

South Somerset District Council

Notice of Meeting



Regulation Committee

Making a difference where it counts

Tuesday 18th March 2014

10.00 am

**Council Chamber
Council Offices
Brympton Way
Yeovil**

The public and press are welcome to attend.

Disabled Access is available at this meeting venue.



If you would like any further information on the items to be discussed, please ring the Agenda Co-ordinator, **Jo Boucher** on Yeovil (01935) 462462

email: democracy@southsomerset.gov.uk, website: www.southsomerset.gov.uk

This Agenda was issued on Monday 10th March 2014

Ian Clarke, *Assistant Director (Legal & Corporate Services)*

This information is also available on our website
www.southsomerset.gov.uk



INVESTOR IN PEOPLE

Regulation Committee

Chairman

Peter Gubbins

Mike Best
Tim Carroll
Nick Colbert
Tony Fife
Ian Martin

Terry Mounter
Shane Pledger
Ros Roderigo
Sylvia Seal
Gina Seaton

Angie Singleton
Paul Thompson
William Wallace

Please remember to car share whenever possible

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Information for the Public

Public Participation at Committees

This is a summary of the Protocol adopted by the Council and set out in Part 3 of the Council's Constitution.

Public Question Time

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

Planning Applications

Comments about planning applications will be dealt with at the time those applications are considered, rather than during the Public Question Time session.

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 3 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:

County Council, Town or Parish Council Representative

Objectors

Supporters

Applicant/Agent

Ward members, if not members of the Regulation Committee, will speak after the town/parish representative.

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

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

If a Councillor has declared a Disclosable Pecuniary Interest (DPI) or a personal and prejudicial interest

In relation to Disclosable Pecuniary Interests, a Councillor is prohibited by law from participating in the discussion about the business on the agenda that relates to this interest and is also required to leave the room whilst the relevant agenda item is being discussed.

Under the new Code of Conduct adopted by this Council in July 2012, a Councillor with a personal and prejudicial interest (which is not also a DPI) will be afforded the same right as a member of the public to speak in relation to the relevant business and may also answer any questions, except that once the Councillor has addressed the Committee the Councillor will leave the room and not return until after the decision has been made.

Regulation Committee

Tuesday 18th March 2014

Agenda

1. **Minutes of the meeting held on Tuesday 21st January 2014**
2. **Apologies for Absence**
3. **Declarations of Interest**
4. **Public Question Time**

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5. **The Erection of 1 No. dwellinghouse, Workshop, Lower Stratton, Wigborough..... 1**

6. **Date of Next Meeting**

The date of the next meeting is scheduled for Tuesday, 15th April 2014 in the Council Chamber, Brympton Way at 10.00 a.m.

5. The Erection of 1 No. dwellinghouse, Workshop, Lower Stratton, Wigborough

Officer Report On Planning Application: 13/04873/FUL **

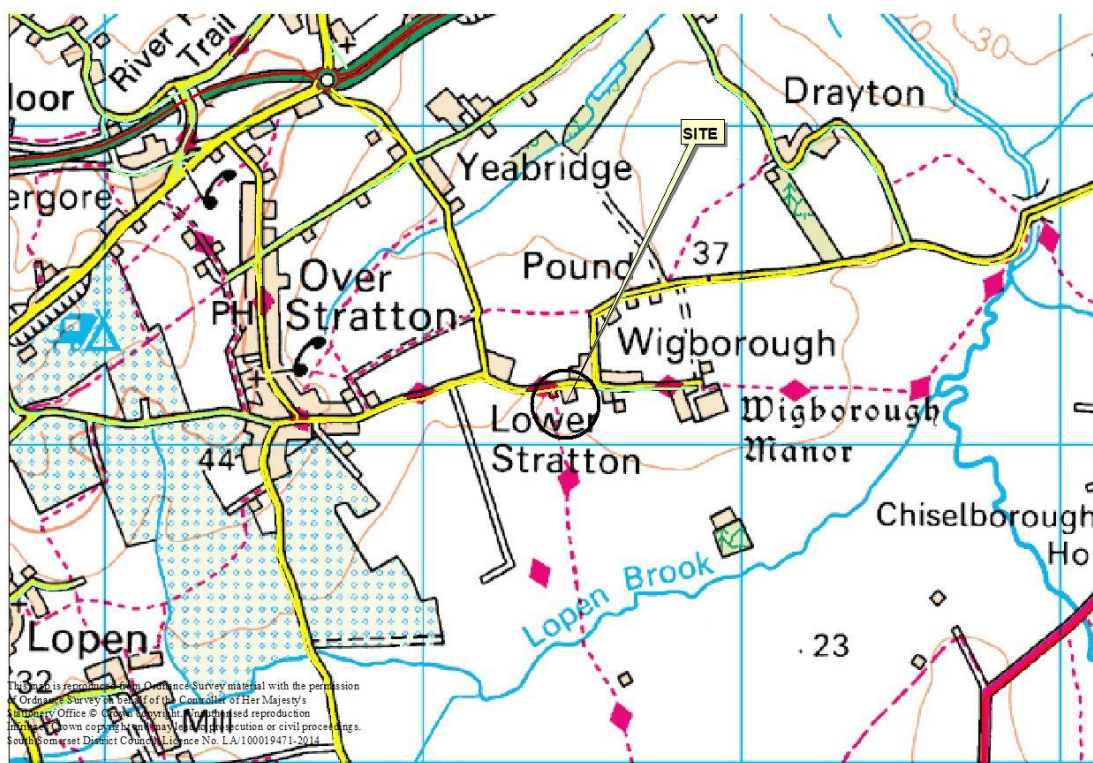
Proposal:	The erection of 1 No. dwellinghouse. (GR 344439/115153)
Site Address:	Workshop Lower Stratton Wigborough
Parish:	South Petherton
SOUTH PETHERTON Ward (SSDC Member)	Cllr Paul Thompson Cllr Barry Walker
Recommending Case Officer:	Linda Hayden Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
Target date:	21st January 2014
Applicant:	Mr Simon Furber
Agent: (no agent if blank)	
Application Type:	Minor Dwellings 1-9 site less than 1ha

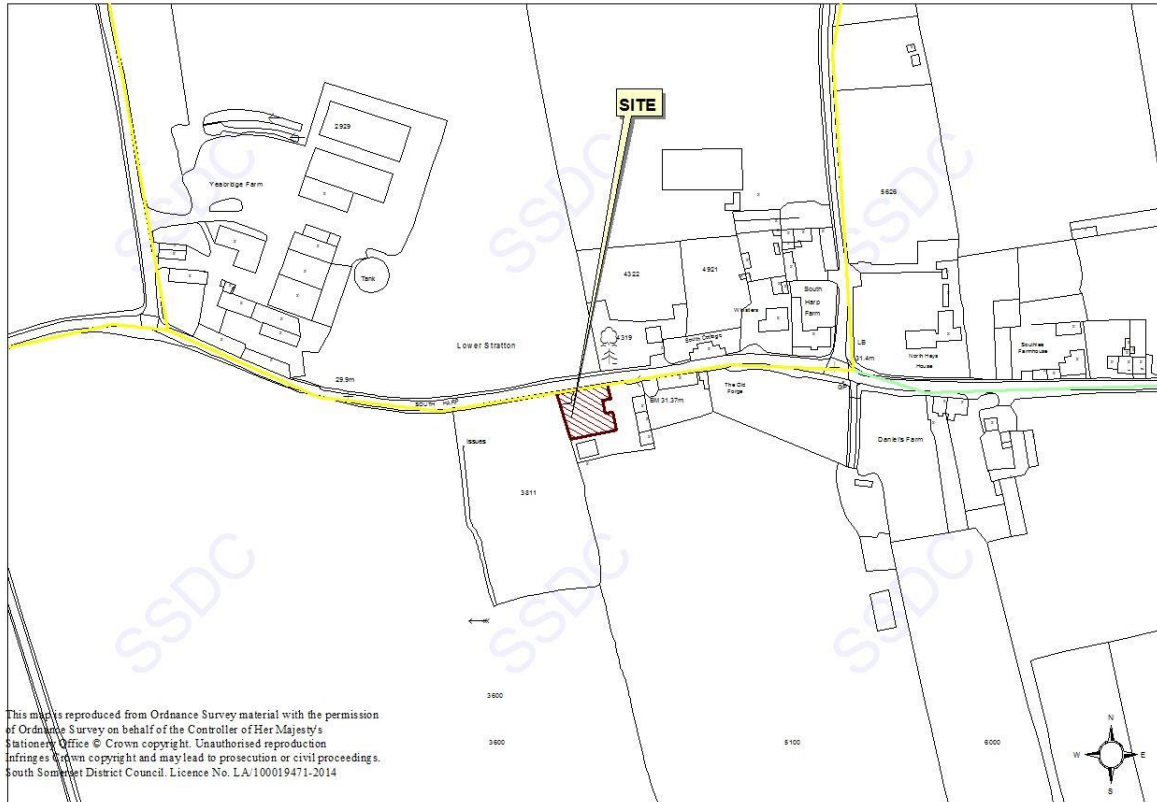
Reason for Referral to Committee

This report was considered by Area North Committee at its meeting on 26 February 2014, as the application was 'two-starred', the Committee resolved:

' to support the application contrary to the officer recommendation on the grounds that this is a sustainable location for development and that the proposed house is of an acceptable design with no adverse impact. Regulation committee is urged to approve the application.'

Site Description and Proposal





The application site sits within the very small hamlet of Lower Stratton, 2kms to the south of South Petherton. The site was previously used for car repairs and includes a number of small outbuildings some of which have recently been renovated. The site faces north onto the road with a Grade II listed building to the east, a raised paddock to the west (within the applicant's ownership) and agricultural land to the south. A public right of way runs along the western boundary of the site.

The application proposes the erection of a detached 2½ storey 3-bedroom dwelling to be constructed in reclaimed hamstone and double Roman roof tiles. The proposed curtilage of the dwelling would be relatively small with all of the existing buildings retained on site for use in connection with the applicant's hobby of storage and restoration of vintage cars. Access would be via the existing entrance to the site.

The site is within the open countryside and over a kilometre from the nearest defined development area.

HISTORY

02/02909/FUL - Vary condition No.2 of decision no.862703 continued use of agricultural workshop for service and repair of motor vehicles by Mr S Furber. Approved 22/11/02.

97/01048/FUL - Erection of extension to workshop and carrying out of alterations to service area. Approved 9/5/97.

862703 - The continued use of agricultural workshop for the service and repair of motor vehicles. Approved 10/11/87.

811772 - The use of agricultural; workshop for the servicing and repair of motor vehicles. Approved 5/9/81.

810528 - Application for Established Use Certificate: The use of building as a farm and vehicle repair workshop. Refused 9/3/81.

802119 - The use of agricultural workshop for the servicing and repair of motor vehicles. Refused 29/9/80.

740349 - Conversion and extension of barn to agricultural dwelling. Refused 30/5/74.

86530/A - Outline: erection of dwelling, conversion of barn into garages and domestic store. Refused 15/2/74.

POLICY

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

Relevant Development Plan Documents

Saved policies of the South Somerset Local Plan:

Policy ST3 - Development Areas

Policy ST5 - General Principles of Development

Policy ST6 - The Quality of Development

Policy EH5 - Development Proposals Affecting the Setting of Listed Buildings

National Guidance

National Planning Policy Framework - March 2012:

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 11 - Conserving and Enhancing the Natural Environment

Chapter 12 - Conserving and Enhancing the Historic Environment

CONSULTATIONS

South Petherton Parish Council:

'Following support by the applicant and neighbours it was agreed that the application should be recommended for approval.'

County Highway Authority:

Standing Advice applies.

Conservation Officer:

'You will be aware that this site is adjacent to a listed building in a small hamlet.

The pattern of development here is flat fronted houses adjacent to the road, they have narrow forms and are low to the eaves, and are gable ended. Windows have a vertical emphasis.

The proposal is set back from the road, has a gable to the front, with a hip to one end. It is relatively wide, with higher eaves which makes the ridge higher. The form of the fenestration on the road side is poor, both in terms of size, position and design.

I note that the applicant has submitted an extract of the 1903 OS map to show a dwelling on this parcel of land, which is set back, but is also demonstrable a different width and form. I note that it was gone by 1930.

In my view the proposal is an inappropriate dwelling for this location.'

Landscape Architect:

'The site lies in open countryside, within the hamlet of Wigborough, which is characterised by a scattering of traditional dwellings and farmsteads surrounded by farmland. The application site itself is characterised by an orchard plot, with two workshop buildings to the east and south boundaries, served by hardstanding.

The proposal is to add a 2.5 storey building within the plot. Such a proposal will lead to a substantive aggregation of built form on site, and result in the loss of traditional orchard trees. The scale and form of the proposal is at odds with adjacent traditional housing, the adjoining site of which is a listed building. In introducing a large domestic building of the scale indicated, within the centre of the plot, the proposal is at variance with the traditional settlement pattern, and erodes the modest setting of the adjoining listed building, and the approach to the core of the hamlet generally, as well as removing a traditional feature (the small orchard) that is characteristic of the locality. As such, it fails to satisfy LP policy ST5 para 4, hence there appear to be grounds with which to resist this application.'

Rights of Way (SCC and SSDC):

No comments received.

REPRESENTATIONS

Five representations have been received: four in support with one letter of representation, the applicant also included copies of two unsigned letters of support with their application. The supporting responses make the following comments:

- There has been a property on the site before and confident that the applicants will create a beautiful house out of reclaimed products that will be sympathetic to local environs.
- The village will benefit by the addition of the family who have made significant contribution to the wellbeing and quality of life in the village.
- New well-designed sustainable housing in small villages is needed to bring life to the area and help sustain local services.
- Do not agree with Landscape Architect's comments as there is no orchard in the immediate vicinity; there is an approved mobile home which blights the area, the proposed property would enhance the area and obscure the mobile home.
- Disagree with Conservation Officer's comments as the proposed property has gables ends in keeping with the adjacent listed building 'The Forge' and is set at a lower level. Having granted consent for the mobile home this proposed dwelling should be approved as it would show a desire by the Council to improve the design and quality of buildings near a listed property.
- The existing site is well looked after and the restoration that has taken place has been to a high standard.
- The new home would be of exceptional standard and in keeping with the rest of the village.
- Can only express the importance of allowing good quality individual homes that not only allow local people to realise their family dream but also stops the stagnation of villages in general - having experienced building their own home.

The letter of representation makes the following comments:

- Concerned about the overall dimensions of the property - particularly that a 2½ storey dwelling could become a five bedroom house with a loft conversion.
- One of the site plans seems to indicate a new entrance to the west.

APPLICANTS CASE

The applicant's supporting documents advise the following:-

- The site was in a derelict state and have brought it back to a high standard - the site has not been used as a business since 2002.
- There was once a house on the site; occupied until 1927 but demolished in the 1960's.
- Both applicants grew up in local villages and wish to have the same for their daughter. Their family has owned the land for over 100 years.
- Neighbours are supportive of proposals.
- At the other end of the village permission was granted in 1992 for a house on a commercial car garage.
- By moving to the site, significant savings would be made through less travel to workplaces, services, local family.

In response to the comments of the Landscape and Conservation Officers, the applicants respond as follows:-

- The building is slightly wider to allow for extra thermo efficiency, it is similar to other properties in the vicinity.
- Proposed building is smaller than 'The Old Forge' and the same size as a few houses in the hamlet.
- Some properties have gable ends; and one faces the road. The proposed property will have a flat elevation to the road.
- The design has come about after discussions with neighbours; there are no first floor windows on the eastern side.
- The materials would be in keeping with the hamlet, there are a variety of windows in the vicinity.
- A modern double garage has been built within the grounds of the adjacent listed building and approval granted for a mobile home in an adjoining field.
- There is no orchard on the site or in the area; tree planting has been undertaken in adjacent field.
- The site was previously very run down but is now well kept and tidy.
- New property is slightly set back from the road to allow for garden and green space on south side which is currently used as a play area.
- Disagree that the proposal would erode the modest setting of the adjoining listed building there.

CONSIDERATIONS

The application raises several issues that will be considered in turn.

Principle of Development

The site is located in open countryside. It neither falls within or adjacent to any settlement which policy ST2 identifies as a sustainable village suitable for development.

Paragraph 49 of the National Planning Policy Framework (NPPF) states housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Recent appeal decisions have established that South Somerset District Council does not have a five-year supply of deliverable housing land and as such the previously saved Policy ST3 no longer applies in relation to housing. However the NPPF can be referred to and there are other saved policies within the Local Plan that demand proposals maintain or enhance the environment and preserve the

character of the area; these include SSLP policies ST5, ST6 and EC3. These are to be considered alongside the NPPF.

The purpose of the planning system is to contribute to the achievement of sustainable development (para 6, NPPF). To achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously through the planning system (para 8, NPPF). The golden thread running through plan-making and decision-taking is a 'presumption in favour of sustainable development'.

Further advice for decision-takers is given in Paragraph 14 of the NPPF where planning permission should be granted where a policy is out-of-date (such as Policy ST3) unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, unless material considerations dictate otherwise.

Local planning authorities are advised to avoid new isolated homes in the countryside unless there are special circumstances. The NPPF outlines that these special circumstances may include (but are not restricted to) - agricultural/forestry and rural worker occupational dwellings, conservation enabling type development, the re-use of redundant or disused buildings, or dwellings of an exceptional quality or innovative design.

In this case the application is being justified on the grounds that there was once a dwelling on the site (demolished in 1960's); there is local support for the proposal; and the applicants have family ties with the land. It is not considered that these arguments are in accordance with the exceptions outlined in the NPPF. Furthermore, it is clear that the applicant would be further from any services than his current home within Yeovil and would still be totally dependent upon a car for access to all services as the site does not lie on a bus route, the nearest bus stop is over a kilometre from the site.

In terms of the previous commercial use of the site, it is clear that there is no current business activity at the site and, as such, it is not considered that there is justification for a dwelling on this basis. However, even if there were an on-going business, it would not be appropriate to impose a tie on the proposed dwelling as it is likely to have a significant future value due to its size and design.

Given the site is not adjoining a settlement considered to be sustainable as defined in policies ST1 and ST2 of the Local Plan then the site cannot be deemed sustainable and therefore there is a presumption against development.

Design, Form and Layout

The application seeks full permission for the erection of a two-and-a-half-storey dwelling to be constructed from reclaimed hamstone and reclaimed double Roman roof tiles. The design is traditional, incorporating water tabling and a gable extension to the rear. The main elevation of the property would face south with the back of the property facing the road. The building will be 8 metres high with a floor area of 179m² over the ground and first floor (it does appear that the loft area will also be used as there are two internal staircases to this floor with two second floor windows and 3 roof lights). Windows would be brown double glazed units. The plans indicate that a solar pv system will be installed on the south elevation. Access would be from the existing entrance to the workshops.

In design terms, the proposed dwelling is considered to be of appropriate materials but being located on a prominent location at the entrance to this part of the hamlet it is considered that it would be a very dominating feature when viewed from the west. At present the site comprises a range of single storey buildings near the road edge which

themselves provide a backdrop to the Grade II listed building 'The Old Forge' It is considered that the proposed dwelling at 8 metres high would have a dominating impact upon this part of the hamlet to the detriment of its very traditional and low key form and character. This view is supported by the Landscape Architect who considers that the scale and form of the proposal is at odds with the traditional housing near the site including the adjacent listed building.

The proposal is therefore considered to be unacceptable in terms of its design, form and impact upon the rural character of the hamlet. On this basis it is considered that the proposal fails to comply with the relevant criteria of policies ST5, ST6 and EC3 of the Local Plan.

Setting of Listed Building

The Conservation Officer has considered the application and made comments upon both the proposed design and relationship with the character of the area. The Conservation Officer considers that the proposal is poorly related to the existing properties in the area and has poor fenestration on the elevation that will front the road.

In the circumstances, it is considered that the proposal would have detrimental impact upon the setting of the adjacent listed building due to its size, design and siting within the plot. The proposal is therefore contrary to Policy EH5 of the South Somerset Local Plan (2006).

Highways and Parking

The county Highway Authority advise that standing advice applies in this instance.

The site entrance is relatively restricted on one side due to the presence of the workshop building with a low stone wall on the opposite side. However, given that the site has previously benefitted from a commercial use, it is not considered that the proposed use of the access for a single family dwelling is likely to result in a danger to highway safety. The adjacent road is a lightly trafficked rural lane and as such it is not considered that the residential use of the access is unacceptable in terms of highway safety.

Summary

Whilst the applicant's clear commitment to the site and ambition to live within the hamlet are recognised it is not considered that these outweigh the very clear policy objections to this application. The site is remote from any services and the new occupants would be totally dependent upon the private car for access to all services. In addition, this is a prominent location at the entrance to the hamlet and it is considered that the erection of large new dwelling would be disruptive to the character of the rural area and setting of the adjacent listed building.

RECOMMENDATION:

Refuse permission for the following reasons:

01. The proposal would represent a new isolated home in the countryside for which an overriding essential need has not been justified. The application site is remote from services, facilities, education, employment opportunities and sufficient public transport links, and will therefore increase the need for journeys to be made by private vehicles. The proposal would, in addition, represent an unjustified and undesirable intrusion into an attractive area of open countryside to the detriment of the visual appearance and character of the rural landscape and the setting of the adjacent listed building. The proposal therefore represents unsustainable

development that is contrary to the National Planning Policy Framework and policies ST5, ST6, EH5 and EC3 of the South Somerset Local Plan (2006).

Informatives:

01. In accordance with paragraphs 186 and 187 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 there were no minor or obvious solutions to overcome the significant concerns caused by the proposals.

Appendix A

Extract from Area North Committee Minutes – 26th February 2014

Planning application: 13/04873/FUL - The erection of 1 No. dwellinghouse at Workshop, Lower Stratton, Wigborough. Applicant: Mr S Furber.**

The Planning Officer presented the application as detailed in the agenda. She explained that in policy terms the site was not in a sustainable location and did not meet any criteria mentioned in the NPPF. The LPA had concerns regarding the size and design of the proposal and the adverse impact on the character of the hamlets and nearby listed building.

Ms S Beaufoy, representative for South Petherton Parish Council, noted they supported the proposal. They did not consider there would be a negative impact on other nearby buildings and recommended approval as a house had previously stood on the site. She commented most people living in the countryside required the use of a car and this location was not any different.

Ms C Forsey, a nearby neighbour, spoke in support of the application and made reference to a house having been on the site in the past. She noted she had school age children and her address was not deemed to be so far away from the local school as to warrant school transport.

Mr S Furber, applicant, commented he had looked after land there for a number of years, and had been overwhelmed by support from the local community for the proposal. He disagreed that the site was isolated, he considered the site to have had previous use and the proposal was not a building in the open countryside. He noted the listed building referred to in the report was about 30 metres away with another dwelling in between and he felt that as it was proven a house had stood on the proposal site in the past it should be taken into account.

Ward member, Councillor Paul Thompson, commented that other properties in the hamlet were orientated in a similar way to the proposal, and noted the applicant's family had owned the plot for nearly 100 years. He felt the issues around sustainability were a grey area and that each application in hamlets or the open countryside needed to be considered on their own merits.

During a short discussion, members raised a few comments including:

- No problem with principle of development on the site due to history of a previous dwelling in the past
- Design could be better
- Sustainability always a subject of debate
- People will use a car for travel even if only a very short distance away from facilities
- Little reason to refuse the application

At the end of discussion members were of the view that the application should be referred to the Regulation Committee with the recommendation of approval, as it was not considered the site was in an unsustainable location and that the proposed dwelling was of an acceptable design with no adverse impact.

RESOLVED: That application 13/04873/FUL** be referred to Regulation Committee with a recommendation from Area North Committee for APPROVAL, contrary to the officer recommendation, on the grounds that it is a

sustainable location for development and that the proposed house is of an acceptable design with no adverse impact. Regulation Committee is urged to approve the application.

(Voting: Unanimous in favour)
