

# South Somerset District Council

*Notice of Meeting*



## Regulation Committee

*Making a difference where it counts*

### Tuesday 15<sup>th</sup> March 2011

### 10.00 am

### Main Committee Room Council Offices Brympton Way Yeovil

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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](mailto:democracy@southsomerset.gov.uk), website: [www.southsomerset.gov.uk](http://www.southsomerset.gov.uk)

This Agenda was issued on Monday 7<sup>th</sup> March 2011

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



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The Role of Elected Members  
2006-2007  
Improving Rural Services  
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INVESTOR IN PEOPLE

# Regulation Committee

## Chairman

Peter Gubbins

Mike Best  
Tim Carroll  
Tony Fife  
Julian Freke

Henry Hobhouse  
Mike Lewis  
Pat Martin  
Patrick Palmer

Keith Ronaldson  
Sylvia Seal  
Kim Turner  
Linda Vijeh  
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 personal and prejudicial interest

Under the new Code of Conduct, a Councillor will be afforded the same right as a member of the public, 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 15<sup>th</sup> March 2011**  
**A g e n d a**

- 1. **Minutes of the meeting held on Tuesday 20<sup>th</sup> July 2010**
- 2. **Apologies for Absence**
- 3. **Declarations of Interest**
- 4. **Public Question Time**

**Page No**

- 5. **The erection of a single dwelling and creation of associated access (GR:356485/128768) Land adjoining Shurlock Row North Street Babcary..... 7**

6. **Date of Next Meeting**

The date of the next meeting is Tuesday, 19<sup>th</sup> April 2011 at 10.00 a.m. in the Area East Meeting Room, Churchfields, Wincanton, Somerset.

## South Somerset District Council

**Draft Minutes** of a meeting of the **Regulation Committee** held on **Tuesday, 20<sup>th</sup> July 2010** in the Council Chamber, Council Offices, Brympton Way, Yeovil.

(10.00am – 11.40am)

### **Present:**

Peter Gubbins (Chairman)

Mike Best	Patrick Palmer
Tim Carroll	Keith Ronaldson
Julian Freke	Sylvia Seal
Michael Lewis	Kim Turner
Pat Martin	Linda Vijeh

### **Also Present:**

#### **Officers:**

David Norris	Development Manager
Andrew Gunn	Planning Officer
Angela Watson	Solicitor
Paul Huntington	Senior Environmental Protection Officer
Vicki Dawson	Principal Environmental Protection Officer
Katy Menday	Countryside Manager
Nicola Drew	Architectural Assistant
Vega Sturgess	Strategic Director (Operations & Customer Focus)
Jo Boucher	Committee Administrator

### **1. Minutes (Agenda Item 1)**

The minutes of the meeting of the Regulation Committee held on Tuesday, 19th January 2010, copies of which had been previously circulated, were approved as a correct record and signed by the Chairman.

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### **2. Apologies for Absence (Agenda Item 2)**

Apologies for absence were received from Councillors Tony Fife, Henry Hobhouse and William Wallace.

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### **3. Declarations of Interest (Agenda Item 3)**

Councillor Sylvia Seal declared a personal and prejudicial interest in Agenda Item 5;, proposed ranger centre on land adjoining car park, Brunswick Street, Yeovil as Portfolio Holder for Leisure & Culture.

### **4. Public Question Time (Agenda Item 4)**

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

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**5. 10/01760/R3D – The erection of a single storey Ranger Centre to include office/kitchen/workshop/storage/education/meeting room/ tea room and public toilet, Land Adjoining Car Park Brunswick Street Yeovil – Applicant: South Somerset District Council (Agenda Item 5)**

The Planning Officer presented the application to the committee informing them that South Somerset District Council were the applicant and not Katy Menday as set out in the agenda report.

With the aid of slides he highlighted the following:

- ariel view of the ninesprings area
- location of the proposed site
- elevations of proposed building
- photograph of car park adjacent to country park
- photographic view of green space toward the proposed site

The Planning Officer then referred to the key issues; that they were satisfied there was a clear need for this facility, that it was in a suitable location adjacent to the car park and clearly visible to the public and that the design and scale of the building achieved the space required whilst still respecting the current surroundings. He noted that 3 silver birch trees would need to be removed but was satisfied with the proposed landscaping scheme.

He reported that following on from concerns raised from the Area South Committee on 7<sup>th</sup> July 2010 the Environmental Protection Unit had undertaken a noise assessment regarding the potential noise disturbance from the air source heat pumps. He informed members that the Senior Environmental Protection Officer, who was present at the meeting, was satisfied with the results of this survey and that the noise level would not create harm to residential amenity if used during normal work hours. He also informed members that the heat pump would only need to be used during the daytime and would not be necessary at night. He said if this became an issue in the future other means of heating would be used and that standard enforcement laws would apply.

The Chairman then enlightened the committee to a letter that he and the Planning Officers had received from Mr P Bradly of Knowle House, Misterton and agreed together with the Development Manager that these issues had been covered in the Planning Officers presentation. The Countryside Manager gave assurance to members that the issue of anti social behaviour had been discussed with the Police authority and were satisfied with the measures to be used.

The Countryside Manager reported that a number of locations for the rangers centre had been investigated following a consultation on what the public felt would enhance the park. An options appraisal was carried out and the ski centre, Foundry House, a site near the childrens play area and near to Goldenstones had all been considered and rejected for various size and accessibility reasons. A site opposite Goldenstones had been favoured, built into the bank, but due to a major power line positioned there, this was not possible.

**Members of the public were then invited to address the meeting.**

Mr E Birchall spoke in opposition to the application. He referred to the power line cable located by the site opposite Goldenstones, which he said had been the favoured site. He

reported that Southern Electric had confirmed that this power line was now redundant and that only low voltage cables remained and felt that further investigation should be carried out regarding the locality of the building.

Mr P Lynch spoke in opposition to the application. He said that although he supported the needs of the park rangers, he felt that the Council would be allowing a light industrial unit to be built in the Country Park drawing attention to the Design and Access Statement. He felt the needs of the rangers could be met by using the nearby ski centre and also referred to the local research which had revealed the redundant power line.

Mrs E Lynch spoke in opposition to the application. She said that although she supported the needs of the park rangers she felt they could be met by erecting a building in a more suitable location and would set a precedent for further development in the area.

Mrs S Mallon spoke in opposition to the application. She felt that the public consultation had been poor and that the Council should have given a clearer indication of the footprint of the building at an earlier stage in the consultation process. She gave issue to the height of the building and what it would be used for and informed members that many groups used this area of the park including brownies, guides and special needs groups.

Mr V Keyte spoke in support of the application. He said the park held a wealth of educational opportunities for students but lacked facilities or a focal point. He felt the park was an excellent facility and that the building would enhance its future.

Mr R Mackay spoke in support of the application. He said the proposed building would enhance the facilities for the rangers, would provide storage and good educational facilities and improve leisure amenities within the park. He regretted the original description as a workshop for vehicle storage which he felt had misled some people into thinking it would be an industrial unit.

Mr J Day spoke in support of the application. He said the building would help to promote the caring of the country park and it would provide a focus for educational work and the base for the volunteers. He also felt it would assist with events that took place within the park.

Mr S Holm spoke in support of the application. He said the building would provide excellent facilities and base for the rangers and volunteers of the country park and enhance public facilities within the area.

Mr P Taylor spoke on behalf of Mr B Smith and in support of the application. He said the building would help to promote the caring of the country park and it would provide a focus for educational work and a base for the volunteers.

Mr T Gillard spoke in support of the application. He said the volunteer rangers worked in the park in all weather and the proposed building would provide better facilities to meet and change for work.

Councillor Sylvia Seal, Portfolio Holder for Leisure and Culture, said that the location of the site had been chosen after due consideration by the Countryside Steering Group which consisted of members of the public, volunteers and planning officers. She referred to the site opposite Goldenstones stating that a foul sewer and public water main was also positioned there and therefore was still an issue for building on this site. She said the staff and volunteers deserved better facilities and their current amenity of one cold water tap.

was insufficient. She concluded that the Council would not allow anything to be built which was not in keeping with the park.

*(Councillor Sylvia Seal, having earlier declared a personal and prejudicial interest, left the room during consideration of this item).*

In response the Planning Officer confirmed that although the main power line might now be decommissioned the proposal was classed as an acceptable form of development under planning policy. He explained the site visit and marking out of the footprint of the building was for the benefit of members and that the upper floor of the proposed building would be used as a storage facility.

The Planning Officer then proposed that if planning permission be granted an additional condition 4 should read 'The air source heat pump to be installed shall be a Delonghi Climaveneta AWR MTD 0031. This model once installed shall not be changed to another model or altered without the written consent of the Local Planning Authority'. Members were in full agreement with this proposal.

In response to questions, members were advised that:

- Goldenstones leisure pool was considerably higher than the proposed building although no definite figures could be given
- the rest room needed to accommodate up to a possible 14 staff and volunteers at one time
- the café would use local produce and provide snacks to the public
- separate kitchen facilities were required for the staff and volunteers due to the type of work they undertook
- the straw bales to be used were within building regulation standards
- flooding was not known in this area
- timber cladding would be used on the northern elevation

Members then discussed the application and several points were made including:

- the health and safety needs of the rangers and volunteers was important
- disappointed that local people have been upset by the proposal and felt that the public consultation had been sufficient
- the building would enhance the park providing an excellent focal point for the public
- would provide great educational needs for students
- vandalism was a concern but were satisfied that CCTV could be used to discourage this
- agreed the most suitable location for the building as already adjacent to existing car parking
- satisfied that the air source heat pump to be installed would be conditioned
- satisfied that all fire risk issues would be addressed

One member raised concern over the drawings presented that they did not give a clear indication of the height of the building. She also raised concern over the need for separate kitchen facilities for the staff and that this was proposed to be larger than that of the public area.

Following further discussion members showed their full support of the application, it was then proposed and seconded that planning permission be granted, subject to the



conditions as set out in the report and subject to the additional condition 4 as outlined by the Planning Officer at the meeting. On being put to the vote this proposal was carried by 9 votes in favour, 0 against and 1 abstention.

**RESOLVED:** That application reference 10/01760/R3D be GRANTED subject to:

01. Notwithstanding the comments made by local residents and the Town Council the proposal is of a scale, nature, design and form which respects the character and appearance of the area, creates a new public frontage for the Country Park, makes the most efficient use of land and develops the site in a way that safeguards residential amenity. As such the proposal is therefore in accordance with the advice and guidance contained within Planning Policy Statements 1 - Delivering Sustainable Development, PPS4 - Planning for Sustainable Economic Growth, PPS7 - Sustainable Development in Rural Areas, PPG17 - Planning for Open Space, Sport and Recreation, PPG21 - Good Practice Guide on Planning for Tourism, policies STR1, STR2, 1, 42, 44,48 and 49 of the Somerset and Exmoor National Park Joint Structure Plan (Adopted 2000) and policies ST3, ST5, ST6, ST7, EC3 and TP1 of the saved policies of the South Somerset Local Plan (Adopted April 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. The development hereby permitted shall be carried out in accordance with the following approved plans, drawing numbers:  
YCP/1135/01.2010/02, YCP/1135/01.2010/04, YCP/1135/01.2010/05, YCP/1135/01.2010/06, YCP/1135/01.2010/07, YCP/1135/01.2010/08 and YCP/1135/01.2010/09.

Reason: For the avoidance of doubt and to ensure the development is carried out as approved.

03. The scheme of landscaping, hereby approved, shall be carried out in full during the first available planting season, following the commencement of development. For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition to the satisfaction of The Local Planning Authority and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with saved policy ST6 of the South Somerset Local Plan.

04. The air source heat pump to be installed shall be a DeLonghi Climaveneta AWR MTD 0031. This model once installed shall not be changed to another model or altered without the written consent of the Local Planning Authority.

Reason: In the interests of residential amenity to accord with Policy ST6 of the South Somerset Local Plan.

*(Voting: 9 in favour, 0 against, 1 abstention,)*

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**6. Date of Next Meeting (Agenda Item 7)**

Members noted that the next meeting of the Committee would take place on Tuesday, 17<sup>th</sup> August 2010 at 10.00am in the Council Chamber, Brympton Way.

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Chairman

**5. The erection of a single dwelling and creation of associated access (GR:356485/128768) Land adjoining Shurlock Row North Street Babcary**

<b>Proposal :</b>	Erection of a single dwelling and creation of associated access (GR: 356485/128768)
<b>Site Address:</b>	Land Adjoining Shurlock Row North Street Babcary
<b>Parish:</b>	Babcary
<b>CARY Ward (SSDC Member)</b>	Mr H Hobhouse (Cllr) Mr J Crossley (Cllr)
<b>Recommending Case Officer:</b>	Alex Skidmore Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
<b>Target date :</b>	18th January 2011
<b>Applicant :</b>	Mr Leslie Hawes
<b>Agent: (no agent if blank)</b>	Joanna Fryer Home Orchard Littleton Somerton Somerset TA11 6NR
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

**Reason for Referral to Regulation Committee**

The application was considered by Area East Committee at its meeting of 9<sup>th</sup> February 2011 (draft minute attached as Appendix A). Area East Committee recommended that the application be approved, subject to condition, contrary to the officer's recommendation. The proposal seeks a new dwelling in a location that is outside any development area where there is a clear policy presumption, as set out under PPS1, PPS3, PPS7 and Policy ST3 of the South Somerset Local Plan, against such development. No exceptional justification for the new dwelling has been provided to address these policy concerns and it is considered that approval of a dwelling in these circumstances would set an unwelcome precedent that would make it difficult for this authority to resist other similar developments throughout the district.



government advice given in PPS1, PPS7, PPG13 and RPG10, and to the provisions of policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted: April 2000), and Policy ST3 of the South Somerset Local Plan, 2006.

02. The proposal would result in the unavoidable loss of an open space or gap within the village context which has visual and environmental value, and would be contrary to Policy ST6 of the South Somerset Local Plan, 2006.
03. The proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 2000) since the horizontal alignment of the access as proposed is likely to result in excessive manoeuvring on the highway, with consequent risk of additional hazard to all users of the highway.
04. The use of the access to the site in connection with the development proposed would be likely to increase the conflict of traffic movements close to an existing junction resulting in additional hazard and inconvenience to all users of the highway. The proposal is therefore contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 2000)."

94/00072/OUT: Erection of four low cost terraced dwellings and provision of parking and communal area. Refused 1994.

## **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 decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

The development plan comprises The Somerset and Exmoor National Park Joint Structure Plan Review and the South Somerset Local Plan 2006:

The policies of most relevance to the proposal are:

Somerset and Exmoor National Park Joint Structure Plan (1991-2011):

STR1 - Sustainable Development

STR6 - Development outside Towns, Rural Centres and Villages

Policy 33 - Provision for Housing

Policy 39 - Transport and Development

Policy 49 - Transport Requirements of New Development

South Somerset Local Plan 2006:

ST3 - Development Areas

ST5 - General Principles of Development

ST6 - The Quality of Development

TP7 - Parking Provision in Residential Areas

National Guidance:

PPS1 - Delivering Sustainable Development

PPS3 - Housing

PPS7 - Sustainable Development in Rural Areas

PPG13 - Transport

## **CONSULTATIONS**

Babccary Parish Council: The Parish council has considered this application and we are fully supportive and keen for it to go ahead. We believe that an exception should be

made to the general presumption against new dwellings in Babcary because (a) this will help meet local housing needs for smaller, less expensive houses in the village for local young families and (b) this is not an attractive green space between houses but an eyesore. It is an overgrown, run down, plot of land in the centre of the village which used to be the site of the smithy and was, until a few years ago, earmarked for development. The plot is too small to be used for anything else and, as it stands, it is detrimental to the look of the village.

Technical Officer: No comment

County Archaeology: No objections

SSDC Rights of Way: No comments received

County Highways: The following comments relate to the revised scheme submitted 03/02/2011:

“The proposed stone wall and hedge to the south of the Dove Cottage drive will be removed and the wall will be rebuilt on a new line set back from the carriageway by 1800mm providing them (Dove Cottage) with a 1.8 x 22m visibility splay in a southerly direction. This is an improvement over the existing situation, however the Highway Authority would normally expect the "X" distance to be at least 2.4 metres so that a vehicle does not have to "edge" into the road before visibility is obtainable. It is difficult to weigh up whether or not this small improvement to the Dove Cottage access visibility outweighs the concern over the substandard visibility splays proposed at the access for the proposed new dwelling. In this instance I am of the opinion that the benefit to visibility for Dove Cottage does outweigh the concern of limited visibility at the access for the new dwelling. I have considered the low speeds that vehicles are likely to pass the site approaching the junction to the south and the limited visibility that the access to Dove Cottage has.”

Whilst it is confirmed that the detail of the development is now acceptable, the Highway Authority still have a policy objection given the location of the site:

- The proposed development is remote from any urban area and therefore distant from adequate services and facilities such as education, employment, health, retail and leisure, in addition public transport services are infrequent. As a consequence occupiers of the new development are likely to be dependent on private vehicles for most of their daily needs contrary to policy.

## **REPRESENTATIONS**

Written representatives have been received from three neighbours objecting to the application for the following reasons:

- The previous outline application was rejected for four reasons including being contrary to the local plan for Babcary. The concerns expressed by highways in the previous application regarding access still apply.
- Building works are likely to obstruct the highway and access to the recreation ground as could future maintenance works
- Where are the builders stores to be kept.
- The new access is dangerous, it is not right to say that most local drivers will know the road and so this does not matter. Children use those playing fields and the existing plans put them at risk.

- Two cars will not be able to get in and out without reversing.
- The design statement states that the majority of drivers will be used to the road etc. This is disingenuous in the extreme by extension of the logic that drivers resident in Babcary should be excused from signalling their intentions on the grounds that 'everybody knows I turn left here'.
- Heavy farm vehicles make frequent use of this road.

## **CONSIDERATIONS**

This application is seeking full planning permission to erect a two-storey detached dwelling house with associated vehicle access.

This application is seeking full planning permission to erect a two-storey detached dwelling house with associated vehicle access and follows a previously unsuccessful application submitted in 2009 for outline permission for a dwelling on this site. The previous application was refused for several reasons including due to its unsustainable location outside any development boundaries remote from day-to-day services and facilities. Other reasons for refusal included loss of valuable open space and being prejudicial to highway safety.

It is noted that the Parish Council have expressed support for this application but that three near neighbours have objected.

### Principle:

The site is located outside of the development area as identified in the Local Plan and is therefore subject to a number of policy constraints, chiefly summarised in Policy ST3 of the Local Plan (in line with the requirements of PPS1, PPS3 and PPS7). Policy ST3 of the Local Plan clearly states that "Outside the defined development areas of towns, rural centres and villages, development will be strictly controlled and restricted to that which benefits economic activity, maintains or enhances the environment and does not foster the growth in the need to travel".

The village of Babcary has no development area and has only a pub by way of a village facility being remote from all other day-to-day needs such as education, employment and shops and has poor public transport links, the application site can therefore only be described as being in an unsustainable location where the proposed new dwelling will foster the growth in the need to travel. It is noted that the proposal incorporates the use of solar panels and rainwater harvesting and although these are positive feature of the application they do not overcome the more fundamental sustainability issues in respect of the sites location.

The proposed dwelling is not required to meet the established functional need of a business in the locality and as such offers no benefit to economic activity and nor can the argument that the proposal will enhance the environment be accepted as a reason to justify the proposal. Whilst the site is currently overgrown, and the Parish Council have suggested this as a reason to support the application, the present owner has allowed it to get into this state and it is within their control to easily rectify this. Further to this, it would appear that alternative and more suitable low-key uses have not been given consideration, such as use as an allotment by local residents or as a community garden, which could also address the current maintenance concerns.

Within the Design and Access Statement the agent has stated that the proposal will enable "a Babcary bred person to return to his home village contributing a cottage at the lower end of the affordability scale to the village housing stock". This claim is disputed, the application has not been submitted as a scheme for an affordable house rather the

resulting dwelling will be an open market property, marketed at open market prices and available to any interested parties regardless of whether they have any personal connection to the village. For a scheme for affordable housing, as a rural exception, to be accepted it must meet the requirements of Policy HG9 of the Local Plan which clearly states that a local need for such housing must be proven and an appropriate mechanism imposed to ensure its long-term availability as affordable housing. No evidence, as set out in HG9, has been provided that demonstrates a genuine need for affordable housing in the village and nor is there any suggestion that the dwelling should be restricted only to local residents. As such the application is contrary to Policy HG9 of the Local Plan and cannot be supported as an exception to the normal sustainability objections raised above.

As an adequate case to justify a need for this dwelling has not been demonstrated and the proposed development is in every other sense contrary to the requirements of Policy ST3 and therefore also in direct conflict with the national policies PPS1, PPS3 and PPS7 the principle of the proposal can only be strongly resisted.

Further to the above, it is noted that the agent has described the circumstances of this site as unique in that the site lies within the built up part of the village and not in the open countryside, this is not the case. In planning policy terms if the site does not fall within a development area it is considered to be in an area afforded the same degree of protection from development as the open countryside regardless of whether there are other properties surrounding it. Such circumstances are far from unique with many small settlements across the district lacking development areas but containing areas of open space physically capable of accommodating new dwellings without causing harm to visual amenity. Therefore, given that the circumstances are not dissimilar to many other sites across the district if the application were to be approved it must be seen to be setting a dangerous precedent that would make it difficult for this authority to resist other similar developments throughout the district.

#### Highway Safety:

The proposed scheme seeks to form a new vehicular access into the site and the submitted plans set out the provision of two on-site parking spaces with turning area. County Highways initially raised highway safety objections to this scheme due to the constrained parking and turning space and poor visibility splays however following receipt of a slightly revised scheme, which moved the dwelling approximately 1 metre to the south within the site and reconfigured the access and parking area slightly, these concerns are considered to have been adequately addressed and the objections have been dropped.

It should be noted that the Highways authority still maintain their policy objection due to the location of the site, which is distant from day-to-day services and facilities with infrequent public transport services, and will therefore foster the growth in the need to travel.

#### Visual amenity:

It is accepted that the proposed development would be generally in keeping with the pattern of development in the area given the irregular spacing of the properties along North Street, varied plot sizes but relatively close proximity to the lane and mixed orientation, with some dwellings spanning the entire length (depth) of the plot. Further to this the site is capable of accommodating the dwelling without appearing unduly cramped and the design and choice of materials generally accord with the local vernacular, albeit the scale of the openings within the principle north and south elevations have a busy



appearance. Overall however the proposal does not raise any significant visual amenity concerns.

Further to the above, it is noted that one of the refusal reasons for the previous unsuccessful application related to the loss of valuable open space that would be harmful to the village context. The last application only sought outline permission and contained little information to demonstrate how a dwelling might be successfully accommodated on the site without being detrimental to the streetscene. The details contained within this full proposal are considered to have overcome this concern.

#### Residential amenity:

The central position of the dwelling within the plot means that it is well away from the two nearest houses and as such cannot be described as causing any significant loss of light or overbearing concerns to these properties. Whilst there are first floor windows within the north elevation facing towards Dove Cottage due to the neighbour's intervening garage and distance of approximately 30m these do not cause any significant loss of privacy. No first floor windows are proposed within the east elevation and any views from the upper windows within the south elevation of the neighbour (1 Laurel Cottages) to the east are oblique and result in no direct window-to-window relationships. As such the proposed development is not considered to result in any demonstrable harm to the residential amenities of neighbouring properties.

#### Conclusion:

Whilst the proposed development raises no significant visual or residential amenity or highway safety concerns, the location of the application site outside any development boundaries and remote from all day-to-day services, with poor public transport links is unsustainable and will foster the growth in the need to travel. Furthermore there is no local plan policy that supports 'infill' development in small settlements without development boundaries. No case has been demonstrated to justify an exception to these fundamental objections and as such the proposal is in direct conflict with PPS1, PPS3, PPS7 and PPG13, Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan and Policies ST3, ST5 and HG9 of the South Somerset Local Plan. For this reason the application is recommended for refusal.

## **RECOMMENDATION**

Refuse permission for the following reasons:

01. The proposal represents an unjustified development outside of the development area which would not benefit economic activity. The proposed development site is remote from any urban area and therefore distant from adequate services and facilities, such as education, employment, health, retail and leisure. In addition, public transport services are infrequent. As a consequence, occupiers of the new development are likely to be dependant on private vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to government advice given in PPS1, PPS7 and PPG13, and to the provisions of Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review (1991-2011) as well as Policies ST3, ST5 and HG9 of the South Somerset Local Plan 2006.

Draft minute from Area East Committee 9<sup>th</sup> February 2011

**10/04763/FUL Erection of a single dwelling and creation of associated access (GR: 356485/128768 Land Adjoining Shurlock Row North Street Babcary for Mr Leslie Hawes**

The Planning Officer advised members that a revised plan had now been submitted which had overcome the Highways safety objection, therefore one of the reasons for refusal as shown in the agenda report had now been removed.

With the aid of slides the officer pointed to:

- The streetscene;
- Neighbouring Dove Cottage;
- The amended layout with the reconfigured parking area;
- Photos of North Street;
- The current overgrown site of the proposed application and;
- The style of other developments in the area.

The officer then referred members to the relevant parts of policy ST3 as shown on a slide.

The location of the application site did not fall within a development area and would be considered as in open countryside, the application had not been submitted as an affordable house and would be offered for sale on the open market, the applicants intention was to sell to someone with a connection to the village of Babcary, but no suggestion had been made to restrict the property to local residents.

As a local need had not been proved, and no specific justification had been made, the officer still recommend refusal of the application.

Simon Hoar of Babcary Parish Council addressed members in favour of the application and commented that:

- the plot was too small to be used for anything other than a modest dwelling and was currently an eyesore, unattractive, overgrown and derelict;
- it was previously the site of an old smithy therefore would be a suitable site for a dwelling;
- the streetscene would be enhanced by a stone building such as the proposal;
- the village needed smaller more modest houses, as there were shortages of suitably sized dwellings for young families in the village, therefore a modest new dwelling should be welcomed.

The agent for the applicant, Joanna Fryer commented that some time ago the applicants had been advised that they would be able to build a new dwelling on the site in question and they were now in a position to apply. The application site was in the heart of the village and it was a good opportunity for infill and to have a new dwelling in the village, the gap in the streetscene would also be filled. She also pointed out that a barn in the village had recently been given permission for conversion. She urged members to support the application, particularly as one of the reasons to refuse the application had been overcome.

The Area Lead East commented that there was no in fill policy within Babcary, barn conversions were often allowed, but this application was not a barn conversion, was not

a dwelling for an agricultural worker was not an affordable dwelling and went against policy ST3 there fore there was no valid reason to approve the application.

Ward Member Cllr Henry Hobhouse advised that Ward Member Cllr John Crossley had supplied a letter to confirm his support of the application. Cllr Hobhouse himself was still undecided and would listen to the continued discussion, he did point out that North Street was a dead end, and he was concerned about going against PPS7, and as Babcary did not have a parish plan the official view of the village was unknown.

During discussions members made the following comments:

- the proposed dwelling would be an improvement to the overgrown site;
- as there would be little traffic along the lane could see no reason to object;
- it would be difficult to refuse the application when there was such strong support from the parish council,;
- a medium sized property was needed in the village;
- there was confusion over the site not being within a Development Area particularly as there were houses either side of the proposed site;
- it would not be wise to approve this application with no justification as it would set a precedent for sites similar to this one;
- the application should go to Regulation Committee if approved, as it would go against Policy ST3 as this was not a rural housing exception site and could set a precedent. It was not understood why the application had not been marked as 2 starred (to go to Regulation Committee if AEC were unable to accept the officers recommendation) prior to the meeting.

The Senior Solicitor reminded members that the starting point for consideration of any planning application was the relevant policies and also referred them to the previous application that had been refused and which was a material consideration. She confirmed that the Council's Scheme of Delegation did permit a recommendation that an application go to Regulation Committee to be put forward at the meeting. She advised that it was appropriate for this application to be 2-starred because approval could set a precedent which could significantly undermine Council policy on a district-wide basis.

The Area Lead East explained that discussion had taken place prior to the meeting about marking the application as 2 starred, but it had been felt unnecessary at that time, however if the reason for approval went against Policy ST3 the decision could have district wide implications and should be referred to the Regulation Committee.

With the agreement of the chairman a proposal was made and seconded that if members should approve the application it would be referred to the Regulation Committee.

Members voted 5 in favour, and 1 against that proposal.

It was then proposed and seconded to approve the application contrary to officers' recommendation on the grounds that the proposal was an acceptable form of infill development that would not be out of character with the locality. Subject to the following conditions: -

- Time limit
- approved plans
- sample panel of natural stone to be agreed.
- details of rainwater goods/fascia boarding, eaves details to be agreed
- FFL to accord with drawing 1334/03A
- Landscaping to be agreed

- withdrawal of PD rights for additional windows to east elevation
- withdrawal of PD rights for extensions
- withdrawal of PD rights for garages/outbuildings
- highways conditions as recommended by highways officer.

Members voted 4 in favour; 2 against with 1 abstention to approve the application as detailed above, and refer to Regulation Committee.

**RESOLVED:**

- a) that on approval the application would be referred to Regulation Committee.
- b) That application 10/04763/FUL be approved contrary to officer's recommendation on the grounds that: -  
The proposal is an acceptable form of infill development that would not be out of character with the locality.

Subject to the following conditions: -

1. Time limit
2. approved plans
3. sample panel of natural stone to be agreed.
4. details of rainwater goods/fascia boarding, eaves details to be agreed
5. FFL to accord with drawing 1334/03A
6. Landscaping to be agreed
7. withdrawal of PD rights for additional windows to east elevation
8. withdrawal of PD rights for extensions
9. withdrawal of PD rights for garages/outbuildings
10. highways conditions as recommended by highways officer.

(Voting:4 in favour:2 against:1 abstention)

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