

Officer Report On Planning Application: 14/05660/S73

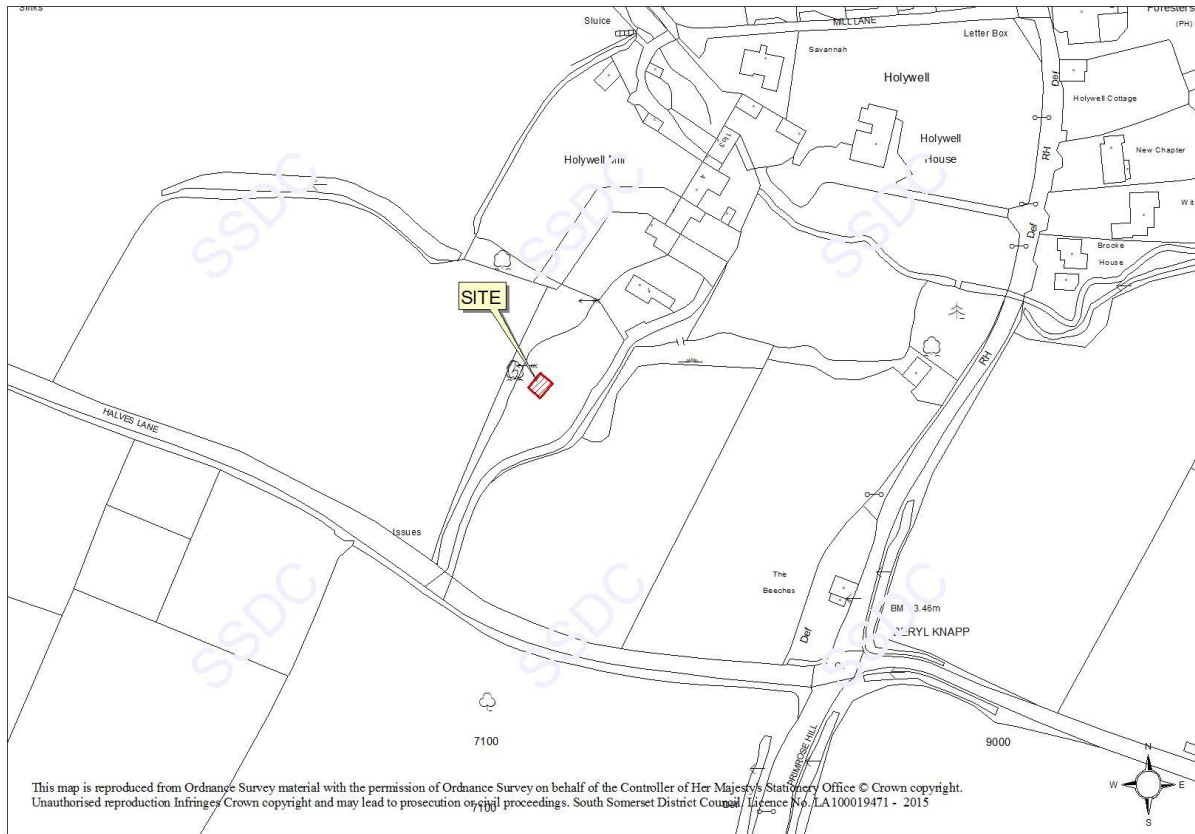
Proposal :	Application to remove planning condition 2 (time limits) of approval 05/00337/FUL (GR 352793/113191)
Site Address:	1 Holywell Hollow Holywell East Coker
Parish:	West Coker
COKER Ward (SSDC Member)	Cllr G Seaton Cllr Cathy Bakewell
Recommending Case Officer:	Mrs Jennie Roberts Tel: (01935) 462441 Email: jennie.roberts@southsomerset.gov.uk
Target date :	11th February 2015
Applicant :	Mr Peter Gubbins
Agent: (no agent if blank)	
Application Type :	Minor Other less than 1,000 sq.m or 1ha

Reason for Referral to Committee

This application is brought before the Area South Committee because the applicant is an elected Member of South Somerset District Council.

Site Description and Proposal





The site is located outside of any development area in the village of East Coker. It comprises a stable block, which was converted to 2 no. units of holiday accommodation under planning consent 05/00337/FUL. Condition no. 2 of this approval was,

"The occupation of the holiday accommodation hereby permitted shall be restricted to bona fide holidaymakers for individual periods not exceeding 4 weeks in total in any period of twelve weeks. A register of holidaymakers shall be kept and made available for inspection by an authorised officer of the Local Planning Authority at all reasonable times."

This Section 73 application seeks to vary this condition, through the removal of the time limit element.

HISTORY

05/00337/FUL - The conversion of existing stables into two units of accommodation for holiday let - conditional approval - 07/04/2005

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF indicate it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the saved policies of the South Somerset Local Plan 2006

South Somerset Local Plan Policies

ST5 (General Principles of Development)
ST6 (Quality of Development)
ME10 (Tourist Accommodation)

On the 8th January 2015, South Somerset District Council received the Inspector's Report into the emerging South Somerset Local Plan (2006 - 2028). The conclusion of the report is that the local plan is 'sound', subject to a number of agreed modifications.

Under the terms of Paragraph 216 of the National Planning Policy Framework (NPPF) weight should be given to relevant policies in emerging plans according to 'the stage of preparation' and therefore the emerging local plan must be given substantial weight in decision-taking and it is therefore essential that the development is considered against all relevant policies.

Policies of the Emerging South Somerset Local Plan (2006-2028)
Policy SD1 (Sustainable Development)
Policy EQ2 (General Development)
Policy EP8 (New and Enhanced Tourist Facilities)

National Planning Policy Framework 2012

Somerset County Council Parking Strategy (March 2012) and Standing Advice (June 2013)

CONSULTATIONS

PARISH COUNCIL - No objection
COUNTY HIGHWAY AUTHORITY - No observations

REPRESENTATIONS

None received

ENVIRONMENTAL IMPACT ASSESSMENT

None required

CONSIDERATIONS

This Section 73 application seeks to vary condition 2 of planning consent 05/00337/FUL, through the removal of its time limit element:

"The occupation of the holiday accommodation hereby permitted shall be restricted to bona fide holidaymakers for individual periods not exceeding 4 weeks in total in any period of twelve weeks. A register of holidaymakers shall be kept and made available for inspection by an authorised officer of the Local Planning Authority at all reasonable times."

This was a standard holiday let condition at the time the original application was approved. Subsequently, with the publication of the Government's 'Good Practice Guide on Planning for Tourism' in 2006, it was recognised that,

"1. The nature of holidays in this country has become increasingly diverse, in location, in season and in duration. Many people go away several times a year, often for short breaks and not exclusively in the summer months. Much of this demand is for self-catering accommodation - whether in new or converted buildings or in caravan holiday homes. This spread of demand improves the use that is made of this accommodation and so is

advantageous to the businesses which provide it and to those host communities which are supported by the spending that it generates. It can help to reduce the disadvantages of seasonal employment, including the difficulties of retaining trained and experienced staff.

2. Whilst extension of the season has these advantages, the demand for this accommodation may occur in areas in which the provision of permanent housing would be contrary to national or local policies which seek to restrict development, for example in order to safeguard the countryside. The planning system can reconcile these two objectives through the use of occupancy conditions designed to ensure that holiday accommodation is used for its intended purpose. Planning authorities commonly impose such conditions when granting permission for self-catering holiday accommodation.

3. One type of condition frequently used for holiday accommodation, particularly in holiday areas, is known generically as a 'holiday occupancy condition'. The aim of such conditions is generally to ensure that the premises are only used by visitors and do not become part of the local housing stock. There are three principal reasons why a planning authority might seek to do this:

- in order that national or local policies on development of the countryside are not compromised. Often the conversion of redundant rural buildings to holiday accommodation provides a means to retain those buildings without introducing a level of activity that would occur with permanent households;

- to avoid occupation by permanent households which would in turn put pressure upon local services. Permanent households may place demands for local schools and social and health services that would not normally arise from visitors. Moreover, in remote locations the cost of providing these services is greater. It may therefore be reasonable for the planning authority to place an occupancy condition when properties are being built or converted for residential use; and

- to strengthen tourism in a particular area by ensuring that there is a wide range of properties available to encourage visitors to come there on holiday."

Having regard to the above, and in line with the Government's 'Good Practice Guide on Planning for Tourism', it is considered that there is no reason why the time limit element of condition 02 should be kept. It is of course important that a holiday occupancy condition is in place, to ensure that the building does not become a permanent residential dwelling. As such, it is considered that the following condition should replace the original:

"02.(i) The occupation of the holiday accommodation hereby permitted shall be restricted to bona fide holidaymakers;

(ii) The holiday accommodation shall not be occupied as a person's sole, or main place of residence;

(iii) A register of holidaymakers shall be kept and made available for inspection by an authorised officer of the Local Planning Authority at all reasonable times.

Reason: To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation, in accordance with saved policy ME10 of the South Somerset Local Plan (adopted 2006)."

RECOMMENDATION:

Approve, subject to the conditions outlined below:

01. The use of the buildings as holiday accommodation would not have a significant adverse impact on the amenities of neighbouring properties, nor would it have a significant detrimental impact on highway safety within the vicinity. The proposed development would therefore meet the requirements of saved policies ST5 and ST6 of the South Somerset Local Plan (adopted 2006), the National Planning Policy Framework 2012 and the Good Practice Guide on Planning for Tourism 2006.

SUBJECT TO THE FOLLOWING:

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

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

02. (i) The occupation of the holiday accommodation hereby permitted shall be restricted to bona fide holidaymakers;

(ii) The holiday accommodation shall not be occupied as a person's sole, or main place of residence;

(iii) A register of holidaymakers shall be kept and made available for inspection by an authorised officer of the Local Planning Authority at all reasonable times.

Reason: To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation, in accordance with saved policy ME10 of the South Somerset Local Plan (adopted 2006).

03. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows, including dormer windows, or other openings (including doors) shall be formed in the building, or other external alteration made without the prior express grant of planning permission.

Reason: In the interests of residential amenity, in accordance with saved policy ST6 of the South Somerset Local Plan (adopted 2006).

04. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), there shall be no extensions to this building without the prior express grant of planning permission.

Reason: In the interests of visual amenity and the character of the area in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan (adopted 2006).

05. The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety, in accordance with saved policy ST5 of the South Somerset Local Plan (adopted 2006).

06. The proposed access over the first 6m of its length, as measured from the edge of the adjoining carriageway, shall be property consolidated and surfaced in accordance with the details that were approved under planning consent 05/00337/FUL.

Reason: In the interests of highway safety, in accordance with saved policy ST5 of the South Somerset Local Plan (adopted 2006).

07. There shall be no obstruction to visibility greater than 900mm above adjoining road levels in advance of lines drawn 2.0 m back from the carriageway edge on the centreline of the access and extending to points on the nearside carriageway edge 70m either side of the access. Such visibility splays shall be maintained at all times.

Reason: In the interests of highway safety, in accordance with saved policy ST5 of the South Somerset Local Plan (adopted 2006).

08. Any gates would need to be hung to open inwards and be set back a minimum distance of 4.5m from the adjoining carriageway edge.

Reason: In the interests of highway safety, in accordance with saved policy ST5 of the South Somerset Local Plan (adopted 2006).

09. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, in accordance with the details that were approved under planning consent 05/00337/FUL.

Reason: In the interests of highway safety, in accordance with saved policy ST5 of the South Somerset Local Plan (adopted 2006).

10. The surfacing materials of the access drive and turning and parking shall be as approved under planning consent 05/00337/FUL. Such areas shall be properly drained, consolidated and surfaced in accordance with those approved details.

Reason: In the interests of highway safety, in accordance with saved policy ST5 of the South Somerset Local Plan (adopted 2006).
