



Area West Committee

Wednesday 17th March 2021

5.30 pm

A virtual meeting via Zoom meeting software

The following members are requested to attend this virtual meeting:

Brian Hamilton
Robin Pailthorpe
Jason Baker
Mike Best
Dave Bulmer
Martin Carnell

Ben Hodgson
Val Keitch
Jenny Kenton
Paul Maxwell
Tricia O'Brien
Sue Osborne

Oliver Patrick
Garry Shortland
Linda Vijeh
Martin Wale

Planning applications will be considered no earlier than 5.30pm.

Any members of the public wishing to address the virtual meeting during either Public Question Time or regarding a Planning Application, need to email democracy@southsomerset.gov.uk by 9.00am on Tuesday 16th March 2021.

This meeting will be viewable online by selecting the committee meeting at:
https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF_soA

For further information on the items to be discussed, please contact:
democracy@southsomerset.gov.uk

This Agenda was issued on Monday 8 March 2021.

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

In light of the coronavirus pandemic (COVID-19), Area West Committee will meet virtually via video-conferencing to consider and determine reports. For more details on the regulations regarding remote / virtual meetings please refer to the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 as part of the Coronavirus Act 2020.

Area West Committee

Meetings of the Area West Committee are usually held monthly, at 5.30pm, on the third Wednesday of the month (unless advised otherwise). However during the coronavirus pandemic these meetings will be held remotely via Zoom and the starting time may vary.

Agendas and minutes of meetings are published on the council's website at:
<http://modgov.southsomerset.gov.uk/ieDocHome.aspx?bcr=1>

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Public participation at meetings (held via Zoom)

Public question time

We recognise that these are challenging times but we still value the public's contribution to our virtual meetings.

If you would like to address the virtual meeting during Public Question Time or regarding a Planning Application, please email democracy@southsomerset.gov.uk by 9.00am on Tuesday 16th March 2021. When you have registered, the Chairman will invite you to speak at the appropriate time during the virtual meeting.

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

This meeting will be streamed online via YouTube at:
https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF_soA

Virtual meeting etiquette:

- Consider joining the meeting early to ensure your technology is working correctly.
- Please note that we will mute all public attendees to minimise background noise. If you have registered to speak during the virtual meeting, the Chairman or Administrator will un-mute your microphone at the appropriate time. We also respectfully request that you turn off video cameras until asked to speak.
- Each individual speaker shall be restricted to a total of three minutes.
- When speaking, keep your points clear and concise.
- Please speak clearly – the Councillors are interested in your comments.

Planning applications

It is important that you register your request to speak at the virtual meeting by emailing democracy@southsomerset.gov.uk by 9.00am on Tuesday 16th March 2021. When you have registered, the Chairman will invite you to speak at the appropriate time during the virtual meeting.

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

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 17 March 2021

Agenda

Preliminary Items

1. To approve as a correct record the Minutes of the Previous Meeting

To approve as a correct record the minutes of the previous meeting held on 18th November 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 Vijeh.

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 at 5.30pm on Wednesday 7th April 2021. This will be a virtual meeting using Zoom on-line meeting software.

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. Promoting Community Safety in Area West** (Page 7)
- 8. Update on Avon and Somerset Police and Crime Panel** (Page 8)
- 9. Chard Regeneration Scheme Update** (Pages 9 - 16)
- 10. Area West Committee Forward Plan** (Pages 17 - 18)
- 11. Planning Appeals** (Pages 19 - 38)
- 12. Schedule of Planning Applications to be Determined by Committee** (Pages 39 - 40)
- 13. Planning Application 19/02588/ADV - The Bath House, 28 Holyrood Street, Chard, TA20 2AH** (Pages 41 - 48)
- 14. Planning Application 20/03185/LBC - Bath House Hotel, Holyrood Street, Chard, TA20 2AH** (Pages 49 - 55)
- 15. Planning Application 20/00149/REM - Land off Station Road, Crewkerne, TA18 8AJ** (Pages 56 - 79)

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.



Promoting Community Safety in Area West

Sgt. Rob Jameson from Avon and Somerset Constabulary will attend the meeting and give a short presentation on local issues, crime trends and initiatives.

Members will then be given the opportunity to ask questions.



Update on Avon and Somerset Police and Crime Panel

Report Author: Councillor Martin Wale
SSDC representative on the Avon & Somerset Commissioners
Panel

The past year has been particularly challenging for the Panel. The Panel had major conflict with the Commissioner on two main matters. The first was in relation to the decision to appoint a Deputy Commissioner without reference to the Panel or any selection process. It appeared even more irregular when the chosen candidate was the recently resigned Chief Executive of the Commissioner's office who had resigned to stand for election in the May 2020 election for the Commissioner role! Eventually a selection process was agreed and the Panel were allowed to send observers, after we insisted on some role in the process of selection. The Ex- Chief Executive was duly appointed to the deputy position and is a candidate for the forthcoming May election.

The second matter concerned the Panel rejecting the Police Budget in relation to the suggested precept increase which was 6% and set at the maximum allowed for the third year running. The Panel who is made up of Councillors from all Authorities within the Force Area took this decision very reluctantly but unanimously. As is laid down by regulation the budget was returned to the Panel with a one and a half percentage reduction, about £1 million and that budget was passed. It should be noted that the decrease will not affect the operational capacity of the Force and thanks to Government funding the number of officers is set to increase by 271. The £1 million was saved from the Commissioner's part of the overall budget. It should be noted that the Commissioners budget is now just short of £4 million of which about £2 million is part of the Police budget. The rest is from Government grants.

There are currently 27 employees in the Commissioner's Office. Some of the initiatives undertaken by the Office are –

- Constabulary response to COVID.
- Call Centre response times
- Customers response to proposed Precept increase
- Violence reduction Unit
- Independent custody visiting scheme
- Reduce offenders panel
- The Lammy report
- Independent Residents Panel
- Review of Complaints Panel
- A scrutiny of police powers panel

Operation Remedy was set up two years ago to target Burglary, Drugs and knife crime. Positive outcomes (clear ups) for Drugs and Knife Crime are good but burglary although improved is still disappointing.

Chard Regeneration Scheme Update

Project Sponsor: Martin Woods, Director of Place
Lead Officer: Dan Bennett, Property and Development Project Manager
Anna Matthews, Chard HSHAZ Project Manager
Contact Details: dan.bennett@southsomerset.gov.uk or 07971 111889
anna.matthews@southsomerset.gov.uk or 01935 462958

Purpose of the Report

1. The report provides a general progress update on the Chard Regeneration Scheme, specifically:
 - i) An overview of the impact of Covid-19 on the leisure centre project
 - ii) A progress update on the leisure centre construction works
 - iii) An update on the High Street Heritage Action Zone (HSHAZ) project

Recommendations

That Members note the contents of the report.

Background

2. 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.
3. SSDC successfully applied for Historic England's High Street Heritage Action Zone (HSHAZ) programme to improve Chard's town centre alongside the Boden Mill works. HSHAZ delivery began in summer 2020. The focus of the HSHAZ is around the Holyrood Street – Fore Street – Boden Street area. It will include improvements to public realm as set out in the Chard Public Realm Strategy (including the Eastern Gateway thanks to AWC & Chard Town Council funding), grants to business/property owners to renovate and repair historic shop fronts, and a programme of community engagement. In addition, a local cultural consortium led by Chard Town Council and Somerset Art Works has been formed to deliver a HSHAZ cultural programme.

Covid-19 Overview – Leisure Centre/Boden Mill Site

4. Works on site have continued throughout the second national lockdown.
5. The site operations are continuing with Covid precautions in place, and productivity levels are at around 95% of pre Covid expectations
6. The nature of the works on site are changing from highly mechanised heavy operations to a more labour intensive phase. As the number of operatives have increased on site the contractors have had to provide additional cabin facilities so that operatives can maintain social distancing during breaks.
7. Some supply chain issues are starting to emerge, that are affecting the wider construction sector, but the main contractor is placing orders for materials as early as possible to mitigate the potential for delays. This situation will be monitored and further updates will be provided.
8. An additional cleaner has been engaged to clean the site welfare facilities during the working day to minimise the risks of Covid transmission. The cleaning concentrates on the touch points and takes place almost continuously during working hours.
9. Overall, the works are progressing well, but they remain behind schedule due to the first national lockdown. The effect of the winter period and a potential resurgence of Covid-19 with the cold weather could have further implications for the construction works. Area West members will be kept updated on the situation as the works progress.

Progress Update – Leisure Centre/Boden Mill Site

10. Following completion of the steel frame in late September, the works quickly progressed onto the installation of the timber roof beams and the steel roof deck. The roof deck panels were craned into place during a period of high winds and several days of construction time was lost due to the wind being too strong to safely lift the roof panels.
11. The flat roof insulation and waterproof covering over the pool hall were completed in the week ending 20/11/20. The roofers worked through periods of inclement weather to achieve a high standard of installation. The roofers have now commenced the work on the pitched roof over the gym and studio areas, which is more complex due to the inclusion of roof lights and complex angles.
12. The photograph below shows the gym and studio roof underway in early December 2020. This work has progressed quite slowly through the remainder of the month due to the regular periods of heavy rain. Completion of the roofing early in 2021 is

critical as currently the building is not watertight and this limits the progress that can be made with the mechanical and electrical services first fix.



13. The next photograph shows the shell of the soft play area, directly under the left hand end of the roof in the photo above. This will be a fantastic two storey space that will be full of adventure play equipment when completed. The blue tarpaulins cover sections of ventilation system ductwork awaiting installation.



14. The excavation of the swimming pool was completed in October and the first layer of sprayed concrete was installed. The pools have now been test filled and a photo showing the process is shown below. The main pool is the full 25m in length as required for competition standards, but the photo makes it appear smaller. The blockwork back wall of the pool hall can be seen in the right hand side of the photograph. This wall is now complete and the pool hall is awaiting the installation of the glazing to the left hand wall scheduled for mid/late January 2021.



15. In other areas of the project the demolition of the Boden Street public toilets is now complete. We look forward to linking this area back to the high street (Fore Street) with the new footway. The removal of the toilet block from the street scene has improved the appearance of Boden Street and we shall make further improvements through tree planting and landscaping on the site of the toilet block. A photo of the demolition in progress is shown overleaf.



16. One area of the project that we have not been able to progress as rapidly as hoped is the refurbishment of Building 11. This building was originally due to house the new public library, but following extensive discussions with County Council we were not able to progress this option.
17. Alternative uses for the building were sought, but after advertising the building for ten months, we had received little interest from potential tenants or purchasers. The refurbishment costs of Building 11 are extremely high as the building is in poor condition and the previous industrial use of the building has led to contamination of the internal walls and floors with arsenic.
18. As the building is currently derelict, and it is located directly opposite the leisure centre main entrance, the Chard Regeneration Board was asked to consider various options for the building. The preferred option was to remove the building and provide additional car parking and public realm. We are currently investigating the viability of this option but the potential removal of the building from the scheme will allow funds to be used to refurbish some of the more prominent historic buildings on site.

High Street Heritage Action Zone

19. Historic England have confirmed the funding award for Chard's High Street Heritage Action Zone (HSHAZ) is £1 million. Alongside £1m match from SSDC, the project will invest a total of £2m in reinvigorating Chard's historic town centre.
20. During the summer, a Project Manager was recruited to deliver the HSHAZ project. Anna Matthews began in post on 5th October.
21. The focus of the project is around the Holyrood Street – Fore Street – Boden Street area. It will include improvements to public realm as set out in the Chard Public Realm Strategy, grants to business/property owners to renovate and repair historic shop fronts, and a programme of community engagement.
22. Detailed designs for the Holyrood Street, Fore Street and Boden Street public realm schemes, along with the Eastern Gateway, were completed in summer 2020, and following a procurement exercise, a design team comprising Hydrock, LHC and Coreus was appointed to take the public realm schemes through the technical design phase (RIBA Stage 4). This has been underway since October 2020. The plans were submitted to Somerset County Council for their technical approval on 24th February 2021 and we anticipate feedback after a 4-week review period.
23. To inform the detailed design process, a public consultation regarding proposed changes to parking on Holyrood Street took place during November and December. Chard Regeneration Board considered the results of this consultation at their January meeting and changes were subsequently made to the designs to take account of the feedback. A press release was issued on 17th February: <https://www.southsomerset.gov.uk/news/2021/2/holyrood-street-public-consultation-sees-changes-to-final-designs/>
24. Highways improvements near the Boden Street and Marketfield car parks, which are required for the leisure centre, will be progressed alongside the HSHAZ public realm works, as well as the creation of an Eastern Gateway site at the Fore Street-Silver Street junction. This brings benefits of scale in both timeframe and resource.
25. A Community Engagement Plan will be drawn up over the next couple of months, to ensure that there is community involvement in the project.
26. A HSHAZ Cultural Consortium of local partners has been formed to bid for additional funding for a HSHAZ Cultural Programme. The Consortium is being led jointly by Chard Town Council and Somerset Art Works. The bid was submitted in mid-December and a decision is imminent. The process is non-competitive as it is ring-fenced for those towns that already have HSHAZ grants, but the decision on the bid will determine the amount of funding Chard will receive.

27. Planning is underway for the HSHAZ Building Repair Grants scheme. The Grade I Listed building, Manor Court House (<https://historicengland.org.uk/listing/the-list/list-entry/1197449>), was sold at auction in February 2021. This building is on the Heritage At Risk Register and is therefore a priority in terms of renovation and bringing it back into sustainable use. Under the HSHAZ, we will be seeking to work with the new owner and with Historic England to secure a positive future for this important property.

Next Steps

28. The impact of Covid and the uncertainty around Building 11 has resulted in the plans for the progression of the residential component of phase two being deferred. During this time, we have engaged with Homes England to establish if we can find ways to bring forwards phase two with partners or directly with a commercial developer.

29. The town centre public realm plans will be reviewed by SCC. At the same time, we will progress discussions around Traffic Regulation Orders, S278 legal agreements and other consents required. We are planning ahead for tendering for construction contractors and the scheduling of the works, to avoid any delays. It is likely that work would begin on site in the latter half of 2021. We aim to launch the HSHAZ programme of building grants in the first quarter of 2021/22.

Council Plan Implications

30. The Chard Regeneration Scheme is a specific objective of the Council Plan and a priority project for 2019/20 and 2020/21.

Carbon Emissions and Climate Change Implications

31. None arising from this report.

Equality and Diversity Implications

32. An Equality Impact Relevance Check/Equality Impact Assessment is underway for the Chard public realm scheme.



Area West Committee Forward Plan

Strategic Director: Nicola Hix, Strategy & Support Services
Agenda Coordinator: Jo Morris, Case Officer (Strategy & Commissioning)
Contact Details: jo.morris@southsomerset.gov.uk

Purpose of the Report

This report informs Members of the agreed Area West Committee Forward Plan.

Recommendations

Members are asked to:

- a. Comment upon and note the proposed Area West Forward Plan as attached;
- b. Identify priorities for further reports to be added to the Area West Forward Plan.

Area West Committee 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
7 th April	Presentation - The Role of Scrutiny	Cllr Crispin Raikes, Chairman of Scrutiny Committee Stephanie Gold, Specialist Scrutiny/Member Development
	Blackdown Hills AONB	Adrian Moore, Locality Officer
	Radio Ninesprings Grant Application	Adrian Moore, Locality Officer
	Update on Chard and District Museum	Cllr Jenny Kenton
19 th May	Area West - Area Chapter 2020/21 Outturn report	Tim Cook, Locality Team Manager Debbie Haines, Locality Team Leader
<i>TBC</i>	<i>Chard Eastern Development Master Plan</i>	<i>Barry James, Interim Planning Lead Specialist</i>
<i>TBC</i>	<i>Historic Buildings at Risk</i>	<i>Anthony Garratt, Specialist – Development Management</i>
<i>TBC</i>	<i>Update on CIL and S106 contributions</i>	<i>TBC</i>



Planning Appeals

Director: Kirsty Larkins, Service Delivery
Lead Specialist: Barry James, Interim Planning Lead,
Contact Details: barry.james@southsomerset.gov.uk

Purpose of the Report

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

Recommendation

That the report be noted.

Background

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

Report Detail

Appeals Received

19/02664/OUT – Outline application for the erection of 1 No. new dwelling and the erection of two storey extension to existing dwelling together with a new access, all other matters reserved.

Beechway, Fore Street, Tatworth and Forton, Chard, TA20 2SW
(Officer delegated decision)

19/00273/OUT - Outline application for the development of up to 35 dwellings with all matters reserved except access including the demolition of the existing building and highways works to Claycastle.

Bay Tree Farm, Claycastle, Haselbury Plucknett, Crewkerne, TA18 7PE
(Officer delegated decision)

20/02436/HOU - Demolition/removal of two outbuildings and extension to existing dwelling to provide a garage/additional bedroom

Re-submission of 19/02982/HOU, Refused 4.2.20

Coal Furze, Blackwater Road, Buckland St Mary, Chard, TA20 3LF
(Officer delegated decision)



Appeals Dismissed

19/02416/FUL – Erection of an agricultural building, for secure storage of tools, animal feed, a farm office, and also for shelter/rest and an area where we can prepare food as we work (retrospective).

Land Adjacent To Knowle Lane, Knowle Lane, Misterton, Crewkerne
(Officer delegated decision)

20/00824/OUT – Outline application with all matters reserved for residential development of 9 dwellings

Land At Pound Road, Broadway, Ilminster
(Officer delegated decision)

19/00698/OUT – The erection of 9 No. residential dwellings

Land OS 0420 Part Tail Mill Lane, Merriott
(Officer delegated decision)

20/02380/HOU – Erection of a timber Trellis Fence with timber gates, Retrospective
6 Brettingham Court, Gas Lane, Hinton St George, TA17 8RY

(Officer delegated decision)

Background Papers

Appeal decision notices attached.



Appeal Decision

Site visit made on 16 November 2020

by Neil Pope BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 December 2020

Appeal Ref: APP/R3325/W/20/3257048

Land adjacent to Knowle Lane, Misterton, Crewkerne, Somerset, DT8 3HP.

- 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 Richard Charman against the decision of South Somerset District Council (the LPA).
 - The application Ref. 19/02416/FUL, dated 30/8/19, was refused by notice dated 6/2/20.
 - The development proposed is described as a "*Temporary building for agricultural use – for secure storage of tools, animal feed, as a farm office, and also for shelter/rest and an area where we can prepare food as we work*".
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. A wooden cabin and a smaller timber shed have been erected on site¹. The appellant has informed me that he does not have an overriding need for a proposed adjoining structure and would be willing to remove this if it was necessary for the appeal to succeed². I also understand that the appellant has purchased a property in Crewkerne and no longer requires all of the proposed uses. Instead, he wishes to amend the description of the development to the "*Erection of a temporary building for agricultural use: for secure storage of tools and animal feed, and to facilitate rainwater collection (retrospective)*".
3. The LPA does not agree to the proposed amended description of the development. It has argued that the cabin and shed are not temporary and the inclusion of a shelter/rest area and area for food preparation was made after an enforcement investigation into alleged use for residential purposes.
4. I am mindful of the Wheatcroft³ principles and the requirements that in amending a proposal the substance of an application should not alter and that no party should be prejudiced by any amendment. The substance of the application would not fundamentally alter if the proposed structure linking the cabin and the shed was deleted and no party is likely to be prejudiced.
5. In contrast, deleting the uses of the cabin and shed as an office, shelter/rest and an area for preparing food would significantly alter the substance of what

¹ During my visit, I noted that another small shed had been erected on land to the north west of the appeal site, as well as a small polytunnel. An old motor vehicle, which I understand has been on the land for many years, also appeared to be in use as a store. I also saw six lambs on the appellant's holding, some chickens and three pigs. Some crops were also been grown. I understand a similar number of other sheep were elsewhere on the holding.

² The cabin and shed on the appeal site have small rear additions.

³ *Bernard Wheatcroft Ltd v Secretary of State for the Environment* [JPL, 1982, P37].

was applied for and could prejudice the interests of other parties. Moreover, from what I saw during my visit, the cabin appeared (in part) to be in use as a shelter/rest area.

6. Given the above, I have determined the appeal on the basis of the description originally applied for but without the proposed adjoining link. I have not taken into account the small lean-to structures on the rear of the existing cabin and shed and have not been made aware of the planning status of the small shed and polytunnel to the north west or the old motor vehicle.

Main Issue

7. The main issue is the effect upon the character and appearance of the countryside.

Reasons

8. The appeal site forms part of the appellant's 6.9 hectare (16.98 acre) holding. It lies within an area of attractive rolling countryside to the south of Crewkerne. The cabin and shed are sited on sloping land away from the entrance onto Knowle Lane.
9. Within the countryside, established national⁴ and local⁵ planning policies seek, amongst other things, to conserve and enhance the natural environment. In essence, new development is limited to those instances where there is a proven agricultural or other essential local need. Good design is also a key aspect of sustainable development.
10. The timber cabin and shed are small structures that are not readily visible from Knowle Lane. However, not being able to see a development within the countryside does not make it acceptable. This could be repeated too often and would harmfully change the character of the countryside.
11. The cabin and shed are of an overtly domestic appearance and are akin to the type of structures that can be found in back gardens or allotments within urban areas. They have little, if anything, in common with the types of agricultural buildings found within the surrounding landscape and contrast awkwardly with the rural character and appearance of the local area. They do not amount to good or appropriately designed rural buildings and detract from the character and appearance of the countryside. This weighs against granting permission.
12. The appellant purchased this holding in 2018. Since that time, he has cleared much bramble and is looking to increase livestock numbers and manage the land. Whilst these efforts are to be commended, I have not been provided with details of any cogent farm or business plan. It is unclear if the appellant is pursuing a long term business venture or something akin to 'hobby farming'.
13. For the effective management of the land, it would not be unreasonable for an appropriately designed structure to be erected on the holding for purposes such as the storage of necessary agricultural items, feedstuffs, tools and equipment. Unlike the cabin and shed that are the subject of this appeal, a small building that was purposely designed for agriculture and appropriately sited could sit

⁴ As set out within the National Planning Policy Framework (the Framework).

⁵ The development plan includes the South Somerset Local Plan 2006-2028 (LP). The LP objectives include protecting and enhancing the natural environment and LP policy EQ2, amongst other things, aims to preserve or enhance the character and appearance of the district.

comfortably within this part of the countryside. However, I must determine the appeal on the basis of the plans and other information before me.

14. I conclude on the main issue that the proposal adversely affects the character and appearance of the countryside and conflicts with the provisions of the Framework and LP policy EQ2.

Other Matters

15. Knowle Lane appears to be lightly trafficked and there are no details before me of any road accidents. Some vehicular traffic could reasonably be expected with the lawful use of the land and there nothing to demonstrate that the agricultural activities being undertaken by the appellant generate an unusual or excessive amount of traffic. Although visibility at the site entrance is restricted by an old gatepost and a small tree, this matter could be dealt with way of a suitably worded planning condition if the appeal was allowed. Whilst there is evidence of some land contamination, this matter could also be addressed by way of suitably worded conditions if planning permission was granted.

Overall Conclusion

16. My findings in respect of the other matters above do not overcome the harm that I have identified in respect of the main issue. I therefore conclude that the appeal should not succeed.

Neil Pope

Inspector



Appeal Decision

Site Visit made on 4 December 2020

by **T Gethin BA (Hons), MSc, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6 January 2021

Appeal Ref: APP/R3325/W/20/3257766

Land at Pound Road, Broadway, Ilminster

- 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 Pat Vickery against the decision of South Somerset District Council.
 - The application Ref 20/00824/FUL, dated 9 March 2020, was refused by notice dated 13 May 2020.
 - The development proposed is Outline application with all matters reserved for residential development of 9 dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal is made in outline with all matters reserved for future consideration. I have therefore assessed the submitted drawings as merely illustrative insofar as they relate to the reserved matters.
3. During the course of the appeal the Parish Council submitted a report covering the Council's current position on housing land supply. The main parties were given the opportunity to comment on its relevance and bearing on the appeal and I have taken these comments into account in reaching my decision.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the surrounding area; and
 - whether the proposed development would be in an appropriate location with regard to access to services and facilities that is safe and addresses the needs of all users.

Reasons

Character and appearance

5. Situated in a gently undulating rural landscape, the appeal site is an undeveloped field of agricultural grassland surrounded by established hedgerows. Although there is housing immediately to the south, the hedging and trees on the southern boundary physically and visually separate the site from the built environment and, forming a dominant backdrop view from the north, connect the site to its generally undeveloped rural surroundings. Given

the degree of separation and the separating presence of Pound Road, the site is also experienced as unrelated to the village of Broadway. Accordingly, the site reads as forming part of the countryside and its open, undeveloped character and verdant appearance means that it positively contributes to the surrounding area's rural landscape.

6. Eroding the site's open, verdant nature and, it seems likely to me, masking the existing boundary hedging and trees that separate the properties to the south from the undeveloped countryside, the proposed development would appear from the surrounding area as a prominent extension of the built environment into the countryside. Irrespective of the development pattern in the locality, the introduction of nine residential units into the undeveloped field would read as a significant, harmful intrusion into the rural landscape. Even allowing for the siting of the dwellings providing views through the site, the development rather than the mature trees, which the submitted Landscape and Visual Impact Assessment (LVIA) identifies as visually important, would become the dominant view from the north of the site from along Pound Road.
7. In coming to this view, I have taken account of the converted building opposite the site, that the area is not a designated landscape and of the space available within the site for areas to be left open and planted with soft landscaping, which the LVIA identifies would respectively limit the encroachment of the development into open countryside and soften its impact. I recognise that all matters, including scale and layout of the appeal proposal, are also reserved for future consideration and the low density development could thus be designed to reduce its visual impact by for example providing a suitable layout, breaking up the massing of the buildings and incorporating single-storey dwellings. Be that as it may, this does not lead me to a different conclusion.
8. The LVIA sets out that the site is mainly visible in close views from the east and the north and that it is not particularly visible in the wider area. Although I observed on my site visit that the site is also visible for some distance along the highway to the north/north-west, I noted that existing soft landscaping and built form limits visibility of the site from the west, south and south-east. Additional soft landscaping on the site and its boundary running along Pound Road could reduce the visibility of the site from the north, north-west and east. However, it seems to me that the provision of open space and planting/soft landscaping – even once established – could not realistically screen the development to such an extent that the protrusion of built form into the rural landscape would not be discernible in the locality and that its effect would only be negligible. I also note the comments of the Highway Authority regarding the need for sufficient visibility splays either side of the main vehicular entrance to ensure safe site access. Such visibility splays, particularly for the central access option, would be likely to further open up views of the site from Pound Road and reduce the extent of screening that soft landscaping could provide.
9. It has been put to me that the Council's resolution to approve a development for 35 dwellings across the road from the appeal site sets a precedent, would affect views in the locality, and means that the appeal proposal's alleged harm to the character and appearance of the locality cannot be substantiated. However, situated on the other side of Pound Road, that scheme would be closer to Broadway, which extends in a broadly linear form along Broadway Road towards that plot. I observed on my site visit that it therefore has a different context and character and reads as more related to Broadway than

the appeal site. Accordingly, the potential development of that plot does not indicate that the appeal proposal – which I have considered on its merits based on the submitted evidence – would be acceptable.

10. For the above reasons, I conclude that the proposed development would harm the character and appearance of the surrounding area. I therefore find that it conflicts with Policy EQ2 of the South Somerset Local Plan 2006 – 2028 (SSLP). Amongst other aspects, this requires development to promote local distinctiveness, respect local context and preserve the appearance and landscape character of the area. This policy appears to be broadly consistent with the provisions in the National Planning Policy Framework (Framework) in relation to achieving well-designed places and conserving and enhancing the natural environment.

Accessibility

11. The distance between the site and the settlements of Broadway and Horton is not particularly significant. In theory, occupiers of the proposed development could therefore access the various local services and facilities and bus stops – which provide links to Taunton and Ilminster and their onward transport connections and employment opportunities – on foot or by bicycle. However, walking or cycling to the services, facilities and bus stops in the locality would involve crossing the relatively busy highway running past the site and/or the nearby junction and negotiating stretches of unlit highway, including Pound Road and Broadway Road, with little dedicated separation from vehicular traffic. Accessing local services, facilities and public transport on foot or by bicycle would thus neither be particularly safe nor appealing. Accordingly, the site's situation is not conducive to accessing the development except predominantly by private vehicle.
12. I accept that this may be the case for rural areas in general. Amongst other aspects, the Framework also recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. However, in this instance, the lack of safe alternative transport options mean that future occupiers of the development would be likely to be highly reliant on one mode of transport – the private vehicle – for a significant majority of their journeys and to serve their daily needs.
13. In coming to this view, I have taken account of the restricted speed limit in the vicinity of the site, that the Highway Authority has not objected, and that Broadway is said to be a settlement recognised by the Council as a sustainable location for development and to have risen in the settlement hierarchy. It has been put to me that the scheme across the road would also provide a footway along a stretch of Broadway Road. As set out in the Planning Statement, occupiers of the appeal proposal could avail themselves of it and therefore have easier access to the services/facilities of Broadway. However, it seems to me that the provision of that footway is linked to that scheme progressing and the submitted evidence indicates that planning permission has not been granted as of yet. Even if that scheme were to be approved and the development and footway constructed, occupiers of the appeal proposal wishing to walk to Broadway or Horton would still have to cross the highway and/or nearby junction and negotiate stretches of unlit highway containing no separate footway. The appellant's suggestion of securing by condition a new footway along the site frontage would not resolve this.

14. For the above reasons, I conclude that the proposed development would not be in an appropriate location with regard to access to services and facilities that is safe and addresses the needs of all users. I therefore find that it conflicts with SSLP Policy TA5. Amongst other aspects, this requires development to be designed to maximise the potential for sustainable transport through, amongst other aspects, securing inclusive, safe and convenient access on foot, cycle, and by public and private transport that addresses the needs of all. This policy appears to be broadly consistent with the provisions in the Framework in relation to promoting sustainable transport, including pursuing opportunities to promote walking, cycling and public transport and achieving safe and suitable access to the site for all users.

Other matters

15. After the Council's decision on the planning application, Natural England provided advice regarding the effect of development proposals in the district on designated nature conservation sites due to the potential for, in particular, residential development to lead to increases in phosphates and nitrates. This indicates that the appeal proposal may be likely, in combination with other plans and projects, to have a significant effect on the internationally important interest features of designated areas. However, as I am dismissing the appeal for other reasons, I am not pursuing this matter further because it could not lead me to a different decision.

16. During the course of the appeal, the Council completed an assessment of housing land supply, *Five-Year Housing Land Supply Paper* (November 2020). The Council sets out that the report, covering housing supply over the period 2020-2025, demonstrates that it now has a supply equivalent to 6 years. Given the Council's latest position with respect to housing land supply, it suggests that SSLP Policy SS2 now carries significant weight and it alleges that the appeal proposal, due to the site's rural location and lack of evidence to meet local housing need, does also not accord with this policy.

17. It has been put to me that the change in housing land supply neither indicates that the appeal proposal cannot be acceptable in policy terms nor means that there is an automatic policy objection to it. The Council's housing policies are said to have reached a point where they require updating, as evidenced by its on-going local plan review. My attention has also been drawn to SSLP Policy SS2 preceding the current version of the Framework.

18. Be that as it may, it has not been alleged that the policies that are most important for determining the application are out of date and from the evidence before me I am satisfied that they are broadly consistent with the Framework. Paragraph 213 of the Framework also states that 'existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework' and that '[d]ue weight should be given to them, according to their degree of consistency with this Framework'. With limited evidence to indicate otherwise or which question the validity of the data and findings in the Council's housing land supply paper, I am also satisfied that it provides an up-to-date picture of housing land supply in the district.

19. Accordingly, the approach to decision making set out in paragraph 11d of the Framework and the latter part of SSLP Policy SD1 is now not applicable in this case and I consider that there is no reason, in this instance, why the development plan's policies that are most important for the determination of

this appeal should not be accorded very substantial weight. However, whilst I take the main parties' representations on the relevance of SSLP Policy SS2 to the appeal proposal, they do not lead me to a different overall conclusion on the main issues. Given I am dismissing the appeal in relation to those main issues, with regards to the refusal reason and policies listed in the Council's Decision Notice, it is also not necessary to pursue this matter further because it could not lead me to a different overall decision.

Planning Balance

20. The planning application was made in outline with all matters reserved for future consideration. I have therefore determined the appeal on the basis that the matters of access, appearance, landscaping, layout and scale would be considered and designed at a later stage. Nevertheless, for the above reasons, I have found that the proposed development would harm the character and appearance of the surrounding area and would not be in an appropriate location with regard to access to services and facilities that is safe and addresses the needs of all users. Accordingly, it conflicts with SSLP Policies EQ2 and TA5 and the provisions in the Framework in relation to achieving well-designed places, conserving and enhancing the natural environment and promoting sustainable transport.
21. As set out in the Design and Access Statement, the proposed dwellings would not be sited in close proximity to the site's boundaries in order to protect biodiversity. It is said that the appeal proposal, including through the planting of native species and the provision of items such as bird and bat boxes, would also contribute towards local biodiversity and provide significant biodiversity/habitat net gain. Although such measures would provide some ecological benefits and could be secured at reserved matters stage, I have little substantive evidence which indicates that the proposed development would result in significant biodiversity gain. It seems to me that any biodiversity benefits would also be tempered to some extent by developing an undeveloped field, while the lack of harm to wildlife is neutral in the planning balance rather than counting as a benefit. Avoiding harming the living conditions of adjoining occupiers, including by providing a buffer to the nearest dwelling, is also neutral in the balance.
22. It has been put to me that construction is a critical part of the economic recovery post-pandemic, that the economic situation changed during 2020, with the country being on the cusp of a recession, and that, as set out in the Framework, businesses need incentives to invest, adapt, expand and grow. Already attracting strong interest from local companies and developers, the development is also said to be ideal for a small- or medium-sized construction businesses, would sustain local builders merchants and would provide significant local jobs for construction workers and skilled tradesmen.
23. The site is capable of accommodating a mix of sufficiently-sized accessible housing with good sized gardens in a loose grain that would break up the mass of the development. The provision of additional housing, supported by the Framework and identified as needed by the adopted development plan and the emerging local plan review, would help to meet demand, including for rural housing. The opportunity to provide a range of dwellings, including bungalows, on a smaller site would respond to the local housing needs survey, which amongst other aspects identified a demand for smaller dwellings, and would

contribute to the social mix of the locality. The occupiers of the proposed development would also generate some tax revenues and be likely to use local services and facilities in Broadway and Horton – noted in the emerging local plan review as sustainable rural settlements – which would in turn help to support the vitality of the rural community. Its construction would provide benefits in relation to employment and construction businesses, including potentially for smaller, local companies. Some biodiversity net gain could also be secured at reserved matters stage.

24. However, given the scale of the development, I am satisfied that the totality of its economic, social and environmental benefits would be relatively limited. The evidence before me also indicates that there is now a sufficient supply of housing land in the district. The harm I have identified above, which could not be overcome by the imposition of planning conditions, and the conflict with the development plan is therefore not outweighed by these considerations and is sufficient for me to find against the proposal. Even if the policies that are most important for determining the appeal were considered to be out of date, which the submitted evidence does not indicate, I find that the adverse impacts of the development would significantly and demonstrably outweigh its benefits when assessed against the policies in this Framework taken as a whole.

Conclusion

25. For the above reasons, the appeal is dismissed.

T Gethin

INSPECTOR



Appeal Decision

Site Visit made on 4 December 2020

by **T Gethin BA (Hons), MSc, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 January 2021

Appeal Ref: APP/R3325/W/20/3257972

Land at Tail Mill, Tail Mill Lane, Merriott, Somerset TA16 5PF

- 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 Messrs Martin and Patrick Tharratt Quinn, Kingspan Timber Solutions Ltd, against the decision of South Somerset District Council.
 - The application Ref 19/00698/OUT, dated 23 March 2019, was refused by notice dated 27 February 2020.
 - The development proposed is described as The proposed development at Tail Mill consists of the erection of 9 No. residential dwellings designed around the Potton portfolio of house types, which will allow flexibility of design in terms of visual appearance, reflecting the local vernacular with a mix of material palette and form, reflecting some of the design attributes around the former sail cloth/textile factory buildings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal is made in outline with all matters except access reserved for future consideration. I have therefore assessed the submitted drawings as merely illustrative insofar as they relate to the reserved matters.
3. Although not included in the description of development, the creation of a commercial access road leading to the nearby industrial unit is referred to in several of the appellants' appeal documents. The submitted indicative plans also show the access road. Although such access was the subject of a recent, separate appeal decision, based on the submitted evidence and the indicative plans, I have determined this appeal on the basis that it includes the proposed provision of the residential units described in the description of development and an access road running through the site for the nearby industrial unit.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the surrounding area and the setting of designated heritage assets.

Reasons

5. The appeal site consists of an open, undeveloped field on the outskirts of the village of Merriott. The submitted Design and Access Statement sets out that the field, unfarmed more recently, was formerly used for flax production when Tail Mill was operating as a traditional mill and subsequently as summer

grazing land. The site is situated adjacent to the Merriott Conservation Area (CA) and near to the grade II listed Tail Mill which, as set out in the Heritage Statement, includes a number of historic industrial buildings associated with the former sailcloth textile factory. The surrounding area consists of fields and the relatively contained form of the Tail Mill complex which, due to the degree of separation and the presence of intervening open fields and countryside, appears as a reasonably distinct cluster of buildings and somewhat separate entity from the wider settlement of Merriott. The edge of the built environment in the vicinity of the site is also well defined by the row of housing (including 1-5 Tail Mill Lane and the new build house) and the boundary treatment that runs between the end of those properties' rear gardens and the site.

6. The site therefore reads as forming part of the open countryside and it positively contributes to the verdant appearance and rural character of the landscape surrounding the established built environment in the locality, including the Tail Mill complex. Due to its position, limited boundary treatment – including new planting and post and rail fencing – and being bounded by the highway and public footpath on two sides, the site is also a visible and notable feature in the locality. Although there is a modern, relatively large industrial unit located in the adjoining field, its set down nature, modest height and broadly agricultural appearance means that it does not appear out of keeping in relation to its rural setting. Despite it being visible in the surrounding area, including in near views and from the wider area to some extent, it is therefore not experienced as a dominant and harmful feature in the locality.
7. Given the site's position in relation to the CA and the Tail Mill listed building, it forms part of their settings. The settings of those designated heritage assets includes, amongst other aspects, the surrounding undeveloped rural landscape which, as shown on the 1886 OS map contained within the appellants' Landscape Appraisal, is long-established. As set out in the Landscape Appraisal, and although dissimilar in terms of appearance to other surrounding buildings, Nos 1-5 also form part of the historic Tail Mill complex and the OS map extract shows them within the grouping of the original Tail Mill buildings.
8. The significance of the listed building and the part of the CA encompassing Tail Mill stems from, in part, their architectural and historic value and the setting of their well-defined built form set within undeveloped rural surroundings, which the site positively contributes to. The South Somerset Local Plan 2006 – 2028 (SSLP) and the National Planning Policy Framework (Framework) seek to conserve the settings of designated heritage assets. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) also requires special regard to be had to, amongst other aspects, the desirability of preserving the setting of listed buildings.
9. Although it would be adjacent to it, the proposed development would significantly extend the built environment beyond the established and well-defined edge of Tail Mill and involve, in the words of the Heritage Statement, built form projecting into open countryside. Rather than forming a natural rounding off the built environment, as suggested in the appellants' appeal statement, it would incongruously branch out on a limb from the contained form of the adjoining Tail Mill complex and extend well beyond the end of the industrial unit. The proposed development would therefore erode the distinct cluster and development pattern of Tail Mill and read as a significant intrusion into its undeveloped countryside setting.

10. As set out in the Landscape Appraisal, the site is screened by existing built form, such as the buildings to the north west, and is not visible in longer distance public views due to, amongst other aspects, topography and its setting within a natural bowl. Existing and additional soft landscaping within the site – including the landscaped area shown in the submitted illustrative drawings to the south east of the proposed access road – and on its boundaries would also screen the proposed development to some extent and reduce its visibility in the locality. However, it seems to me that soft landscaping could not realistically screen the proposed development to such an extent that its protrusion into the rural landscape and erosion of the clear grouping of the Tail Mill built environment would go unnoticed. For example, it is likely that it would be visible from the adjoining highway and footpaths, through the site entrance and between the boundary planting and trees. I observed on my site visit that it would also be visible to some extent from the wider area, above the proposed boundary hedging and also when plants and trees are not in leaf, such as in the vicinity of the Landscape Appraisal viewpoints 6-8 and 12 where the land begins to rise to the south and south-west for example.
11. Accordingly, the proposed development would be experienced as significantly encroaching upon and eroding the open and rural landscape character of the surrounding area. In turn, this would significantly detract from the open ground approach and rural setting of the designated heritage assets, whose significance would thus be harmed.
12. In coming to this view, I have taken account that the surrounding landscape is not designated and that other developments – including the conversion of historic buildings and new build housing – have been allowed in the CA and within the Tail Mill complex. Containing a mixture of historic and some newer development, I recognise that Tail Mill exhibits a somewhat mixed character, is the subject of on-going re-development, and includes a variety of terraced, detached and larger standalone buildings with differing layouts, heights, designs and styles. With scale, appearance, layout and landscaping being reserved matters, I recognise that the development could, through the use of conditions, therefore be designed to sensitively respond to its local context and respect the established built environment of Tail Mill and its local vernacular and materials, similar to the recently constructed detached house adjoining No 5. It has been put to me that the design of each of the fully serviced custom/self-build plots would also be within the parameters – including outline design guide and vision – of the submitted Design Guide (Custom Build with Pottton). However, these matters do not lead me to a different conclusion.
13. Some appeal decisions have been drawn to my attention relating to proposals elsewhere. Those cases are noted, but the circumstances, including their location in different districts with different development plans, are sufficiently at variance that I have judged this appeal proposal on its own merits.
14. For the above reasons, I conclude that the proposed development would harm the character and appearance of the surrounding area and the setting of designated heritage assets. I therefore find that it conflicts with SSLP Policies EQ2 and EQ3. Amongst other aspects, these require development to promote and reinforce local distinctiveness, respect local context, conserve landscape character and safeguard the significance, character, setting and local distinctiveness of heritage assets.

15. Due to the site's situation in relation to the listed building and the Merriott CA as a whole, its relatively contained extent and the scale of the development proposed, the appeal proposal would, in the words of the Framework, result in less than substantial harm to the designated heritage assets. In such circumstances, the Framework indicates that the less than substantial harm should be weighed against the public benefits.
16. Given I have found that the industrial unit does not harm the character and appearance of the surrounding area, I give limited weight to the benefits put to me regarding the proposed development screening it from the south and Tail Mill Lane. There is limited evidence before me that indicates that there is significant conflict between commercial and construction traffic using the narrow Tail Mill lane and residential vehicles, local residents and pedestrians. Accordingly, I give limited weight to the suggested benefits in relation to commercial traffic utilising the proposed access road through the site and avoiding the CA and existing residential environment. The purported benefits relating to the appeal proposal allowing for future commercial development to the north of the site also attract limited weight given the limited details provided and that any such development would also likely need to be considered in its own right as part of a separate planning application process.
17. The proposal would however provide various public benefits. This includes the windfall development providing accessible dwellings adding to local housing stock, which is in short supply, and increasing the area's housing mix and availability of custom and self-build units, which are in demand. There would be some short-term construction employment and, being in an accessible location with good access to local services and facilities, the development would help to support the vitality of the rural community. Additionally, while it seems to me that any wildlife benefits would to some extent be offset by developing an undeveloped field, there may be some limited wildlife benefits from the proposed soft landscaping of the site, including from the planting of native trees. However, based on the development's scale, the totality of the benefits would be relatively limited and do not outweigh the great weight given to the conservation of designated heritage assets.

Other matters

18. After the appeal was submitted, the Council completed an assessment of housing land supply and submitted its *Five-Year Housing Land Supply Paper* (November 2020) with its appeal statement. The Council sets out that the report, covering housing supply over the period 2020-2025, demonstrates that it now has a supply equivalent to 6 years. However, on the basis that the document was not in the public domain when the appeal was submitted and that its contents have not been challenged, tested or scrutinised by any interested third parties, it has been put to me that the weight given to it in the overall decision making process should not be significant.
19. Paragraph 74 of the Framework sets out how authorities, through either a recently adopted plan or in a subsequent annual position statement produced through engagement with relevant parties and considered by the Secretary of State, can demonstrate a five year supply (with appropriate buffer) of deliverable housing sites. However, the Planning Practice Guidance indicates that there are also other ways in which authorities can demonstrate a five year housing land supply, including by using the latest available evidence – such as

- a Strategic Housing Land Availability Assessment, Housing and Economic Land Availability Assessment or an Authority Monitoring Report.
20. Amongst other aspects, I note that the Council's report refers to the Housing and Employment Land Availability Assessment and that the sites within it have been identified in conjunction with the development industry. Accordingly, and with limited evidence to indicate otherwise or which question the validity of the report's data and findings, I am satisfied that it provides an up-to-date picture of housing land supply in the district.
 21. However, even if the Council's planning policies were to continue to be considered out of date according to Framework paragraph 11d and footnote 7, the Framework is clear that in such circumstances, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development. Designated heritage assets are included within the list of policies that protect areas or assets of particular importance and which provide a clear reason for refusing the development. I have found that the appeal proposal would harm the settings of the Merriott CA and the Tail Mill listed building. There is therefore a clear reason for refusing the development proposed.
 22. Given the Council's latest position with respect to housing land supply, its appeal statement alleges that there is no identified need for additional housing in the rural area. The proposed development is therefore also alleged to be contrary to SSLP Policies SS2, SS4 and SS5, which set out amongst other aspects the Council's approach to delivering housing and development in rural settlements. However, whilst I take the main parties' representations on this matter seriously, they do not lead me to a different overall conclusion on the main issue. Given I am dismissing the appeal in relation to the main issue, with regards to the refusal reason and policies listed in the Council's Decision Notice, it is also not necessary to pursue this matter further because it could not lead me to a different overall decision.
 23. Following the Council's decision on the planning application, Natural England provided advice regarding the effect of development proposals in the district on designated nature conservation sites due to the potential for residential development, in particular, to lead to increases in phosphates and nitrates. This indicates that the appeal proposal may be likely, in combination with other plans and projects, to have a significant effect on the internationally important interest features of designated areas. However, as I am dismissing the appeal for other reasons, I am not pursuing this matter further because it could not lead me to a different decision.
 24. I note the appellants undertook pre-application discussions with the Council and subsequently amended the proposed development and submitted visual impact and heritage assessments. It has been put to me that the Council has also taken a different approach to the appeal proposal compared to other schemes in the locality, such as the nearby Zero C major development and a large solar farm in the open countryside. However, these matters are not determinative as to the acceptability of the appeal proposal. I have therefore considered it on its own merits, based on the submitted evidence.

Planning Balance

25. As the appeal is made in outline with all matters except access reserved for future consideration, I am satisfied that the proposed development could be designed to be suitable in relation to the matters of appearance, landscaping, layout and scale. Nevertheless, for the above reasons, I have found that it would harm the character and appearance of the surrounding area and the setting of designated heritage assets. Accordingly, it conflicts with SSLP Policies EQ2 and EQ3 and the provisions in the Framework in relation to conserving and enhancing the historic environment. Consequently, and irrespective of the extent of deliverable housing land supply in the district, the approach set out in paragraph 11d of the Framework is not applicable in this case. However, planning law still requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.
26. On the basis that I have found that the existing industrial unit to the north of the site does not harm the character and appearance of the surrounding area, I give limited weight to the purported benefits regarding the appeal proposal screening that unit from the south and Tail Mill Lane. Given the limited evidence that there is significant conflict between commercial and construction traffic using the narrow Tail Mill lane and local residents and pedestrians, I also give limited weight to the benefits and planning gain that the appellants suggest would occur in relation to commercial traffic utilising the proposed access road through the site and avoiding the CA and residential uses.
27. Referring to the proposed development providing for a second phase to include a commercial development to the north of the site, the submitted Planning Statement sets out that this will bring employment opportunities to the area and support the local economy. Be that as it may, I place limited weight on this given the limited details provided in relation to this and on the basis that any such development would also likely need to be considered in its own right as part of a separate planning application process.
28. It has been put to me that the nine plots within the site would have sufficient parking and access arrangements and that there is no objection in relation to highway and parking issues. With layout a reserved matter, the units could also be designed and positioned to avoid harming the living conditions of surrounding residential uses. Be that as it may, these matters are neutral in the planning balance.
29. Secured through the appellants' Unilateral Undertaking, the appeal proposal would provide nine custom and self-build units. These are in demand, supported by the Framework, encouraged and promoted by government, and would provide additional supply and choice to people seeking a custom/self-build opportunity in the area.
30. I recognise that the number of single plot permissions is not relevant as to whether demand for custom/self-build is being met within the district because such permissions are not necessarily restricted or targeted for such purposes. However, and notwithstanding overall housing land supply in the district, the available evidence – including in relation to CIL monitoring data – does not indicate that the demand for custom and self-build plots in the district, as recorded on the Council's Self and Custom Build Register, is not being met.
31. It has been put to me that demand is likely to be higher than that recorded on the Register, which is said to be not well publicised, and that self-build CIL

exemptions exceeding recorded demand in recent years indicates that demand exceeds that shown on the Register. Be that as it may, I have little substantive evidence which indicates that there is an unmet latent demand and that the overall supply of custom/self-build plots in the district falls short of this. With legislation requiring local authorities to have regard to their local register when exercising their planning and other relevant functions, the Register is also the official method for custom-builders to indicate their interest to acquire suitable land to build their own home. Furthermore, I note that the Owners covenant in the Unilateral Undertaking to only market the nine proposed plots on the site to persons registered on the Council's self build register. Accordingly, I give the Register significant weight and, and on the evidence before me, find that the appeal proposal, although providing additional supply and choice, is not of itself needed to meet the demand for custom and self-build units in the area.

32. Notwithstanding this, the appeal proposal would provide additional windfall housing, which is in demand nationally and locally. Its supply, irrespective of the Council's ability to demonstrate a sufficient housing land supply, is also neither unlimited nor capped and I note that SSLP Policy EQ2 refers to considering development proposals against housing demand and need.
33. The provision of the generously proportioned and accessible dwellings, which would add to the housing stock in the locality and increase the area's housing mix and availability of custom and self-build units, therefore weighs in favour of the development. With the site being situated in an accessible location close to Merriott, occupiers of the appeal proposal would have sufficient access to local services, facilities and public transport, which would in turn help to support the vitality of the rural community. During the construction period, the proposed development would provide some local construction-related employment. The proposed landscaping of the site and its boundaries would also provide some albeit, as I have set out above, limited ecological benefit.
34. However, the contribution of the proposed development towards housing would, as per the appellants' appeal statement, be small. Given its scale, the overall benefits of the appeal proposal would also be relatively limited. Accordingly, the benefits of the appeal proposal and the demand for custom/self-build units in the area, even if it were not currently being met, do not outweigh the conflict with the development plan and the great weight given to the conservation of designated heritage assets.

Conclusion

35. For the above reasons, the appeal is dismissed.

T Gethin

INSPECTOR



Appeal Decision

Site Visit made on 26 January 2021

by Mr Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2021

Appeal Ref: APP/R3325/D/20/3262779

6 Brettingham Court, Gas Lane, Hinton St. George, TA17 8RY

- 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 John Davey against the decision of South Somerset District Council.
 - The application Ref 20/02380/HOU, dated 20 August 2020, was refused by notice dated 23 October 2020.
 - The development proposed is the erection of a timber Trellis Fence with timber gates.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The parties agree that the fence has already been erected and I observed this to be the case. I have dealt with the appeal on this basis.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area, including the setting of Brettingham Court, a Grade II listed building, and the Hinton St. George Conservation Area.

Reasons

4. The appeal site forms part of Brettingham Court, a Grade II listed building. The significance of this designated heritage asset lies, in part, in it being a fine example of a kitchen courtyard, albeit that it has been remodelled in the past. I observed it to be an attractive building with formally arranged windows to both the ground and first floors. The appreciation of the building as a whole, together with its detailing, was enriched by the presence of the generally open appearance of the grounds.
5. The site also lies within the Hinton St. George Conservation Area. I observed that the significance of this designated heritage asset lies, in part, due to the high-quality townscape and traditionally designed properties within the village. There was some variety to the method of enclosure of properties, with some open to the village road and others not. There was however a consistency in the use of traditional and sympathetic boundary treatments.
6. The fencing and gates are positioned parallel to the side wall of the listed building and comprise timber fencing and trellis panels interspersed with gates. The development is one of the first features visible when entering the grounds of the listed building along the vehicular access. Moreover, it is located alongside an existing open parking court. Whilst there are garages within this area, there is a sense of spaciousness to the location which the appeal scheme degrades. It is an

overly prominent feature, comprising an alien and unsympathetic means of enclosure, which appears incongruous against the backdrop of the listed building and within the open nature of the site. It was also apparent that the trellis element, while allowing some views through, serves to impair views of the listed building and its distinctive fenestration pattern, thereby diminishing the appreciation of the heritage asset.

7. I note reference to adding planting to the trellis in order to soften its appearance, however this would only serve to exacerbate the screening effect of it, further diminishing the ability to visually appreciate the listed building. I noted that there was other trellis and fencing near to the site of the appeal scheme. However, this was generally lower in height and was not as prominent or expansive. Thus, I do not find them comparable to the scheme that is before me.
8. I acknowledge that there is a concrete plinth behind the fencing which is now obscured from view. Yet, this is a low-level feature which would not have a comparable visual effect to the fencing that has been erected. The screening of this plinth is not therefore a matter which justifies the harm I identify above.
9. Accordingly, the scheme is harmful to the character and appearance of the area, including the setting of Brettingham Court and the Hinton St. George Conservation Area. Thus, it conflicts with policies EQ2 and EQ3 of the South Somerset Local Plan (2015), insofar as they seek to ensure development preserves or enhances the character and appearance of the district and that development safeguards the significance, character, setting and local distinctiveness of heritage assets. The scheme would also conflict with the guidance of the National Planning Policy Framework.
10. In causing harm to the setting of the listed building and failing to preserve the character and appearance of the conservation area, I find that the scheme would result in less than substantial harm to designated heritage assets. As required by paragraph 196 of the National Planning Policy Framework, I have had regard to any public benefits of the proposed development. However, any such benefit is not sufficient to outweigh the harm that I have identified.

Other Matters

11. There would be benefits to the occupiers of the residential unit in terms of an increase level of privacy when using the outdoor space on the concrete plinth. Furthermore, I note the lack of objection of interested parties. There is also reference to the fence being erected to screen views of the nearby garages for occupiers. Nonetheless, the outlook to these buildings is not such that it would result in unacceptable living conditions for occupiers. When taken together, these matters are not sufficient to outweigh the clear harm that I have identified.

Conclusion

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

Martin Allen

INSPECTOR

Schedule of Planning Applications to be determined by Committee

Director: Kirsty Larkins (Service Delivery)
 Lead Specialist: Barry James, Interim Planning Lead Specialist
 Contact Details: Barry.James@southsomerset.gov.uk

Purpose of the Report

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

Recommendations

Members are asked to note the schedule of planning applications.

Planning Applications will be considered no earlier than 5.30pm

The meeting will be viewable online by selecting the committee at:
https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF_soA

Any member of the public wishing to address the virtual meeting regarding a Planning Application need to email democracy@southsomerset.gov.uk by 9.00 am on Tuesday 16th March 2021.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
13	CHARD HOLYROOD	19/02588/ADV	Display of 1 No. hanging sign. (Retrospective)	The Bath House, 28 Holyrood Street Chard, Somerset TA20 2AH	Bath House Hotel
14	CHARD HOLYROOD	20/03185/LBC	Listed Building Consent for the display of 1 No. hanging sign (implemented)	Bath House Hotel Holyrood Street Chard Somerset TA20 2AH	Bath House Hotel

15	CREWKERNE	20/00149/REM	Reserved Matters planning application following Outline approval 14/02141/OUT and amended under 19/03483/S73 for up to 110 residential dwellings (Use Class C3) including layout, scale, appearance and landscaping.	Land off Station Road Crewkerne TA18 8AJ	Taylor Wimpey Homes
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Further information about planning applications is shown on the following page 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 has been prepared.

Agenda Item 13

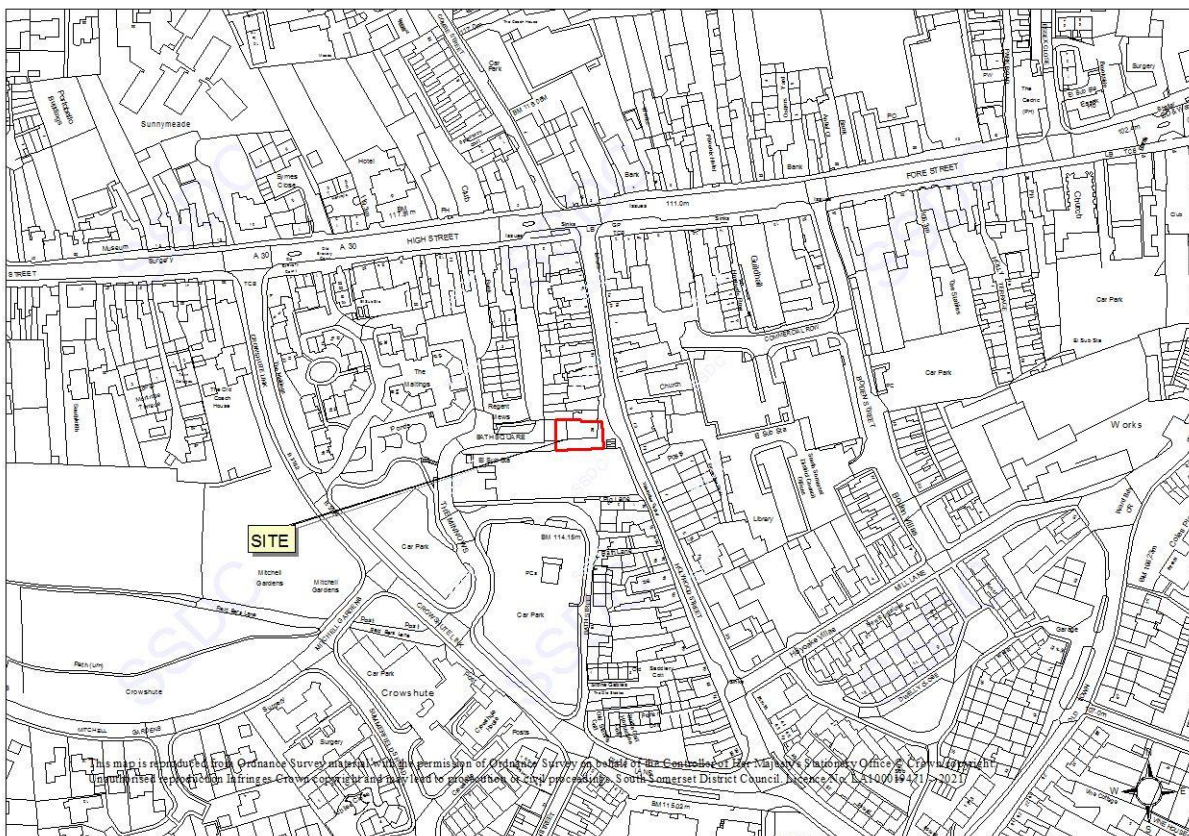
Officer Report On Planning Application: 19/02588/ADV

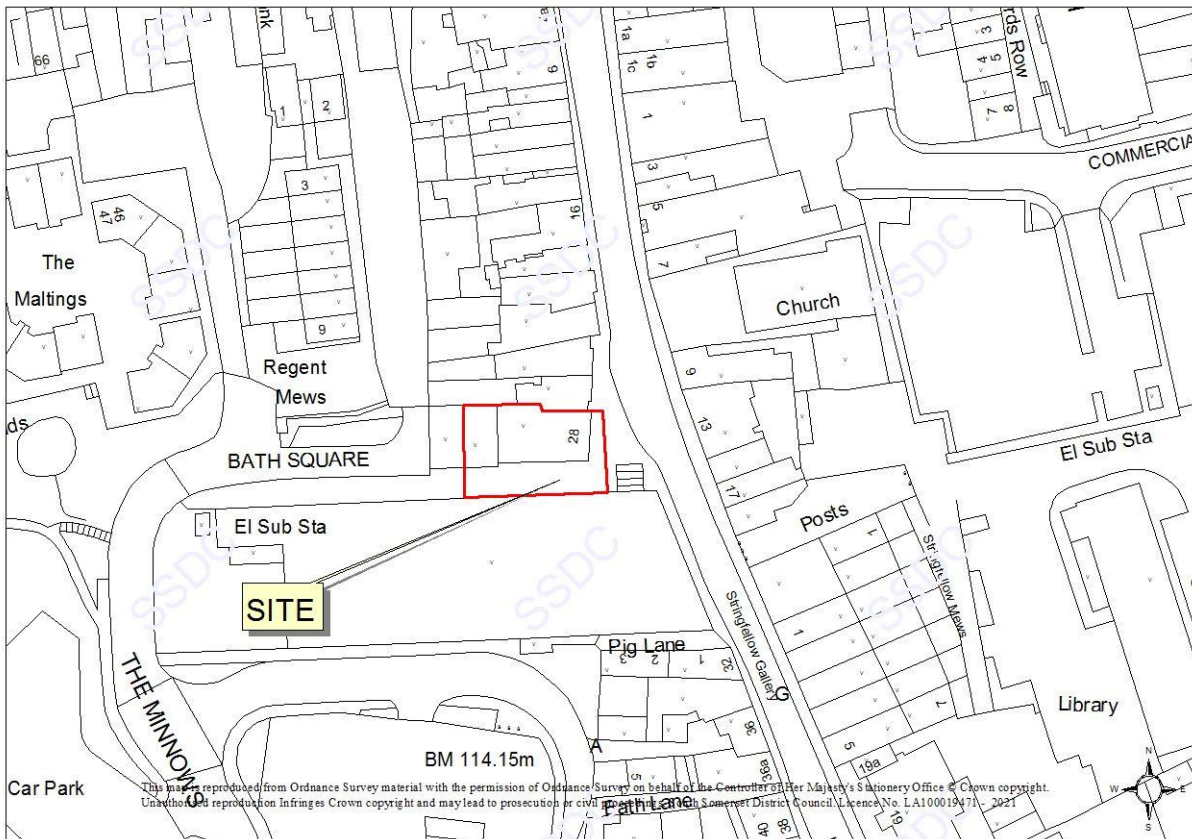
Proposal :	Display of 1 No. hanging sign. (Retrospective)
Site Address:	The Bath House 28 Holyrood Street Chard TA20 2AH
Parish:	Chard
CHARD HOLYROOD Ward (SSDC Member)	Cllr Jason Baker
Recommending Case Officer:	Chloe Beviss (Case Officer)
Target date :	1st November 2019
Applicant :	Bath House Hotel
Agent: (no agent if blank)	Mr Robin Bryer The Office Princes Place Closworth Yeovil, Somerset BA22 9RH
Application Type :	Other Advertisement

REASON FOR REFERRAL

This application has been referred to the Area West Committee by the Ward Member and Vice Chair in light of the applications retrospective nature and potential impact upon heritage assets given the wider regeneration proposals being pursued within the town.

SITE DESCRIPTION AND PROPOSAL





This application is seeking advertisement consent for the display of a hanging sign to a Grade II listed hotel and restaurant off Holyrod Street in Chard and within the town's conservation area and Heritage Action Zone.

The 18th century two storey building has a painted brick frontage and sits under a slate roof with two first floor windows in the front elevation with a blank central window space between.

The premises benefits from existing advertising signage within the ground floor bay windows.

This application for advertisement consent was submitted in September 2019 for the proposed display of a hanging sign within the first floor blank central window. The Council's Conservation Specialist was consulted and objected to the proposal. His detailed response was sent to the agent offering suggestions for an alternative location that would avoid the historically important middle window reveal.

The application was held in abeyance whilst the necessary application for listed building consent was prepared. This was submitted in October 2020 and advised that the application was now retrospective as the sign had been displayed since the communication in respect of the advertisement application.

The sign measures 1200mm high and 900mm wide and is hung from a bracket.

It is noted from a site visit that the plans submitted do not accurately represent the sign which is in situ as it incorporates external lighting and is also fixed to the cill.

HISTORY

20/03185/LBC: Listed Building Consent for the display of 1 No. hanging sign (implemented). Pending consideration.

POLICY

The Secretary of State's powers to make regulations for the control of outdoor advertisements are in sections 200, 221, 223 and 224 of the Town and Country Planning Act 1990. The current regulations are the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Under regulation 3, advertisements are subject to control only in the interests of "amenity" and "public safety".

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 is the South Somerset Local Plan (2006 - 2028).

On this basis the following policies are considered relevant:

South Somerset Local Plan (2006-2028)

Policy SD1 - Sustainable Development

Policy EQ2 - General Development

Policy TA5 - Transport Impact of New Development

National Planning Policy Framework (February 2019)

Chapter 2 - Achieving Sustainable Development

Chapter 6 - Building a strong, competitive economy

Chapter 12 - Achieving well-designed places (paragraph 132)

CONSULTATIONS

Chard Town Council: Resolved that this application should be approved.

Highways: Standing advice applies.

SSDC Highways Consultant: If the proposed projecting sign overhangs any part of the public highway (footway or carriageway) as appears to be the case, a license will be required from SCC.

SSDC Conservation Specialist: This is my formal response to both applications and supersedes previous comments.

This is a retrospective application. We are required to consider the proposals as if they had not taken place. We made it very clear that Listed Building Consent would be required. The agent

was aware that consent would be required and said that if refused then he would appeal.

Instead the works have gone ahead without consent which is a potential criminal offence.

We now have a Listed Building Consent to accompany the original signage application. We also have the required statement of significance which should help us all to understand the site. Unfortunately the document that has been submitted does not analyse the significance. It seeks to undermine the listing saying that it is an unremarkable 19th century building. If the applicant believes that this building is incorrectly listed the correct approach would have been to apply to Historic England to delist the building. We have recently had Historic England review the listing at number 50 Holyrood Street. Their inspection of the roof space revealed that the building was considerably older than the list description indicated. It was unsuccessful. This site sits within the Chard Conservation Area and the recently approved Heritage Action Zone which makes substantial grant aid available for the restoration of buildings however we need to ensure those that we have are treated sensitively to compliment the work that is being done to enhance Chard's historic environment. Historic England expect us to give serious consideration to the creation and restoration of a quality historic place. Accordingly this and future applications in the area will receive higher scrutiny.

The current list description indicates that this particular part of the building is late C18. It also makes reference to the blind window that they wish to mount the sign in. In England and Wales the window tax was introduced in 1696 and was repealed in 1851. This building dates from that period and was once a house according to the list description. As such the feature has considerable significance. The applicant casts doubt on this but provides no evidence to support his assertion.

I have indicated to the applicant and agent that I would be happy to support a hanging sign if it was moved to one side of the blind window reveal. I do however object to its location within the window reveal as it would harm the listed heritage asset and the wider Conservation Area. An unfortunate aspect of a retrospective application is that we can see what the proposal actually looks like. In this case it is too large. It dominates the listed building and its proportions don't follow those of the host building.

The policies are as follows:

The National Planning Policy Framework Chapter 16 'Conserving and enhancing the historic environment' requires us to assess the impact that development will have on a heritage asset.

Paragraph 189 states:

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 192 states:

In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 193 States:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 196 States:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Local Plan Policy EQ3 reflects the NPPF guidance. Heritage assets must be conserved and where appropriate enhanced for their historic significance and important contribution to local distinctiveness, character and sense of place. In addition Policy EQ2 requires all new development proposals to be designed to achieve a high quality which promotes the District's local distinctiveness and preserves or enhances the character and appearance of the District.

It is clear to me that a sign can be accommodated in a location which is less harmful which is why I refer to Paragraphs 192 and 193. The size will need to be reduced and the design needs to better reflect the proportions of the host building. A statement of significance has been supplied but it is not appropriate to justify the scheme as it does not analyse the significance as required by Paragraph 189.

In this case it is considered that the proposed changes will cause 'less than substantial' harm to the heritage asset as per paragraph 196. This is in the medium range of this category. There has been no public benefit identified to offset the harm which cannot be achieved by moving the sign to a less sensitive location and by reducing the size and changing the proportions to better reflect the host building.

Accordingly I formally object to the application.

If this is refused and a subsequent appeal is dismissed then we will need to commence enforcement action to remedy the situation.

REPRESENTATIONS

One neighbour notified and site notice displayed. No representations received.

CONSIDERATIONS

The main considerations in this case relate to amenity and public safety.

The National Planning Policy Framework Chapter 12, paragraph 132 states "The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts."

The principle of a new hanging sign to advertise this commercial business is considered acceptable and the Local Planning Authority wish to encourage and support local businesses particularly in the current challenging climate however it is disappointing that despite the clear objection of the Council's Conservation Specialist the sign has been displayed without the necessary advertisement and listed building consents resulting in a potential criminal offence.

Impact on Public Safety

The proposals are considered to be in accordance with the Highway Authority's Standing Advice as such there are no foreseeable public or highway safety concerns however the Council's Highway Consultant advises that if the proposed projecting sign overhangs any part of the public highway (footway or carriageway) as appears to be the case, a license will be required from Somerset County Council.

Impact on Amenity

Holyrood Street is characterised by a high number of retail and other commercial units, second to the main road of Fore Street from which it is accessed. Hanging and projecting signs are not evident on most premises and where they are, they tend to be small scale.

The proposed sign is sizeable measuring 1200mm by 900mm and fails to sit within the blank window with it extending down below the cill. The proposed sign is considered adversely dominating, out of scale and out of keeping both with the listed building and the character of the area such that the visual amenity of the area and character and appearance of the conservation area is considered to be unacceptably harmed.

Furthermore, the proposed siting of the hanging sign is within a blank window reveal which is considered an important historic feature of the listed building to which the Conservation Specialist objects.

The Conservation Specialist states:

"The current list description indicates that this particular part of the building is late C18. It also makes reference to the blind window that they wish to mount the sign in. In England and Wales

the window tax was introduced in 1696 and was repealed in 1851. This building dates from that period and was once a house according to the list description. As such the feature has considerable significance. The applicant casts doubt on this but provides no evidence to support his assertion.

I have indicated to the applicant and agent that I would be happy to support a hanging sign if it was moved to one side of the blind window reveal. I do however object to its location within the window reveal as it would harm the listed heritage asset and the wider Conservation Area. An unfortunate aspect of a retrospective application is that we can see what the proposal actually looks like. In this case it is too large. It dominates the listed building and its proportions don't follow those of the host building. The size will need to be reduced and the design needs to better reflect the proportions of the host building.

Furthermore, the site is also located in the Historic England Heritage Action Zone. We are administering a grant scheme to restore historic buildings and need to ensure those that we have are treated sensitively to compliment the work that is being done to enhance Chard's historic environment."

The applicant and agent have declined to consider an alternative location on the building where the Conservation Specialist considers it would be far less harmful.

In addition, it is noted that the submitted drawings fail to accurately represent the sign that has been displayed in that it includes what is considered to be bulky external lighting and is fixed to the cill below.

Conclusion

The proposal is considered contrary to Policies EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the policies contained within the National Planning Policy Framework (2019) due to its size and siting which is adversely dominating to the host building and street scene and fails to respect and relate to the character of the listed building, visual amenity of the area and character and appearance of the conservation area.

RECOMMENDATION

Refuse consent

For the following reasons:

01. The proposal, by reason of its size and position, is adversely dominating to the host building and street scene and fails to respect and relate to the character of the listed building, visual amenity of the area and character and appearance of the conservation area contrary to Policies EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the policies contained within the National Planning Policy Framework (2019).
02. Notwithstanding the above reason for refusal, the plans that accompany this application are considered to be inaccurate in respect of the external lighting and attachment to the cill and therefore do not afford an accurate representation of the proposed works and therefore the harm that the sign as located has upon the heritage asset.

Informatives:

01. In accordance with paragraph 38 of the NPPF the council, as Local Planning Authority, takes a positive and proactive approach to development proposals focused on solutions. The council works with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service, and
- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

In this case, the applicant/agent was provided with clear advice when the application was first submitted and has been offered alternative locations on the building so as to address the concerns of the Conservation Specialist.

02. Consideration will now be given to enforcement action in respect of the unauthorised display of the sign

Agenda Item 14

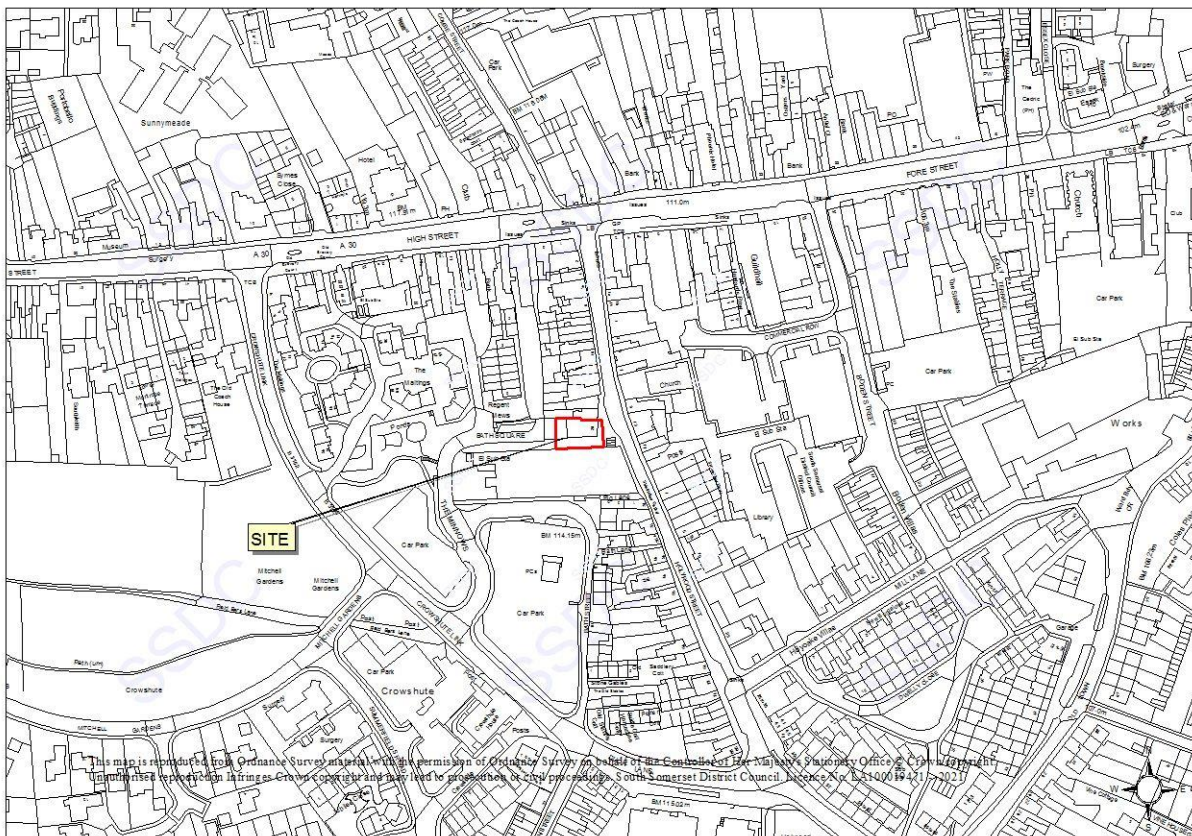
Officer Report On Planning Application: 20/03185/LBC

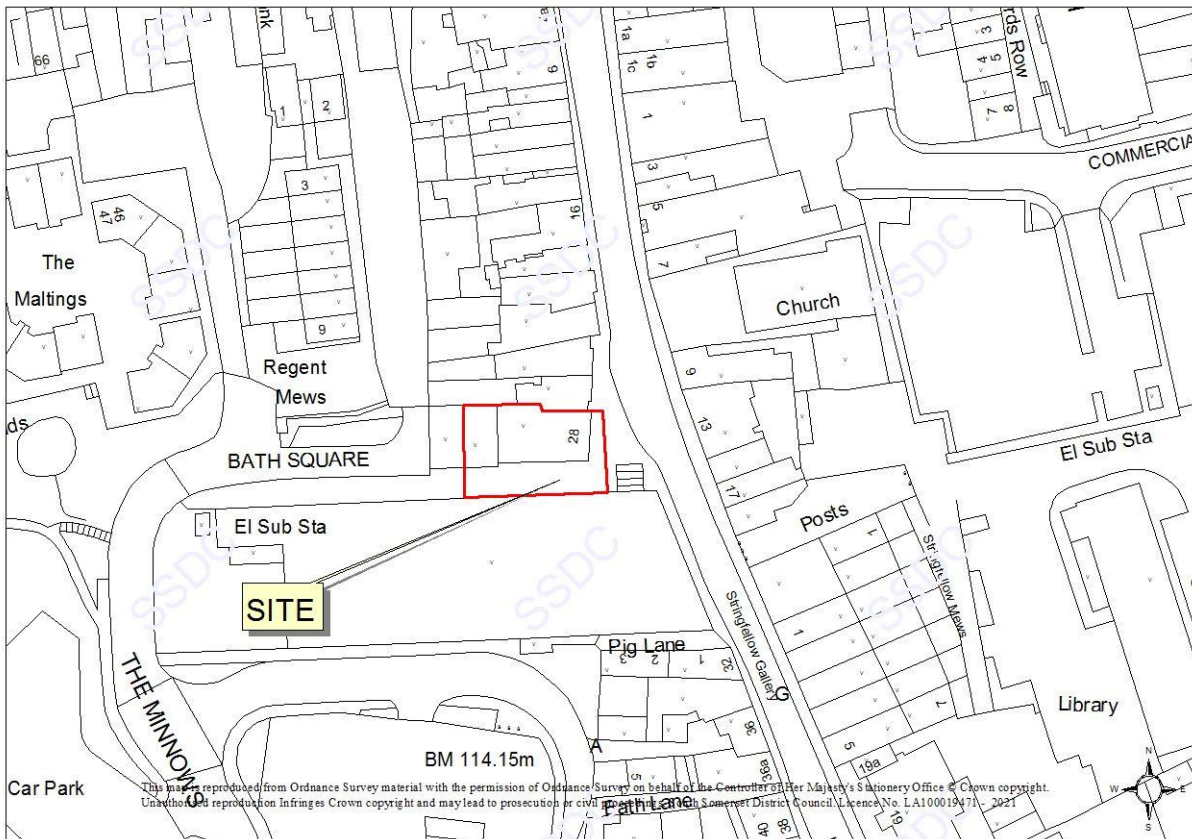
Proposal :	Listed Building Consent for the display of 1 No. hanging sign (implemented)
Site Address:	Bath House Hotel Holyrood Street Chard TA20 2AH
Parish:	Chard
CHARD HOLYROOD Ward (SSDC Member)	Cllr Jason Baker
Recommending Case Officer:	Chloe Bevis (Case Officer)
Target date :	3rd December 2020
Applicant :	Bath House Hotel
Agent: (no agent if blank)	Mr Robin Bryer The Office Princes Place Closworth Yeovil, Somerset, BA22 9RH
Application Type :	Other LBC Alteration

REASON FOR REFERRAL

This application has been referred to the Area West Committee by the Ward Member and Vice Chair in light of the applications retrospective nature and potential impact upon heritage assets given the wider regeneration proposals being pursued within the town.

SITE DESCRIPTION AND PROPOSAL





This application seeks listed building consent for the display of a hanging sign to a Grade II listed hotel and restaurant off Holyhood Street in Chard and within the town's conservation area and Heritage Action Zone.

The 18th century two storey building has a painted brick frontage and sits under a slate roof with two first floor windows in the front elevation with a blank central window space between.

The premises benefits from existing advertising signage within the ground floor bay windows.

An application for advertisement consent was submitted in September 2019 for the proposed display of a hanging sign within the first floor blank central window. The Council's Conservation Specialist was consulted and objected to the proposal. His detailed response was sent to the agent offering suggestions for an alternative location that would avoid the historically important middle window reveal.

The advertisement application was held in abeyance whilst the necessary application for listed building consent was prepared. This was submitted in October 2020 and advised that the application was now retrospective as the sign had been displayed since the communication in respect of the advertisement application.

The sign measures 1200mm high and 900mm wide and is hung from a bracket.

It is noted from a site visit that the plans submitted do not accurately represent the sign which is in situ as it incorporates external lighting and is also fixed to the cill.

HISTORY

19/02588/ADV: Display of 1 No. hanging sign. (Retrospective). Pending consideration.

POLICY

Section 16 of the Listed Building and Conservation Areas Act is the starting point for the exercise of listed building control. This places a statutory requirement on local planning authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'

NPPF: Chapter 16 - Conserving and Enhancing Historic Environment is applicable. This advises that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building; park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'

Whilst Section 38(6) of the 2004 Planning Act is not relevant to this listed building application, the following policies should be considered in the context of the application:

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

Policy EQ2 - General Development

Policy EQ3 - Historic Environment

National Planning Policy Framework (2019):

Chapter 12 - Achieving well-designed places

Chapter 16 - Conserving and enhancing the historic environment

CONSULTATIONS

Chard Town Council: No response or request for extension of time received.

SSDC Conservation Specialist: This is my formal response to both applications and supersedes previous comments.

This is a retrospective application. We are required to consider the proposals as if they had not taken place. We made it very clear that Listed Building Consent would be required. The agent was aware that consent would be required and said that if refused then he would appeal.

Instead the works have gone ahead without consent which is a potential criminal offence.

We now have a Listed Building Consent to accompany the original signage application. We also have the required statement of significance which should help us all to understand the site. Unfortunately the document that has been submitted does not analyse the significance. It seeks to undermine the listing saying that it is an unremarkable 19th century building. If the applicant believes that this building is incorrectly listed the correct approach would have been to apply to Historic England to delist the building. We have recently had Historic England review the listing at number 50 Holyrood Street. Their inspection of the roof space revealed that the building was considerably older than the list description indicated. It was unsuccessful. This site sits within the Chard Conservation Area and the recently approved Heritage Action Zone which makes substantial grant aid available for the restoration of buildings however we need to ensure those that we have are treated sensitively to compliment the work that is being done to enhance Chard's historic environment. Historic England expect us to give serious consideration to the creation and restoration of a quality historic place. Accordingly this and future applications in the area will receive higher scrutiny.

The current list description indicates that this particular part of the building is late C18. It also makes reference to the blind window that they wish to mount the sign in. In England and Wales the window tax was introduced in 1696 and was repealed in 1851. This building dates from that period and was once a house according to the list description. As such the feature has considerable significance. The applicant casts doubt on this but provides no evidence to support his assertion.

I have indicated to the applicant and agent that I would be happy to support a hanging sign if it was moved to one side of the blind window reveal. I do however object to its location within the window reveal as it would harm the listed heritage asset and the wider Conservation Area. An unfortunate aspect of a retrospective application is that we can see what the proposal actually looks like. In this case it is too large. It dominates the listed building and its proportions don't follow those of the host building.

The policies are as follows:

The National Planning Policy Framework Chapter 16 'Conserving and enhancing the historic environment' requires us to assess the impact that development will have on a heritage asset.

Paragraph 189 states:

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 192 states:

In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 193 States:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 196 States:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Local Plan Policy EQ3 reflects the NPPF guidance. Heritage assets must be conserved and where appropriate enhanced for their historic significance and important contribution to local distinctiveness, character and sense of place. In addition Policy EQ2 requires all new development proposals to be designed to achieve a high quality which promotes the District's local distinctiveness and preserves or enhances the character and appearance of the District.

It is clear to me that a sign can be accommodated in a location which is less harmful which is why I refer to Paragraphs 192 and 193. The size will need to be reduced and the design needs to better reflect the proportions of the host building. A statement of significance has been supplied but it is not appropriate to justify the scheme as it does not analyse the significance as required by Paragraph 189.

In this case it is considered that the proposed changes will cause 'less than substantial' harm to the heritage asset as per paragraph 196. This is in the medium range of this category. There has been no public benefit identified to offset the harm which cannot be achieved by moving the sign to a less sensitive location and by reducing the size and changing the proportions to better reflect the host building.

Accordingly I formally object to the application.

If this is refused and a subsequent appeal is dismissed then we will need to commence enforcement action to remedy the situation.

REPRESENTATIONS

Site notice displayed and local press advert. No representations received.

CONSIDERATIONS

The principle of a new hanging sign to advertise this commercial business is considered acceptable and the Local Planning Authority wish to encourage and support local businesses particularly in the current challenging climate however it is disappointing that despite the clear objection of the Council's Conservation Specialist the sign has been displayed without the necessary advertisement and listed building consents resulting in a potential criminal offence.

Holyrood Street is characterised by a high number of retail and other commercial units, second to the main road of Fore Street from which it is accessed. Hanging and projecting signs are not evident on most premises and where they are, they tend to be small scale.

The proposed sign is sizeable measuring 1200mm by 900mm and fails to sit within the blank window with it extending down below the cill. The proposed sign is considered adversely dominating, out of scale and out of keeping both with the listed building and the character of the area such that the visual amenity of the area and character and appearance of the conservation area is considered to be unacceptably harmed.

Furthermore, the proposed siting of the hanging sign is within a blank window reveal which is considered an important historic feature of the listed building to which the Conservation Specialist objects.

The Council's Conservation Specialist states; "The current list description indicates that this particular part of the building is late C18. It also makes reference to the blind window that they wish to mount the sign in. In England and Wales the window tax was introduced in 1696 and was repealed in 1851. This building dates from that period and was once a house according to the list description. As such the feature has considerable significance. The applicant casts doubt on this but provides no evidence to support his assertion.

I have indicated to the applicant and agent that I would be happy to support a hanging sign if it was moved to one side of the blind window reveal. I do however object to its location within the window reveal as it would harm the listed heritage asset and the wider Conservation Area. An unfortunate aspect of a retrospective application is that we can see what the proposal actually looks like. In this case it is too large. It dominates the listed building and its proportions don't follow those of the host building. The size will need to be reduced and the design needs to better reflect the proportions of the host building.

Furthermore, the site is also located in the Historic England Heritage Action Zone. We are administering a grant scheme to restore historic buildings and need to ensure those that we have are treated sensitively to compliment the work that is being done to enhance Chard's historic environment."

The applicant and agent have declined to consider an alternative location on the building where the Conservation Specialist considers it would be far less harmful. In this case it is considered that the proposed changes will cause 'less than substantial' harm to the heritage asset as per paragraph 196. This is in the medium range of this category. There has been no public benefit identified to offset the harm which cannot be achieved by moving the sign to a less sensitive location and by reducing the size and changing the proportions to better reflect the host building.

Whilst a statement of significance has been supplied, it is not considered appropriate to justify the scheme as it fails to analyse the significance as required by Paragraph 189 of the National Planning Policy Framework.

In addition, it is noted that the submitted drawings fail to accurately represent the sign that has been displayed in that it includes what is considered to be bulky external lighting and is fixed to the cill below.

RECOMMENDATION

That Listed Building Consent be refused.

For the following reasons:

01. The proposal, by reason of its size and position, is considered to cause harm to the historic and architectural interests of the building and its setting and the character and appearance of the conservation area contrary to Policies EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the policies contained within the National Planning Policy Framework (2019).
02. Notwithstanding the above reason for refusal, the plans that accompany this application are considered to be inaccurate in respect of the external lighting and attachment to the cill and therefore do not afford an accurate representation of the proposed works and therefore the harm that the sign as located has upon the heritage asset.

Informatives:

01. In accordance with paragraph 38 of the NPPF the council, as Local Planning Authority, takes a positive and proactive approach to development proposals focused on solutions. The council works with applicants/agents in a positive and proactive manner by;
 - offering a pre-application advice service, and
 - as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

In this case, the applicant/agent was provided with clear advice when the application was first submitted and has been offered alternative locations on the building so as to address the concerns of the Conservation Specialist.

Agenda Item 15

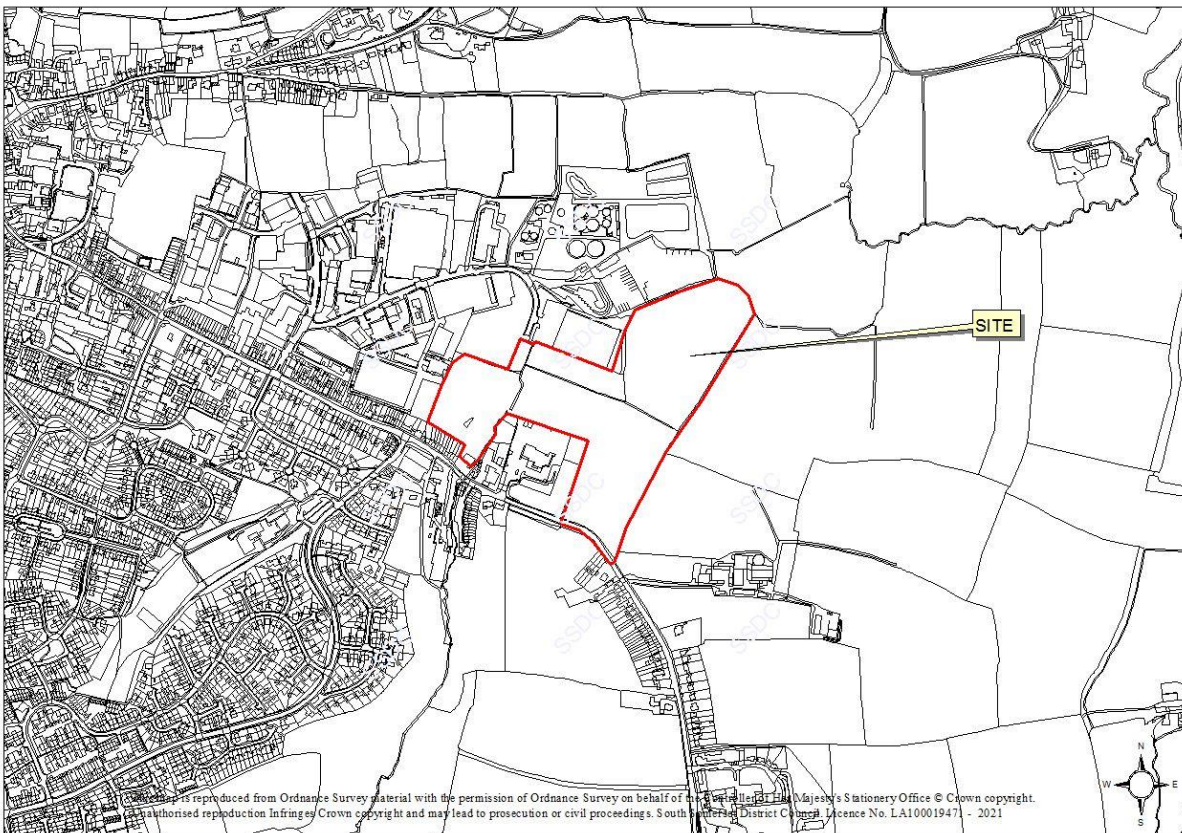
Officer Report On Planning Application: 20/00149/REM

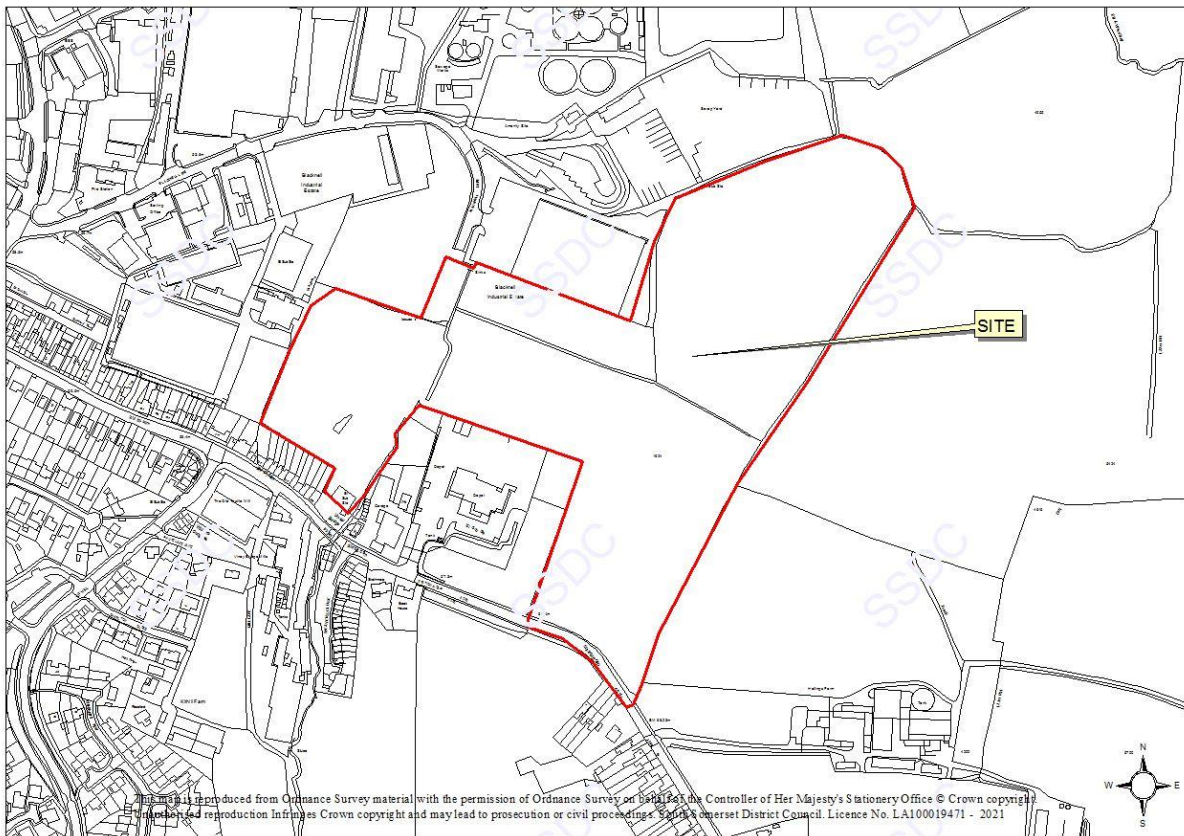
Proposal :	Reserved Matters planning application following Outline approval 14/02141/OUT and amended under 19/03483/S73 for up to 110 residential dwellings (Use Class C3) including layout, scale, appearance and landscaping.
Site Address :	Land off Station Road Crewkerne TA18 8AJ
Parish :	Crewkerne
CREWKERNE Ward (SSDC Member)	Cllr Robin Pailthorpe; Cllr Mike Best; Cllr Ben Hodgson
Recommending Case Officer	Martin Lee (Principal Specialist)
Applicant :	Taylor Wimpey Homes
Application Type :	Major Dwlg 10 or more or site 0.5ha+

REASON FOR REFERRAL TO COMMITTEE

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

SITE DESCRIPTION AND PROPOSAL





BACKGROUND

This application relates to part of the Crewkerne Keysite which is located on the eastern side of Crewkerne and is approximately 50 hectares in area for the overall site. The keysite currently has two associated extant planning permissions which the applicant refers to as Outline 1 and Outline 2 and which sit together as one overarching scheme and are linked by a single Section 106 Agreement.

Outline planning permission 1 relates to planning approval 05/00661/OUT, which granted permission for a large scale mixed use development comprising up to 525 houses, employment land, community facilities, playing fields, public open space and landscaping and associated infrastructure including a link road and highway improvements. A Section 73 application was subsequently approved to amend a number of conditions (19/003482/S73).

Outline 2 relates to a later planning application, outline approval 14/02141/OUT, which was submitted in respect of the southern portion of the wider site and is the subject of this current Reserved Matters consent application. Under the earlier scheme this part of the site was originally intended to include no residential dwellings and instead was to accommodate the employment element of the scheme along with other associated infrastructure. However, the applicants successfully argued that the scheme as originally approved was unviable and through the 2014 outline permission gained consent for up to 110 dwellings and a 60 bed care home. This in turn led to a reduction in the overall land for employment use to 3.74 hectares. This brings the total number of residential dwellings across the whole site to 635. The current Reserved Matters consent application relates to these 110 dwellings and the construction of the first part of the Crewkerne Link Road.

At a similar time to planning application 14/02141/FUL being considered, the applicant submitted a separate application to vary the S106 Agreement to allow for variations to the associated planning obligations and so that these obligations were applicable to and included the amendments to this latest scheme. Both of these applications were approved and the matters secured under the revised S106 Agreement were: -

- the completion of the link road through the site, between the A30 and the A356, prior to the occupation of 200 houses or within 4 years of first residential occupation, whichever is sooner;
- the completion of the link road between the new link road and Blacknell Lane prior to the occupation of 1,000 sqm of employment space or within 4 years of commencement of the employment land or within 7 years of the first occupation of any dwelling, whichever is sooner;
- the delivery of 17.5% of the housing as affordable homes for 'social rent';
- the delivery of the serviced school site;
- an education contribution of £2,000,000;
- a contribution of £260,00 towards sports, arts and leisure facilities;
- a contribution of £635,624 towards off site highways mitigation and sustainable travel planning, to include: -
 - £100,000 towards town centre improvements (upon commencement);
 - contributions to off-site traffic calming and improvements to footpath/cycle path links (prior to first occupation);
 - contribution towards bus services to serve the development (upon completion of the link road);
 - contributions towards travel planning measures;
- the provision and maintenance of on-site play areas;
- the landscaping and maintenance of c.24 hectares of 'country-park', including any landscaping necessary for dormouse mitigation measures;
- the completion of the dormouse bridge prior to the completion of the link road through the site with a requirement for the developer to make all reasonable endeavours to re-assess the dormouse population prior to commencement of the dormouse bridge and, if justified, to agree appropriate alternative mitigation;
- appropriate badger mitigation measures as required by the Council's ecologist; and
- 3 yearly reviews of the viability of the development throughout the construction phase.

Site Description

The site sits between the A30 Yeovil road and the A356 Misterton road to the south of Crewkerne. The northern part (Outline 1), where the main residential element is approved, adjoins the A30 and lies to the east of the town cemetery. This is the highest part of the site at the top of a scarp slope, which runs roughly east-west.

The central part of the site (Outline 1) includes the scarp slope with the lowest lying parts of the site mainly grassland. A corridor of open countryside extends westwards from the site boundary into the town centre. This area has been identified as a good habitat for dormice. This central part of the site is to be retained for informal recreation. New balancing ponds associated with the drainage of the site would be located in this area and will be designed to attract wildlife. In addition to the informal recreation provision, there will also be a community sports area including a playing pitch.

The southern part of the site as covered by application 14/02141/OUT (Outline 2), slopes gently upwards to the A356 at the southern boundary. This part of the site adjoins the town's main industrial area at its western boundary and open countryside to the east and comprises the employment and care home elements along with residential development for up to 110 dwellings and provides the southern part of the link road where it leads on to Station Road. It is the residential and link road elements that are currently being proposed with this reserved matters application.

Both in 2005 and 2014, submissions were supported by an Environmental Statement which addressed the proposal's impacts on traffic, ecology, drainage, landscape, air quality and amenity. The current RM application is supported by a range of updated reports which include:

- Design & Access Statement
- Transport Assessment
- Flood Risk Assessment & Drainage Report
- Tree Survey & Arboricultural Impact Report
- Noise Impact Assessment

PLANNING HISTORY

19/03483/S73 – Section 73 application to amend the approved plans condition (no. 26) of planning consent 14/02141/OUT to amend the highway plans and the provision of supplemental environmental statements to reflect such changes. Approved

19/03482/S73 – Section 73 application to amend Condition 3 (phasing) and 9 (highway plans) of planning approval 05/00661/OUT. Approved

15/04084/DPO – Application to modify S106 Agreements dated 31st January 2013 between SSDC and SCC and Taylor Wimpey Ltd in respect of planning permission reference 05/00661/OUT. Approved

14/02141/OUT – Outline development of up to 110 houses, 60 bed nursing home, up to 2 hectares of employment land, vehicular access from Station Road and Blacknell Lane. Approved

13/02201/REM – Reserved matters application for development comprising 203 dwellings the first section of the Crewkerne Link Road, drainage and service infrastructure, landscape and ecological mitigation measures (Phase 1 of 05/00661/OUT). Approved

05/00661/OUT – Outline planning permission granted for mixed use development for 525 dwellings, employment (B1, B2, B8), primary school, community facilities, playing fields, parkland, POS, structural landscaping and associated infrastructure including link road and highway improvements. This comprised: -

- 525 dwellings, including 17.5% affordable housing (14.8 hectares – 36 acres)
- Employment land for a range of employment uses (9.8 hectares - 24 acres)
- A local centre including convenience store
- A primary school site (1.4 hectares – 3.5 acres)
- Open space and structural landscaping

- Balancing ponds/attenuation areas to manage surface water
- A new link road between the A30 and the A356
- Detailed design of the new junction with the A30 and A356
- A dormouse bridge over the link road, to be linked to the habitat to the west of the site and the open countryside to the east by additional planting to enable a 'wildlife corridor' to be maintained across the site
- Badger mitigation proposals
- Onsite footpaths and cycleways and enhanced links to the town centre
- A detailed package of planning obligations, agreed following an 'open book' appraisal of the viability of the scheme by the District Valuer

90/00793/OUT – Construction of primary distributor road and the residential and industrial development of land together with local centre and community facilities, highway improvements and public open space. Refused

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 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)

Policy SD1	Sustainable Development
Policy SS1	Settlement Strategy
Policy SS4	District Wide Housing Provision
Policy SS5	Delivering New Housing Growth
Policy SS6	Infrastructure Delivery
Policy EP3	Safeguarding Employment Land
Policy HG1	Strategic Housing Sites
Policy HG3	Provision of Affordable Housing
Policy HG5	Achieving a Mix of Market Housing
Policy TA1	Low Carbon Travel
Policy TA4	Travel Plans
Policy TA5	Transport Impact of New Development
Policy TA6	Parking Standards
Policy HW1	Provision of Open Space, Outdoor Playing Space, Sports, Cultural and Community Facilities in New Development
Policy EQ1	Addressing Climate Change in South Somerset
Policy EQ2	General Development
Policy EQ3	Historic Environment
Policy EQ4	Biodiversity
Policy EQ5	Green Infrastructure
Policy EQ7	Pollution Control

National Planning Policy Framework (February 2019)

Part 2 Achieving sustainable development

- Part 5 Delivering a sufficient supply of homes
- Part 8 Promoting healthy and safe communities
- Part 9 Promoting sustainable transport
- Part 11 Making effective use of land
- Part 12 Achieving well designed places
- Part 14 Meeting the challenge of climate change, flooding and coastal change
- Part 15 Conserving and enhancing the natural environment
- Part 16 Conserving and enhancing the historic environment

Other

Somerset County Council Parking Strategy (September 2013)

Somerset County Council Highways Development Control – Standing Advice (June 2017)

CONSULTATIONS

The responses from the following consultees are provided below in summary form only, for the most part. Where not included below, the full responses are available on the public planning file.

Crewkerne Town Council

Councillors concerned about the very close proximity of the residential properties to the existing industrial area. They recommend that it would be beneficial to re-route the roads on the site to increase the distance between the residential dwellings and the industrial area. Alternatively, increased sound barriers would be beneficial.

The Town Council considered the proposals for a second time having regard to the tree officer's comments. They agree that there is no need to remove the 8 lime trees along Station Road.

Misterton Parish Council

No comment.

County Highways Authority

No objection raised subject to the necessary technical approval being in place on design etc.

Police Designing Out Crime Officer

Boundary treatment plan shows 1.8m hit and miss style fencing and proposed mixed native hedgerow to the rear of dwellings along the eastern boundary. I have been unable to visit the site and working practices and hours of operation of existing industrial uses are unknown to me. It is unclear if there is a suitable buffer between industrial and residential uses to prevent potential nuisance to future residents along that boundary.

Street lighting for adopted highways and footpaths, private estate roads and footpaths and car parks should comply with BS5489-1:2013 and designed so trees do not restrict the performance of street lighting by blocking light.

Side elevation of plot 36 and parking spaces for plot 70 directly about public space. Planting at the base of the elevation of plot 36 and clear demarcation between the parking spaces and public space to prevent potential nuisance from games played on that area.

Natural England

No objection to proposed phosphate mitigation which includes the Shadow HRA, the Nutrient Neutrality Strategy and the Fallow Land Management Plan.

SDDC Ecologist

No comment.

SDDC Tree Officer

Initially objected to the loss of the lime trees which are protected by a TPO to facilitate the site access. Following meetings with the applicant the number of trees proposed for removal was reduced to 3.

SDDC Environmental Protection Officer

Open Space

In order to calculate the population increase that will be generated by a housing development proposal; the Council use the methodology set out in Section 11 Delivering the standards – planning & developments of the Open Space strategy 2011-2015 which assists developers to predict the likely impact of their development.

Based on this methodology, the population that would be generated by this development in 2020 amounts to **241** persons, based on a net gain of **110** dwellings.

Proposed Dwelling Number(s)		Household Size (persons)	Number of Persons Generated by Development
6	1 bed dwellings	1.5	9
104	2 bed dwellings	2.23	231.92
Total Number of			240.92

Space Required

To assess the level of informal open space that would be needed to meet the reasonable requirements of the development’s future occupants, the Council then applies the population generated to the Council’s pro-rata standards. Using this methodology, the level of provision required to meet the additional demands arising from this development is:

Local Plan Policy	Relevant Recreation Category	Standard	Requirement
		[sq m per person]	[Ha / 1000 population]
HW1	Informal open Space	17.4	0.42

Impact Mitigation

The Council then uses its assessments to determine the most appropriate approach to mitigate the additional impacts, and it is summarised below:

Informal Open Space

The plans identified on the 'Site Layout Plan' identifies approx. 1.66ha of Public Open Space (POS), an amount far in excess for a development of this size, and whilst this is encouraging and unnecessary amount, we have some reservations about the design and layout.

We are encouraged by the green entrance onto the site from Station Road, and with the wide corridor along the eastern boundary providing a comfortable buffer zone for the existing right of way as well as an area wide enough to be deemed usable and providing a link from both ends of the development.

The main area of POS at the southern end of the site, however, is less inspiring and we feel would be better served to be divided up, with an amount of this area relocated within the built form of the site, providing a central focus for the community as well as breaking up the built area. In its current position it is also surrounded by road on 3 sides which is not an ideal border for POS and would like to see further designs in how this would be mitigated.

The 'Detailed Proposals' within the Design & Access Statement show plans of the site with the adjoining area including the attenuation features, which, if designed well will provide an additional area of useable POS and another welcome feature for the residents of this phase, however, we would still be encouraged to some form of POS in a central location of the built form and would be happy to sit down with the developers to look at ways this could be obtained.

SW Heritage Trust Archaeologist

We have no objections on archaeological grounds. There is an archaeological condition on the original permission that required excavation of the significant archaeological site within the proposal area and this email has no bearing on that condition.

Environment Agency

No objection.

Lead Local Flood Authority (County Drainage)

No comments received

Wessex Water

The drainage drawings submitted with the application show separate systems of foul and surface water sewers. It is proposed the surface water sewers outfall to an attenuation pond. It is proposed the on-site foul sewers drain to an on-site pumping station pumping to the existing 300mm diameter public foul sewer crossing the site. The proposed on-site network makes provision for the remainder of the outline application area and is acceptable in principle to Wessex Water. Where sewers and apparatus are offered for adoption by Wessex Water detail will be agreed through the S104 (Water Industry Act 1991) adoption process.

The applicant will need to agree protection arrangements for the existing 300mm public foul sewer and 400mm water main which cross the site (3m and 6m easements respectively either side of the pipes). Apparatus must be accurately located on site and marked on deposited drawings. Any damage to our apparatus by third parties will result in compensation claim.

Connection for water supply is subject to application; supply is expected to be taken from the existing 5" main in Station Road.

The development site is close to Crewkerne Sewage Treatment works. An odour assessment was completed in 2014 to support the outline planning application. Wessex Water did not object to the outline planning application but note that guidance for odour and fly assessment has been updated over the intervening years. We make the following observations which should be directed to the Environmental Health Officer for assessment of risk and whether further studies are necessary.

Odour modelling was completed in 2014. Sampling was completed within the period of April-September and assessed against contemporaneous Wessex Water odour modelling procedures. The resulting odour modelling report was compiled in accordance with the Wessex Water odour assessment procedure and the Institute of Air Quality Management (IAQM) guidance in operation at the time. It is standard practice to review odours models on a 5 year basis due to odour modelling software changes. Sampled emission rates require review if greater than 10 years. At that time no secondary assessment ("sniff tests") were completed as this was not a Wessex Water requirement. If the odour modelling was completed today this would be a requirement to help verify odour contour output from the odour modelling (and in accordance with the most recent IAQM guidance).

In 2016 there was minimal information on the impact on amenity from flies emanating from the sewage treatment process. Wessex Water has since implemented fly management plans and proximity guidance. Our process scientist advises that there is fly risk at this site and if this proposal was being presented today Wessex Water would have recommended no development within 250m of the sewage treatment boundary due to fly risk. We believe there is a risk of future fly complaints from the proposed development.

MOD Defence Infrastructure Organisation

The application site falls within the Statutory Safeguarding Birdstrike Zone surrounding Yeovil which is approximately 10.7km to the north east of the application site.

Birdstrike

Within this zone, the principal concern of the MOD is that the creation of new habitats may attract and support populations of large and or flocking birds close to an aerodrome.

The SuDS drainage proposals include detention basin incorporating a sediment forebay and permanent wet pond areas to improve the surface water run-off and serve as temporary attenuation storage. This storage features have the potential to result in a substantial attractant for hazardous waterfowl and gulls.

In order to reduce the attraction of these ponds to hazardous waterfowl, the detention basins should be surrounded by a continuous goose proof fence or a dense continuous margin of emergent vegetation including species such as Common Reed, Phragmites Australis or suitable equivalent, which provides a dense year-round barrier.

Subject to the above design requirements being implemented as part of any planning permission granted, the MOD maintains no safeguarding objection to this application.

Somerset Clinical Commissioning Group

With the potential addition of 330 patients to the practice, based on an average of 3 per household. Crewkerne Health Centre would be over sized at 1%. Therefore, it is clear that we are approaching the ideal limit of what additional pressure we would ask the practice to manage.

On this occasion we will not be seeking any S106 funding. However, if the situation was to change with regards to new developments in the area we would like to reserve the right to change our mind on this.

County Rights of Way

The current proposal will obstruct the footpaths CH 33/51 and CH 33/52 due to the proposed native woodland planting and mixed native hedgerow planting, as well as the encroachment by the embankment for the access road.

The proposal either needs to be revised to prevent an obstruction or a diversion order applied for.

The applicant must apply to the Local Planning Authority for a diversion order.

The County Council do not object to the proposal subject to the applicant being informed that the grant of planning permission does not entitle them to obstruct a public right of way.

A Grampian-style condition will be required in this respect with regard to timing. Recent case law supports the use of conditions in this way. Suggested condition to be: No development hereby approved which shall interfere with or compromise the use of footpaths CH 33/51 and CH 33/52 shall take place until a path diversion order has been made and confirmed, (and the diverted route made available to the satisfaction of the Local Planning Authority).

Space4 Crewkerne

Once completed, the link road will offer an alternative route through Crewkerne, avoiding the often congested town centre, and we feel it is presently the only real opportunity for the town to have a designated cycle path which does not have to be shared with pedestrians.

In the letter dated March 2020 the Highways Agency highlighted the issue and said:

“It is noted, from the drawings provided, that long lengths of shared cycle route will be provided alongside the carriageway. It is recommended that a segregated route is provided for pedestrians.”

We would like to strongly add our support to their recommendation as it would improve pedestrian and cyclist safety. This would be especially so as the southern phase of this does not appear to have a pavement on the eastern side of the development. If this is the case there will be two-way cyclists and pedestrians on that stretch of shared footpath.

In the recently agreed Somerset Climate Emergency Strategy all five district councils agreed to improve walking, cycling and public transport, so this would be an ideal opportunity to move ahead with those stated aims, by improving the current plans and providing designated paths, not shared paths to the entire site.

This will also bring the routes more in line with the thinking behind the Department of Transport's paper 'Gear Change', issued in July 2020. This, together with the associated Cycle Infrastructure Design document, makes it clear that the preferred option is not only for cyclists to be physically separated from vehicles but also that cyclists should be physically separated from pedestrians. If there have to be shared paths, then this physical separation should be a minimum requirement. It is surely desirable for new developments to be 'future proof' as far as possible. The existence of these government documents gives a clear indication of future intentions and aspirations and so any new development should also feature aspirational elements rather than only meeting any current requirements.

REPRESENTATIONS

A total of 153 consultation letters were sent out. 112 objections have been received and 2 letters of support. Objections raised are to be summarised as follows: -

Written representations have been received from 112 local households raising the following concerns and observations: -

- There is no need for all of these additional homes.
- Move junction 50m further north towards Crewkerne rather than opposite 2/4/6 Station Road.
- Removal of lime trees (8) to obtain access. These trees are protected. The tree report is clear that the impact is significant. There is a climate emergency and the environment needs to be protected, not destroyed. These trees are a local landmark and it is unacceptable that these trees should be lost. Why can't the trees be retained?
- There is insufficient space around the Eden Building within the centre of the site.

- There will be an increase in traffic on the A351 until the CLR is completed to the A38. The section of road between the Western Power Development and the proposed traffic light junction needs altering. The speed of traffic is dangerous. A speed survey needs to be carried out.
- South Street is an extremely busy road used by many large HGV vehicles making it extremely dangerous. There are no parking facilities for 225 to 245 and owners park cars in the road. They are damaged on a regular basis as the road was not constructed for the amount of traffic the development will generate.
- Loss of wildlife habitat in the area.
- Brownfield sites available rather than using greenfield sites for housing development.
- Additional housing without any upgrade to services e.g. schools, doctors surgery etc. is unacceptable.
- A separate cycle lane is required not a shared cycle/pedestrian way.

There are two letters of support. The comments in support are as follows: -

- Support for the upgrade cycleway intended for a shared pedestrian/cycleway.

PLANNING APPRAISAL

The Principle of Development Complies with S106 Outline Planning Permission

The principle of development has been established with outline planning permission 04/02141/OUT and a subsequent Section 73 permission under application 19/03483/S73. The number of dwellings proposed does not exceed the maximum number permitted under the outline consent and also provides the southern section of the Crewkerne Link Road, a long held objective of the District Council. The housing mix includes the affordable housing mix as required through the Section 106 Agreement. This is the first phase and the remainder will be provided in subsequent phases. The affordable housing mix is as follows:

6x 1 bed apartments
6x 2 bed houses
5x 3 bed houses

The Section 106 Agreement requires clusters to be no more than 15 dwellings but given that the affordable housing units are contained within 12 buildings, this is considered to be within the terms of the Section 106 Agreement.

The affordable housing officer has requested an amended mix to comply with the Strategic Housing Market Assessment (SHMA): -

6 x 1 bed apartments (2 persons)
6 x 2 bed houses (4 persons)
4x 3 bed houses (6 persons)
1x 4 bed parlour house (8 persons)

The affordable housing officer has raised a concern about the mix of the affordable dwellings as well as the size of the 3 bedroom dwellings. However, the mix and size of the affordable

dwellings meet the requirements set out in the Section 106 Agreement and so it is not possible at this stage to require the applicant to amend the size of affordable housing.

The open market housing comprises a range of 1, 2, 3 and 4 bedroom properties which is accepted to be appropriate in this location.

The proposed buildings will be predominantly 2 storeys high, with 2.5-3 storey dwellings in key locations which frame key routes.

The scheme is designed to create clear character areas through the use of architectural design, appropriate materials and landscape features. The built form is lower density towards edges of the site, where they are enclosed by existing hedgerows and adjacent to existing dwellings.

The link road provides key infrastructure improvements for the wider area and has been designed in accordance with Application Ref. 14.02141.OUT and subsequent S73 applications.

No dwellings are accessed directly from this link road, however dwellings do front the road to provide enclosure and overlooking along its length. The dwellings which front this are accessed from private drives which are accessed from secondary routes within the site. These dwellings have been designed to reflect the rural edge character of the area, and are predominantly natural stone and timber detached dwellings.

The primary route is fronted by a mix of 2 and 3 storey dwellings, with 2.5 and 3 storey dwellings located in the southern area closest to the link road into the industrial estate. This part of the site has been designed to reflect the more urban character of Crewkerne. Dwellings here are predominantly buff brick, with some timber detailing.

The development of the site layout has been driven by key landscape and ecological features, which include existing feature trees, hedges and ditches. The layout retains these, where possible, incorporating them into the layout. This includes the feature oak tree which has been retained and designed into the open space and LEAP area and new woodland planting along the eastern boundary. Street trees have been provided throughout the layout, reinforcing the character areas of the site. The quantum of open space is in excess of that required for the number of dwellings which is welcomed. The open space officer has raised a concern regarding the siting of the POS. However, it should not be considered in isolation as this is the first phase of a larger scheme which will provide further adjoining open space that will provide a larger more viable area for future residents to use.

Overall it is considered that the proposals will result in an appropriate scale and design on this site. The range of building types proposed will help meet the needs of future residents. The layout makes effective use of the land available and overall retain a significant percentage of land for open space. Whilst concerns have been raised about the location of open space it is considered to be appropriately located and the definition between public and private space is acceptable.

Highways

Access to the site was established at the outline stage and revised by the approval of application 19/03483/S73 and the road layout is satisfactory. Issues relating to the removal of trees are dealt with separately below.

The Highway Authority have been consulted on the proposals and have raised no objections subject to the necessary technical approval.

In terms of general layout and design the main streets are of 5.5m width with 2m footways around the principal streets. This is in accordance with the highways design guidance.

The number of parking spaces and dimensions of these are in accordance with Somerset County Council's Parking Standards. All apartments have 1.5 spaces, all 2 bed dwellings have 2 spaces, 3 bed dwellings have between 2 and 3 spaces dependant on the plot, and 4 bed dwellings have 3 spaces including a garage for each plot. Garages have been designed to be 3m x 6m internally which is large enough to accommodate modern cars and is in line with local policy. The scheme has been future-proofed for charging electric vehicles, due to the nature of the allocated parking (predominantly on plot and within garages). In addition to the un-allocated spaces provided, there are additional visitor spaces within on street parking or within parking courts, along with opportunities to park informally on street. A total of 287 parking spaces is provided, including 14 dedicated visitor spaces.

Cycle parking is provided within garages or within gardens for all houses and apartments.

Trees

The Council's tree officer together with numerous third parties have raised objections with regards the removal of a number of mature lime trees to facilitate the access to the site. As stated above, the proposed access and junction already benefit from detailed planning permission which was granted at the outline stage. Whilst the removal of these trees has therefore been allowed, your officers have held meetings with the applicant and County Highways to discuss amendments to the access to seek retention of some of the trees previously approved for removal. The applicant has submitted a non-material amendment application (Section 96A) to secure an amendment to the proposed access which would vary the pedestrian/cycle way at the junction of the site. This arrangement would result in the loss of 3 trees to provide the vehicular access, necessary radii and paths linking into the established network. This revision has ensured that 5 of the trees previously approved for removal will be retained. This is a significant benefit over the approved access scheme and is welcomed by your officers.

Drainage

The site is located in Flood Zone 1 and there is no objection from the Environment Agency to the proposed development.

With regards surface water, the applicants have had discussions with the Lead Local flood Authority (LLFA). The proposals include SuDS to manage surface water run-off in extreme events. The discharge rates will be controlled to no greater than green field run off including

an element for climate change events. The Flood Risk Assessment submitted with the application demonstrates that there will be no deterioration to the nearby watercourse from surface water.

The submitted FRA demonstrates that the proposed development is compliant with the requirement of Condition 11 (surface water drainage) for the residential phase and Link Road of the approved outline planning permission.

Finally, with regards foul drainage, there is capacity within the existing system and Wessex Water have no objections to the proposals.

Landscaping

A landscaping plan has been submitted which shows the following: -

- Existing Hedgerows
Mixed native hedgerows to the eastern site boundary has been retained and will be managed to enhance the structure of these hedgerows and improve biodiversity.
- The existing defunct hedgerow on northern boundary of SUDS area, north of the stream will be reinforced with new mixed native planting to enhance the structure of the hedgerow, improve biodiversity and provide a continuous wildlife link along the northern boundary.
- Existing Tree & Woodland Planting
The existing broad-leaved woodland has been retained and will be managed to enhance biodiversity.
- New Native Hedgerow Planting
A new hedgerow with standard trees will be provided along the western boundary and continues the existing retained hedgerow to the south adjacent to the public footpath.
- New Tree and Woodland Planting
New standard tree planting will reinforce the character of each area through the use of a distinctive palette of tree species.
- New native woodland planting links the broad-leaved woodland to the existing hedgerow on the eastern boundary.
- New native wet woodland planting links the attenuation basin to the existing stream.
- New native woodland edge planting will increase the available habitat typologies and enhance overall biodiversity value.
- New native woodland planting along the link road continues the new planting adjacent to the proposed housing.
- New native standard trees (from selected standards to extra heavy standards) will be located to maintain views through this area and provide visual impact.

- Meadow, Wetland and SUDS Basin

A variety of meadow and plant seed mixes are proposed within and adjacent to the attenuation basin that have responded to the habitat context and soils. These will provide a range of new habitats which will enhance the overall wildlife value.

Subject to timing implementation of the landscaping scheme and approval ongoing management of the proposals are considered to be acceptable.

Phosphates

Since June 2020, Natural England has been advising that housing, mixed use, and tourist development within the Somerset Levels and Moors Ramsar catchment is likely to contribute to a significant effect, in combination, on designated sites in terms of water quality.

This change to Natural England's advice based on water data for the Ramsar Site and recent caselaw pertaining to application of the Habitats Directive on diffuses pollution issues, has implications for developments in the fluvial catchment of the Somerset levels and Moors Ramsar Site and means that applications that add to nutrient load are likely to require mitigation and be subject to Habitats Regulation Assessment.

Recent Natural England guidance (November 2020) states that "the uncertainty about the impact of new development on designated sites needs to be recognised for all development proposals that are subject to new planning permissions and have inevitable wastewater implications". These implications must be addressed under Regulation 63 of the Habitats Regulations.

The achievement of Nutrient Neutrality, is scientifically and practically effective and achievable, is a means of ensuring that development does not add to existing nutrient burdens.

Natural England has released a range of guidance documents for achieving nutrient neutrality across various region around the South and West of England:

- "Advice on Achieving Nutrient Neutrality for New Development in the Solent Region": June 2020
- "Advice on Nutrient Neutrality for New Development in the Stour Catchment in Relation to Stodmarsh Designated Sites – For Local Planning Authorities": July 2020
- "Advice on Nutrient Neutrality for New Development in the Stour Catchment in Relation to Stodmarsh Designated Sites – For Local Planning Authorities": November 2020

Currently, there exists no specific guidance for the South and West of England, therefore, the most recent guidance for the Stour Catchment (November 2020) has been followed for all calculations and subsequent mitigation measures recommendations, in accordance with recommendations from Natural England, along with supplemental leachate figures commissioned from ADAS in December 2020 and specific to the Somerset Levels.

The applicants have been in discussion with Natural England regarding proposals to show nutrient neutrality. Their plans propose to take land (some 18.9 hectares) out of agricultural production adjacent to the application site (fallow land area). They have produced a detailed

plan as to how it will be managed to achieve nutrient neutrality over a 10-year period. All of the land is owned by the applicant.

Natural England have been consulted on the proposals and the Shadow Habitat Regulation Assessment and have stated: -

“Land at East Crewkerne – Nutrient Neutrality Strategy

Natural England considers that approach taken to calculating the phosphorous budget and mitigation measures for the RM application is robust.

The calculations have followed established guidance, in particular Natural England’s Stodmarsh guidance, supplemented with evidence specific to the application site and the Somerset Levels and Moors catchment, including land use leachate figures provided by ADAS.

We support the application of a 100% buffer to the figure for natural habitat as a precautionary approach to the calculations for the reasons stated in the phosphate mitigation strategy.

We note and support your removal of the on-site SuDS and wetlands from your nutrient neutrality calculations. As we have discussed, the figure of 12kg/ha/yr for wetland P removal efficiency is currently under review and is likely to change in the near future.

Fallow Land Management Plan

Natural England is satisfied that the Fallow Land Management Plan meets its purpose in terms of managing land phosphorous mitigation and includes appropriate monitoring provisions. This consists of reverting from current dairy farming to fallow on 18.9 ha of land in the in the ownership of the developer. It is accepted that while the grassland could be managed more positively for wildlife interests, this is not a requirement of the Habitats Regulations in this instance and the applicant needs to find a balance between providing mitigation for phosphorous and appropriate management which would facilitate the land being returned to agriculture use in the future, transferring mitigation into a permanent solution off-site.

Shadow Habitats Regulations Assessment

In terms of phosphorous and effects on the Somerset Levels and Moors Ramsar Site, the sHRA is presented clearly to reflect the mitigation required, how measures will be implemented, secured and monitored. During the call on 18 January, we discussed the need to capture the possibility that an alternative mitigation strategy does not come forward. We are satisfied that the text of point 4.3.4 (copied below) of the sHRA addresses that scenario, allowing natural succession to semi-natural broadleaved woodland. However, we advise that a 5-year trigger point would be preferable and would provide more benefits.

In the highly unlikely situation that an alternative mitigation strategy does not come forward within 10 years of the approval of the Phase 1 Reserved Matters Planning Application, management of the Fallow Land will change to ‘non-intervention’. The Fallow Land, including grassland and hedgerows, will be allowed to naturally regenerate to semi-natural broadleaved woodland in perpetuity. There would continue to be no public access to the Fallow Land under this scenario. Should this occur, a revised Fallow Land Management Plan will be agreed with SSDC. Taylor Wimpey would continue to own the Fallow Land.

Natural England considers that the sHRA provides a firm basis for the LPA to assess the implications of the reserved matters application in view of the conservation objectives for the

Ramsar site, and we would anticipate the LPA being able to reach a conclusion of no adverse effect on the integrity of the site.”

In view of the above, there is no objection to the proposals and these can be the subject of conditions to ensure that the Farrow Land Plan is implemented prior to occupation of any dwellings.

Ecology

The planning system requires biodiversity net gain to be delivered in the planning process. A Landscape Ecological Management Strategy (LEMS) for the entire outline site is submitted in support of this application as required by Condition 5 of the outline planning permission. A detailed Landscape & Ecological Management Plan (LEMP) is also included for this residential phase of the development. It details management schemes to ensure the long term creation of habitat creation and species specific mitigation and enhancement measures within the special site area. This includes amongst other things provision of bird and bat boxes as well as dormice tubes within hedgerows.

The LEMP is satisfactory and is sufficient to partially discharge Condition 5 of the outline planning permission in relation to the residential phase and 18 (slow worms), 19 (badgers), 20 (bats), 22 (priority species) and 23 (biodiversity measures)

Noise

A noise impact assessment has been submitted in accordance with the requirement of outline planning Condition 25. It assessed the potential impact of the surrounding industrial uses as well as the road traffic and other noise sources. The report concludes that subject to the implementation of a number of recommendations which includes a noise attenuation fence of 1.8 high between the development and the storage yard, that acceptable noise levels would be achieved. A condition can be added to ensure that the recommendation in the Noise Report is implemented. Accordingly, Condition 25 is discharged in respect of this phase of development. Comments have been made regarding the proximity of dwellings to the industrial estate but it is considered that given the recommendations within the noise report that these should be satisfactory.

Wessex Water Treatment Works

It is noted that Wessex Water has updated its advice relating to flies, however the site does benefit from an outline approval for the principle of 100 dwellings upon which Wessex Water were previously consulted and raised no objections. It is noted that in relation to the most recent consultation relating to the S.73 application 19/03483/S73 in April 2020 Wessex Water did not raise the issue. Given the principle of 110 dwellings on this site was consulted upon only 12 months ago without raising objections or concerns from Wessex Water it would not be reasonable to seek to reject the principle of residential development as part of the reserved matters application.

Waste Management Plan

A Waste Management Plan is required to be submitted for the development in line with Condition 7 of the outline planning permission. This sets out how waste will be managed and minimised through the Phase 1 development and is considered sufficient to discharge Condition 7.

CONCLUSION

This reserved matters application provides the details of the development of this site for residential and the link road as required under the outline planning approval. Having given due regard to the application submitted and the requirements of the outline decision's conditions the proposals are considered acceptable.

RECOMMENDATION

Recommend approval subject to the conditions below.

Grant consent for the following reasons:

The proposal by reason of the scale, layout, design and landscaping would not result in harm to the landscape, local character, the historic environment, residential amenity, flood risk, ecology or highway safety. As such the proposal is considered to comply with Policies SD1, SS1, SS4, TA4, TA5, TA6, EQ1, EQ2, EQ4 of the adopted South Somerset Local Plan (2006-2025), the provisions of the NPPF (as amended) and the National Design Guide.

OUTLINE CONDITIONS

As this is a reserved matters submission it should be assessed against the conditions imposed in 14/02145/OUT and carried forward in 19/03483/S73.

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|----|---|--|
| 1. | Submission of reserved matters details | This has been complied with |
| 2. | RM proposed 110 dwellings | This has been complied with. |
| 3. | Phasing | Requires compliance |
| 4. | Each phase or part, all RMS shall be submitted in the form of one application | This has been complied with |
| 5. | Landscape and Ecological Management Strategy for the entire site to be submitted with the first application | This has been partially complied with and requires ongoing compliance for each phase |
| 6. | A Landscape Planting Strategy for the entire site to be submitted with the first RM | This has been complied with |

7.	A Waste Management Plan setting out principles for waste management and refuse collection throughout the site to be submitted with the first RM application	This has been complied with
8.	Details of the construction of the link road with the A356	This has been submitted but requires ongoing compliance
9.	Archaeology	Requires ongoing compliance
10.	A Construction Environmental Management Plan to be submitted on any phase or part thereof	This has been complied with
11.	A detailed surface water drainage scheme shall be submitted in accordance with the submitted Flood Risk Assessment	Part discharge requires ongoing compliance
12.	No development to be occupied or brought into use until a scheme for the future responsibility and maintenance of the surface water drainage system has been submitted	To be complied with
13.	Details of contamination	To be complied with
14.	If during development further contamination identified then details to be provided to the Council	Requires ongoing compliance
15.	Streetlighting columns shall not exceed six metres in height and be equipped with maximum cut off and downlighting	To be complied with
16.	Construction of estate roads etc.	Requires ongoing compliance
17.	Construction of roads, footpaths and turning spaces	Requires ongoing compliance
18.	Mitigation plan or method statement to provide details on analysing harm to slow worms	This has been complied with in respect of the residential element
19.	Mitigation Plan regarding badger sett	This has been partially complied with in respect of the residential element

20.	A survey is required of trees which have potential for roosting bats	This has been complied with
21.	No hedge nor scrub to be removed until a European Protected Species Mitigation Licence in respect of dormouse has been issued by Natural England	Requires ongoing compliance
22.	Precautionary measures for minimising harm to Priority Species, Common Toad, Otter, Hedgehog.	No action required
23.	Prior to commencement of each phase, details for enhancement of biodiversity including provision of bird and bat boxes	This has been complied with in respect of the residential element
24.	Submission of travel statement	This has been complied with
25.	A Noise Management Strategy for the entire site to be submitted with the first RM application	This has been complied with
26.	Compliance with approved plans	This has been complied with

CONDITIONS

1. The development hereby permitted shall be carried out in complete accordance with the following plans and documents.

Approved Plans:

H01 A Typical Elevations (AA25) H01 A 04.00 P1
 H02 A Plans & Typical Section (NA44) H02 A 02.00 P2
 H02 A Typical Elevations (NA44) H02 A 04.00 P1
 H03 A Plans & Typical Section (PA25) H03 A 02.00 P2
 H03 A Typical Elevations (PA25) H03 A 04.00 P1
 H04 A Plans & Typical Section (AB31) H04 A 02.00 P2
 H04 A Typical Elevations (AB31) H04 A 04.00 PH04 P2
 H05 A Plans & Typical Section (PA34) H05 A 02.00 P2
 H05 A Typical Elevations (PA34) H05 A 04.00 P1
 H05 A Typical Elevations (PA34) H05 A 04.01 P1
 H05 A Typical Elevations (PA34) H05 A 04.02 P1
 H05 A Typical Elevations (PA34) H05 A 04.03 P1
 H06 A Plans & Typical Section (PT36) H06 A 02.00 P2
 H06 A Typical Elevations (PT36) H06 A 04.00 P1
 H06 A Typical Elevation (PT36) H06 B 04.01 P1
 H07 A Plans & Typical Section (NA24) H07 A 02.00 P2
 H07 A Typical Elevations (NA42) H07 A 04.00 P1
 H07 B Typical Elevations (NA42) H07 A 04.01 P1
 H08 A Plans & Typical Section (NT40) H08 A 02.00 P2

H08 A Typical Elevations (NT40) H08 A 04.00 P1
Site Location Plan L01.01 P1
Site Layout Plan L02.01 P1
Wider Site Layout Plan L02.01.01 P1
Site Layout Plan Colour L02.01 P1
External Materials Plan L02.05 P1
Boundary Treatment Plan L92.01-02 P1
Landscape and Boundary Details L92.03-05 P1
Hardworks Plan L93.01-02 P1
Softworks Plan L94.01-02 P1
LEAP Plan L94.03 P1
Landscape Strategy – Attenuation L94.04 P1
Landscape Strategy – Employment L94.05 P1
Landscape Strategy – Site Wide L94.06 P1
Artist Impression View 1 L04.01 P1
Artist Impression View 2 L04.02 P1
Street Elevations A-D L04.101 P1
Street Elevations E-I L04.102 P1
Street Elevations J-M L04.103 P1
H0 Apartments Plans H00 A02.00 P1
H0 Apartments Roof Plan H00 A 02.01 P1
H0 Apartments Ele's & Section A-A H00 A 04.00 P2
H0 Apartments Ele's & Section B-B H00 A 04.00 P2
H01 Plans & Typical Section (AA25) H01 A 02.00 P2

Documents:

Design and Access Statement
Planning Statement prepared by Stantec
Landscape and Ecological Management Strategy prepared by EAD Ecology
Landscape and Ecological Management Plan prepared by EAD Ecology
Construction and Ecological Management Plan
Transport Assessment prepared by Odyssey
Travel Plan prepared by Odyssey
Utilities Assessment
Site Waste Management Plan
Tree Survey and Arboricultural Impact Assessment prepared by Aspect
Noise Management Impact Assessment including Noise Management Strategy prepared by Energist

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

2. The development hereby permitted shall be constructed with the materials specified on the submitted plans and in Section 5.4 of the Design & Access Statement. Prior to construction above ground level, a sample of the bricks, stone, timber cladding, dark grey slate and pantile/plain tile roof shall be provided to the Local Planning Authority and approved in writing prior to its use. The approved materials will be used in the development and shall not be changed without written consent of the Local Planning Authority.

Reason: In the interest of visual amenity and to ensure the development is constructed to give a high quality appearance in accordance with Policy EQ2 of the South Somerset Local Plan (2006-2028) and the provisions of the National Planning Policy Framework (as amended).

3. The landscaping proposed including all planting, seeding, turfing earth mounding and the protection of existing features shall be implemented as set out in the Landscape and Ecological Management Strategy dated December 2019, the Landscape and Ecological Management Plan dated December 2019, the Tree Survey and Arboricultural Impact Assessment dated 6th December 2019 and the approved landscape plans.

Reason: In the interest of the amenity of the site and the area and to ensure that the landscaping of the site is undertaken in an appropriate manner which will protect existing vegetation and help ensure the establishment of new planting in accordance with Policies EQ2 and EQ5 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

4. Prior to the first occupation of the development hereby approved a footpath diversion order application shall be submitted to, and approved by the Local Planning Authority. Prior to the diversion order being made and confirmed there shall be no interference with the use of footpaths CH 33/51 and CH 33/52 and the diverted route made available to the satisfaction of the Local Planning Authority.

Reason: To protect the amenity of footpath users and to ensure the site is provided with a range of connections to the wider setting in accordance with Policy EQ 2 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

5. No occupation of any dwelling shall take place until the approved Fallow Land Management Plan Phase 1 Crewkerne (Feb 2021) has been fully implemented and this achievement confirmed in writing to the Local Planning Authority. The requirements of the Management Plan shall thereafter be strictly complied with for the duration of the occupancy of the development.

Reason: In the interest of the biodiversity of the Somerset Levels and Moor Ramsar Consultation in accordance with Policy EQ4 of the South Somerset Local Plan 2016-2028 and the provisions of the NPPF.

6. All the recommendations set out in the Noise Impact Report dated 11th December 2019 shall be implemented prior to the occupation of any dwellings.

Reason: In the interest of the living conditions of future residents on the site.

7. Prior to commencement of the development, site vegetative clearance, ground-works, heavy machinery entering site or the on-site storage of materials, a scheme of tree and hedgerow protection measures shall be prepared by a suitably qualified Arboricultural Consultant who is familiar with supporting planning applications in accordance with *British Standard 5837: 2012 - Trees in relation to design, demolition and construction* and the prepared scheme shall be submitted to the Council for their approval in-writing.

Prior to commencement of the development, the appointed Arboricultural Consultant shall inspect and confirm in-writing to the Council (contact us at planning@southsomerset.gov.uk) that the installation of the approved tree and hedgerow protection measures has been carried out to a satisfactory standard. The approved protection requirements must remain implemented in their entirety for the duration of the construction of the development and may only be moved, removed or dismantled with the prior consent of the Council in-writing.

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

Informative Notes

Public Rights of Way – You are reminded that Public Rights of Way CH33/S1 and CH33/S2 across the site and development shall not be started until a temporary stopping up or diversion order has been applied for and come into effect. Until this time the public rights of way should be kept open for public use. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.
