

South Somerset District Council

Minutes of a meeting of the **Regulation Committee** held on **Tuesday, 18th November 2008** in the Council Chamber, Council Offices, Brympton Way, Yeovil.

*(11am – 12.10pm
and 12.20 – 12.30pm)*

Present:

Peter Gubbins (Chairman)

Mike Best	Pat Martin
Tim Carroll	Patrick Palmer
Tony Fife	Sylvia Seal
Julian Freke	Kim Turner
Henry Hobhouse	Linda Vijeh
Michael Lewis	

Also Present :

Derek Yeomans

Officers:

John Millar	Planner
David Norris	Development Control Team Leader
Greg Venn	Conservation Officer
Nick Whitsun-Jones	Principal Legal Executive Advocate
Angela Oxenbury	Committee Administrator

Also Present :

Ian McWilliams County Highways Officer

Prior to the commencement of the meeting the Chairman explained the procedure that would be followed.

8. Minutes (Agenda Item 1)

The minutes of the meeting of the Regulation Committee held on Tuesday, 21st October 2008, copies of which had been previously circulated, were approved as a correct record and signed by the Chairman, subject to the addition of Councillor Linda Vijeh to the list of apologies.

9. Apologies for Absence (Agenda Item 2)

Apologies for absence were received from Councillors Jill Beale and William Wallace.

10. Declarations of Interest (Agenda Item 3)

There were no declarations of interest.

11. Public Question Time (Agenda Item 4)

There were no questions or comments from members of the public.

12. Erection of 1 No. dwellinghouse and garage on land adjacent to Apple Acre, Folly Road, Kingsbury Episcopi, Martock, Somerset (Agenda Item 5)

The Planning Officer presented the report and drew members' attention to an amendment to the plans that moved the dwelling slightly further to the west of the site.

He confirmed the main issues as:

- The principle – the site is outside the development limit
- Highway Safety
- The conservation area and setting of listed buildings
- Design

The Planning Officer informed the Committee that Highways had withdrawn their objection regarding visibility and had agreed that use of the existing access would not impact adversely on highway safety. He said the applicant had acknowledged that the site was outside the development limit and within the conservation area but felt the development to be sensitive infill.

With the aid of slides and photographs the Planning Officer indicated the surrounding properties, the most recent of which having been built in 1988.

The Conservation Officer asked the Committee to consider the main issues from a conservation point of view as the relationship to the conservation area and the listed building, and the design of the new buildings.

With the aid of slides he indicated the extent of the conservation area and said that in his opinion the lines had been deliberately drawn to exclude the fields in question from the development limit and include them in the conservation area. He reminded the members of their statutory duty, as supported by local plan policies, to have regard to the desirability to preserve or enhance the conservation area.

The Conservation Officer described the character of the conservation area and noted that most buildings were set back from the highway with gardens to the front. He commented that the new buildings to the south west were outside the conservation area and of poor quality. He asked the Committee to consider the importance of the green finger of land dividing the new and old development which was of value in the character of the conservation area.

He stated that the railings and wall to the front of the site were listed in their own right and complemented the listed farmhouse across the road and the converted barns to the rear. He considered it inappropriate to place a building to the rear of the listed building as it would be detrimental to its setting and the conservation area. He pointed out that the position of the new build cut across the field boundary and was directly contrary to Local Plan Policy EH1 as it did not conform to the historic boundaries shown on the 1888 Ordnance Survey map.

The Conservation Officer's view was that the proposal would neither preserve nor enhance the conservation area and was contrary to Local Plan policies.

The Highways Officer stated that the applicant's agent had provided information on the use of the access and the objections had now been withdrawn as the access was acceptable from a highways safety point of view. He commented that the site was unsustainable because the occupants were more likely to use a car for all of their daily needs. Therefore the second Highways objection remained.

The Highways Officer agreed with a member's comment that developments in towns could be viewed as unsustainable because they necessitated travel to schools in other towns. However, he said access to education was just one element in assessing the sustainability of a site.

A member commented that the Highways objection was based on RPG10 which in his opinion was an outdated method of analysing settlements by the use of crude indicators. He asked whether RPG10 was still relevant as he thought it had been superseded by the Regional Spatial Strategy.

The Highways Officer confirmed that until the Regional Spatial Strategy was published, RPG10 was still in place. The Planning Officer reminded the Committee that the proposal was also contrary to Local Plan policy.

The Conservation Officer clarified that the issues to be addressed were whether the proposal preserved or enhanced the conservation area and, if so, was the design acceptable.

A member commented that most villages were no longer sustainable according to the Highways assessment, as they did not contain shops, schools, post offices and pubs. The Highways Officer agreed but said it was up to the planners to weigh this information against all other issues. The Planning Officer reminded the Committee that Policy ST3 required that no development should be undertaken outside development limits unless there were exceptional housing needs which could be supported.

The Development Control Team Leader confirmed that affordable housing could be encouraged as an exception although there would be certain constraints within a conservation area.

The Conservation Officer responded to members' questions that:

- The existing buildings in the conservation area were set back from the road.
- A wider house would also mean a taller house.
- The proposed garage was too close to the listed building and inappropriate.

A member commented that the open space between the dwelling and the garage would allow for views to the fields beyond.

Councillor Derek Yeomans, ward member stated that:

- The listed railings were at the front of the site only.
- There was no record of serious accidents along the road to the front of the site.
- The position of the house had been moved to protect the 1888 hedgeline.
- There was no doctor, shop, post office, school anywhere in the village nor any other of the nearby villages.
- Most of those facilities existed in Martock and needed a car to access them.

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- Other developments were nearby which Highways had not objected to on sustainability grounds.
- The dwelling would be lower than existing buildings and set back behind a hedge.
- The garage would be behind a wall and hedge and barely visible from the road.
- The gap between the house and garage would be maintained as permanent green space.
- It was a pleasant house design, of natural stone under a slate roof.

Councillor Yeomans concluded that the proposal would be an improvement on the existing site and he saw no reason not to build it on the plot as it would be an asset to the village.

James Ewart Fox, the applicant's agent, thanked the Committee for spending so much time on the application and stated that the proposal:

- Was close to the centre of the village not in open countryside, therefore would be sustainable.
- Was the last development on the south side of the road and would not set a precedent.
- Would enhance the area and present a visual transition between listed and modern buildings.
- Had been discussed with planners and the conservation officer who agreed the house would be better situated closer to the western side, leaving more open space.
- Would retain the stone wall under the hedge.
- Would be lower in height than the 3 storey manor house opposite

He suggested that a condition could be imposed to close the agricultural access to enable use of the safer access in the adjacent lane.

During the ensuing discussion, members commented that:

- Highways objections were not greatly material in this case.
- Design and layout would not cause demonstrable harm to the conservation area.
- The attractive development would enhance the area.
- Other dwellings nearby were within development limits and deemed to be sustainable, this one was outside the limit and not sustainable.
- 24 properties had been or were about to be built in the village, this one would make the village more sustainable.
- The applicant had moved the location to a more appropriate setting to accommodate concerns regarding the conservation area.
- The style of the proposal would provide a transition between old and new buildings.
- Providing the materials used were appropriate, the dwelling would blend well with its surroundings.
- Catchment areas of schools and other services had increased, therefore all villages were now unsustainable.

A member expressed the view that there were hundreds of similar sites elsewhere in the district that were on the edge of conservation areas and development limits. He commented that no compelling argument had been made against the current policy.

The Planning Officer informed the Committee that the statutory consultation period for comments on the amended plans had not yet expired and that comments were awaited from the parish council.

During further discussion, members indicated their wish that the application be granted permission. The Committee then adjourned for ten minutes for legal advice to be sought on the wording of the resolution.

When the meeting reconvened, the Legal Officer advised that permission could be granted, subject to no adverse comments being received from consultees within the statutory consultation period.

It was proposed and seconded that permission be granted, subject to there being no adverse comments from statutory consultees within the statutory consultation period, for the reason that the proposal did not constitute demonstrable harm to the conservation area and was in accordance with national, regional and local policies.

The Planning Officer presented the proposed wording of the justification for granting permission, together with 17 suggested conditions.

On being put to the vote the motion was carried by 11 votes in favour to 1 against.

RESOLVED: That, subject to there being no adverse comments from statutory consultees within the statutory consultation period, permission be granted for the following reason:

The proposed dwelling is considered to be an appropriate 'infill' development adjacent to the defined development area of Kingsbury Episcopi that will not undermine the settlement policies of the Development Plan. It is considered that the proposal respects and relates to the character of its surroundings, causes no demonstrable harm to residential amenity or highway safety, preserves the character and appearance of the conservation area and has no adverse affect on the setting of the adjacent listed buildings or their contribution to the local scene, in accordance with policies VIS2, EN3 and EN4 of the Regional Spatial Strategy, policies STR1, STR6, 5, 9 and 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and policies ST3, ST5, ST6, EC3, EH1 and EH5 of the South Somerset Local Plan 2006 and Planning Policy Statement 7 (PPS7) and Planning Policy Guidance 15 (PPG15), subject to the following conditions:

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

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

02. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted plans and specification as amended by drawing no. 3465-02 A and accompanying correspondence, received 31st October 2008.

Reason: For the avoidance of doubt as to the development authorised as the submitted proposal has been amended.

03. The development hereby permitted shall not be commenced until particulars of materials (including the provision of samples) to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to safeguard the setting and appearance of the conservation area and the nearby listed buildings, in accordance with policies EN3 and EN 4 of the Regional Spatial Strategy, policy 9 of the Somerset and Exmoor National Joint Structure Plan Review and policies ST5, ST6, EH1 and EH5 of the South Somerset Local Plan 2006.

04. Before the development hereby approved is commenced, a sample panel of the local natural stonework, indicating colour, texture, coursing and bonding, shall be provided on site for inspection and agreed in writing by the Local Planning Authority. The sample panel shall remain on site until building works are complete.

Reason: In the interests of visual amenity and to safeguard the setting and appearance of the conservation area and the nearby listed buildings, in accordance with policies EN3 and EN 4 of the Regional Spatial Strategy, policy 9 of the Somerset and Exmoor National Joint Structure Plan Review and policies ST5, ST6, EH1 and EH5 of the South Somerset Local Plan 2006.

05. The development hereby permitted shall not be commenced until details of the design, materials and external finish (including colour) for all new doors, windows, boarding and openings have been submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to safeguard the setting and appearance of the conservation area and the nearby listed buildings, in accordance with policies EN3 and EN 4 of the Regional Spatial Strategy, policy 9 of the Somerset and Exmoor National Joint Structure Plan Review and policies ST5, ST6, EH1 and EH5 of the South Somerset Local Plan 2006.

06. Before the development hereby permitted shall be commenced details of all eaves/fascia board detailing, guttering, down pipes, other rainwater goods and external plumbing shall be submitted to and approved in writing by the Local Planning Authority. Such details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to safeguard the setting and appearance of the conservation area and the nearby listed buildings, in accordance with policies EN3 and EN 4 of the Regional Spatial Strategy, policy 9 of the Somerset and Exmoor National Joint Structure Plan Review and policies ST5, ST6, EH1 and EH5 of the South Somerset Local Plan 2006.

07. Before any of the development hereby permitted is commenced details of the finished floor levels of the dwelling to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority. Such level shall be relative to an ordnance datum or such other fixed feature as may be agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to safeguard the setting and appearance of the conservation area and the nearby listed buildings, in accordance with policies EN3 and EN 4 of the Regional Spatial Strategy, policy 9 of the Somerset and Exmoor National Joint Structure Plan Review and policies ST5, ST6, EH1 and EH5 of the South Somerset Local Plan 2006.

08. The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels; all planting, seeding, turving or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and to safeguard the setting and appearance of the conservation area and the nearby listed buildings, in accordance with policies EN3 and EN 4 of the Regional Spatial Strategy, policy 9 of the Somerset and Exmoor National Joint Structure Plan Review and policies ST5, ST6, EH1 and EH5 of the South Somerset Local Plan 2006.

09. All electrical and telephone services to the development shall be run underground. All service intakes to the dwelling(s) shall be run internally and not visible on the exterior. All meter cupboards and gas boxes shall be positioned on the dwelling(s) in accordance with details, which shall have been previously submitted to and approved in writing by the local planning authority and thereafter retained in such form. On (all) buildings satellite dishes shall be of dark coloured mesh unless fixed to a light coloured, rendered wall, in which case a white dish should be used. Satellite dishes shall not be fixed to the street elevations of the buildings or to roofs. All soil and waste plumbing shall be run internally and shall not be visible on the exterior unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity and to safeguard the setting and appearance of the conservation area and the nearby listed buildings, in accordance with policies EN3 and EN 4 of the Regional Spatial Strategy, policy 9 of the Somerset and Exmoor National Joint Structure Plan Review and policies ST5, ST6, EH1 and EH5 of the South Somerset Local Plan 2006.

10. Before the dwelling hereby approved is first occupied the existing agricultural access to the south shall be closed up in accordance with a scheme to be approved in writing by the LPA.

Reason: In the interests of highway safety, in accordance with Policy 49 of the Somerset and Exmoor National Joint Structure Plan Review and Policy ST5 of the South Somerset Local Plan.

11. There shall be no obstruction to visibility greater than 900mm above adjoining road level, forward of a line drawn 2.4m back and parallel to the nearside carriageway edge over the entire site frontage to the west of the access. Such visibility splays shall be fully provided before works commence on the erection of the dwelling hereby permitted and shall thereafter be maintained at all times.

Reason: In the interests of highway safety, in accordance with Policy 49 of the Somerset and Exmoor National Joint Structure Plan Review and Policy ST5 of the South Somerset Local Plan.

12. The proposed access over the first 4.5m of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety, in accordance with Policy 49 of the Somerset and Exmoor National Joint Structure Plan Review and Policy ST5 of the South Somerset Local Plan.

13. Any entrance gates erected shall be hung to open inwards and shall be set back a minimum distance of 4.5m from the carriageway edge.

Reason: In the interests of highway safety, in accordance with Policy 49 of the Somerset and Exmoor National Joint Structure Plan Review and Policy ST5 of the South Somerset Local Plan.

14. Before the development hereby permitted shall be commenced details of any entrance gates, including materials, design and finish shall be submitted to and approved in writing by the Local Planning Authority. Such details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to safeguard the setting and appearance of the conservation area and the nearby listed buildings, in accordance with policies EN3 and EN 4 of the Regional Spatial Strategy, policy 9 of the Somerset and Exmoor National Joint Structure Plan Review and policies ST5, ST6, EH1 and EH5 of the South Somerset Local Plan 2006.

15. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority prior to the development hereby permitted first being brought into use.

Reason: In the interests of highway safety, in accordance with Policy 49 of the Somerset and Exmoor National Joint Structure Plan Review and Policy ST5 of the South Somerset Local Plan.

16. 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 to safeguard the setting and appearance of the conservation area and the nearby listed buildings, in accordance with policies EN3 and EN 4 of the Regional Spatial Strategy, policy 9 of the Somerset and Exmoor National Joint Structure Plan Review and policies ST5, ST6, EH1 and EH5 of the South Somerset Local Plan 2006.

17. 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 buildings, or other external alteration made without the prior express grant of planning permission.

Reason: In the interests of visual amenity and to safeguard the setting and appearance of the conservation area and the nearby listed buildings, in accordance with policies EN3 and EN 4 of the Regional Spatial Strategy, policy 9 of the Somerset and Exmoor National Joint Structure Plan Review and policies ST5, ST6, EH1 and EH5 of the South Somerset Local Plan 2006.

Informative:

The applicant is reminded of the requirement to gain listed building consent prior to any works to repair, renovate or alter the listed wall and railings within the application site.

(Vote: 11 in favour, 1 against)

A member requested that before planning applications were brought to the Committee, it should be confirmed that all statutory consultations had taken place and all relevant information made available to members before the meeting.

13. Date of Next Meeting (Agenda Item 7)

Members noted that the next meeting of the Committee would take place on Tuesday, 16th December 2008 at 10.00am in The Council Chamber, Council Offices, Brympton Way, Yeovil.

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Chairman