Proposed Site Location Plan - A22/200226
Proposed Site Location Plan - B23/200226
Proposed Block Plan - B11/190402
Proposed Landscaping Plan - B14/190402
Proposed Plans and Elevations - C1/190402
Proposed Plans and Elevations - C4/190402

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

03. The development hereby permitted shall not be used other than for those activities which fall within the definition of Class B1 or B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: In the interests of protecting neighbour amenity.

04. No work to the buildings hereby approved shall proceed beyond damp proof level until details of the materials of the external surfaces to be used in their construction have been submitted to and approved in writing by the Local Planning Authority. The buildings will then proceed in accordance with the approved details.

Reason: In the interests of ensuring a visually satisfactory form of development.

05. The area allocated for parking and turning as shown on the approved proposed block plan B11/190402 shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety

06. Details of secure cycle storage to serve the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be fully implemented prior to the first occupation of any of the units hereby approved.

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

07. Prior to first occupation of any of the units hereby permitted, 3 electric charging point (of a minimum 16amps) for electric vehicles shall be provided adjacent to the designated parking spaces as shown on the approved plan. Once installed such charging points shall be retained and maintained in working order, unless otherwise agreed in writing with the Local Planning Authority.

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

08. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of any of the units hereby approved and thereafter maintained.

Reason: In the interests of highway safety.

09. All planting comprised in the approved scheme shall be carried out within the first dormant planting season (November to February inclusively) following the first occupation of any of the units hereby approved; and if any trees or shrubs which within a period of five years from the completion of the development die, are removed or in the opinion of the Council, become seriously damaged or diseased, they shall be replaced by the landowner in the next planting season with trees/shrubs of the same approved specification, in the same location; unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the character of the area and enhancing biodiversity.

10. With the exception of pedestrian use, the existing access into the site shall be stopped up and abandoned to vehicular traffic prior to the occupation of any of the units hereby approved. Access to pedestrians shall remain in place unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of neighbour amenity and highway safety.

11. Prior to the commencement of works to the new access road, details of the planting and bunds to the new road as indicated on the approved plans shall be submitted to and approved in writing by the Local Planning Authority. These works shall be implemented within the next planting season following the first occupation of one of the business units hereby permitted. If any trees or shrubs which within a period of five years following the planting, are removed or in the opinion of the Council, become seriously damaged or diseased, they shall be replaced by the landowner in the next planting season with trees/shrubs of the same approved specification, in the same location; unless the Local Planning Authority gives written consent to any variation.

Reason: In the interest of protecting the rural character of the area.

12. There shall be no external lighting to the any part of the development hereby approved unless a lighting scheme has been submitted to and approved in writing by The Local Planning Authority. The lighting scheme shall then be fully implemented in accordance with the approved details.

Reason: In the interest of protecting the rural character of the area.

Informatives:

01. Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:
- The use of plant and machinery
 - Wheel washing and vehicle wash-down
 - Oils/chemicals and materials
 - The use and routing of heavy plant and vehicles
 - The location and form of work and storage areas and compounds
 - The control and removal of spoil and wastes
-