

South Somerset District Council

Notice of Meeting



Regulation Committee

Making a difference where it counts

Tuesday 20th September 2011

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 12th September 2011

Ian Clarke, Assistant Director (Legal & Corporate Services)



2007-2008
Neighbourhood and
Community Champions:
The Role of Elected Members
2006-2007
Improving Rural Services
Empowering Communities
2005-2006
Getting Closer to Communities

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www.southsomerset.gov.uk



INVESTOR IN PEOPLE

Regulation Committee

Chairman

Peter Gubbins

Mike Best
Tim Carroll
Nick Colbert
Tony Fife
Ian Martin

Patrick Palmer
Shane Pledger
Ros Roderigo
Sylvia Seal
Gina Seaton

Angie Singleton
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 20th September 2011

A g e n d a

1. Minutes of the meeting held on Tuesday 15th March 2011
2. Apologies for Absence
3. Declarations of Interest
4. Public Question Time

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5. Alterations and the change of use of building from office (Use Class B1) to childrens nursery (Use Class D1) (GR 353405/116235) Former South Somerset District Council Careline Services Houndstone Close Yeovil 5

6. **Date of Next Meeting**

The date of the next meeting is scheduled for Tuesday, 18th October in the Council Chamber, Brympton Way at 10.00 a.m.

South Somerset District Council

Draft Minutes of a meeting of the **Regulation Committee** held on **Tuesday 15th March 2011** in the Main Committee Room, Council Offices, Brympton Way, Yeovil.

(10.00am – 11.10am)

Present:

Peter Gubbins (Chairman)

Tony Fife	Keith Ronaldson
Julian Freke	Sylvia Seal
Michael Lewis	Kim Turner
Pat Martin	Linda Vijeh
Patrick Palmer	William Wallace

Also Present:

Cllr Colin Winder

Officers:

Adrian Noon	Area North/East Leads Officer
Alex Skidmore	Planning Officer
Angela Watson	Senior Solicitor
Jo Boucher	Committee Administrator

7. Minutes (Agenda Item 1)

The minutes of the meeting of the Regulation Committee held on Tuesday, 20th July 2010, copies of which had been previously circulated, were approved as a correct record and signed by the Chairman.

8. Apologies for Absence (Agenda Item 2)

Apologies for absence were received from Councillors Mike Best, Tim Carroll, Henry Hobhouse and Cllr John Crossley (Ward Member).

9. Declarations of Interest (Agenda Item 3)

There were no declarations of Interest.

10. Public Question Time (Agenda Item 4)

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

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

The Planning Officer presented the report informing members that an additional letter had been received raising concerns over the highway safety issues of the site.

With the aid of slides she highlighted the following:

- location plan
- site plan showing proposed dwelling
- floor plan of proposed dwelling
- elevations of proposed new dwelling
- photos of various views from North Street

The Planning Officer then explained to members the planning concerns regarding the lack of justification based on Planning Policy ST3. She said this application was considered contrary to policy as the application site did not fall within a development area and had not been submitted as an affordable housing application. She said that the house would therefore be offered for sale on the open market and that as no specific justification had been proved to benefit local economic activity her recommendation was for refusal of the application.

In response to questions, members were advised that:

- subjective whether this was classed as a modest dwelling but did not meet with Policy and therefore not accepted as 'affordable'
- clarified that whilst the Highway Authority now accepted the detail of the application site they still have a policy objection given the location and sustainability of the site
- confirmed that Babcary had no development limits
- the Local Plan has no infill policies that support development in settlements without development limits which are afforded the same protection from development as the open countryside
- not confirm details of a former Smithy onsite although recent history shown site as garden area
- size of plot was approx 300m²

Simon Hoar of Babcary Parish Council spoke in support of the application. He felt that the plot was currently an eyesore, overgrown and derelict and too small to be used for anything other than a modest dwelling. He said the streetscene would be enhanced by this proposal and that there were shortages of suitably sized dwellings for young families and therefore this dwelling should be welcomed.

Councillor Colin Winder spoke in support of the application. He commented that the highways objection had now been withdrawn regarding any concerns over the traffic safety issues. The application site was in the heart of the village and was a good opportunity for infill and a new dwelling within the village. He said that travelling to work and school was now commonplace and therefore should not fight against a policy which didn't really apply.

Joanna Fryer, agent for the applicant also spoke in support of the application. She informed members that sometime ago the applicants had been advised that they would be able to build a new dwelling on the site in question. She reiterated that the application

site was in the heart of the village commenting that it would help the vitality of the village and tidy up what was currently an eyesore. She also felt that the proposed dwelling would be relatively affordable and assured members that there would be no further scope to extend the dwelling due to the size of the plot. She felt that there would be no harm to highway safety and referred to a letter of support from Ward member Councillor John Crossley to confirm his support of the application.

The Area Leads Officer confirmed that he had no evidence to suggest that officers have offered support for one dwelling on the site and confirmed that an application made in 1994 for 4 affordable houses had been refused. He further comments that at the time the application was made for the erection of a garage to serve Dove Cottage this site was shown as curtilage to Dove Cottage and the application forms indicate that at that time the applicant owned the whole site.

The Senior Solicitor then advised that although the current state of the site might be a concern and can be considered a material planning consideration, this can be rectified through other statutory procedures and therefore does not outweigh the other considerations.

During members discussion, several points were raised including the following:

- the proposed dwelling would be an improvement of the site
- appreciated the strong support from the parish council for this application
- referred to the localism bill and the need to support local communities
- felt that days of sustainable communities had gone and that current policy should be reviewed, however mindful to go against so many relevant policies.
- would not wish to approve this application with no relevant justification as would set a precedent for sites similar to this one
- considered that this was not an affordable dwelling and went against policy ST3
- Babcary did not have a Parish Plan and therefore the official view of the village was unknown
- acknowledged a letter of support from the Ward Member had been supplied to the Area East Committee
- referred to the refusal of a similar application 2 years ago and felt no key changes had been made
- mindful to justify approval of this application as it went against nine policies

It was then proposed and subsequently seconded the officer's recommendation, that planning permission be refused for reason that:

'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.'

On being put to the vote this proposal was carried by 8 votes in favour, 3 against and 0 abstentions.

RESOLVED:

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.

(Voting: 8 in favour, 3 against, 0 abstention,)

12. Date of Next Meeting (Agenda Item 7)

Members noted that the next meeting of the Committee would take place on Tuesday, 19th April at 10.00am in a venue to be confirmed.

.....
Chairman

5. Alterations and the change of use of building from office (Use Class B1) to childrens nursery (Use Class D1) (GR 353405/116235) Former South Somerset District Council Careline Services Houndstone Close Yeovil

Proposal:	Alterations and the change of use of building from office (Use Class B1) to childrens nursery (Use Class D1)(GR 353405/116235)
Site Address:	Former South Somerset District Council Careline Services Houndstone Close Yeovil
Parish:	Yeovil
Yeovil (South) Ward (SSDC Member):	Mr M J H Fysh (Cllr) Mr N J Gage (Cllr) Mr D A Greene (Cllr)
Recommending Case Officer:	Andy Cato Tel: (01935) 462015 Email: andy.cato@southsomerset.gov.uk
Target date:	16th August 2011
Applicant:	South Somerset District Council
Agent: (no agent if blank)	
Application Type:	Non PS1 and PS2 return applications

Reason for Referral to Regulation Committee

The District Council are both the applicant and landowner in this case and at their meeting of 7th September 2011 the Members of the Area South Committee resolved to refer the decision on the application to the Regulation Committee with a recommendation of approval as per the officers report. The officer's report was as follows

Site Description and Proposal



This application concerns a building situated at the rear of the workplace nursery premises in the former Preston Primary School off Preston Road. The building currently stands vacant and was previously in use for offices by Careline and the Councils Building Control Officers.

Vehicular and pedestrian access to the site off Long Close leads to a dedicated car parking area to the rear; the car park serves both the workplace nursery and the application building.

The application proposes a change of use to a children`s nursery and entails:

- The internal re-organisation of the building, and
- Modest external changes to provide patio doors in place of windows to allow access to a children`s playground area to be formed to the rear of the building.

HISTORY

The application site as a whole has a lengthy planning history relating to its use as a Primary School. In June 2000 permission was obtained for the former use of the application building as offices (00/01205/R3D)

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.

Regional Spatial Strategy (RSS)

Whilst the Localism Bill has indicated that it is intended to abolish the RSS, it remains a material consideration until the Bill is agreed and therefore regard should be had to the draft policies. The RSS vision is to deliver sustainable communities and a more sustainable future for the region. The spatial strategy focuses most new development in a limited number of Strategic Significant Cities and Towns (SSCT - Development Policy A). Below these places, locally significant development will be appropriate in settlements with a range of existing services and facilities and the potential for sustainable development (Development Policy B). The RSS identified that these SSCTs should take the bulk of new development. Yeovil is included in the Strategically Significant Cities and Towns.

The development plan comprises the Somerset and Exmoor National Park Joint Structure Plan Review, and the South Somerset Local Plan (adopted April 2006).

The policies of most relevance to the proposal are:

Somerset and Exmoor National Park Joint Structure Plan (adopted April 2000):

STR1 - Sustainable Development

STR2 - Towns

STR4 - Development in Towns

Policy 11 - Areas of High Archaeological Potential

Policy 39 - Transport and Development

Policy 48 - Access and Parking

Policy 49 - Transport Requirements of New Development

South Somerset Local Plan (adopted April 2006):

ST5 - General Principles of Development
ST6 - The Quality of Development
EP2 - Noise Generating Uses
EP3 - Lighting
TP6 - Car Parking

National Guidance

Statements on Government planning policy and associated guidance can provide material considerations in the determination of a development proposal. This can be particularly relevant where the adopted development plan document pre-dates the most up to date Government policy. In this case the following policy documents are relevant:

PPS1 - Delivering Sustainable Communities (2005) and the accompanying policy document "The Planning System - General Principles".
PPG24 - Planning and Noise.
Town & Country Planning General Regulations 1992.
Circular 19/92.

South Somerset Sustainable Community Strategy
Goal 7 - Distinctiveness
Goal 8 - Quality Development

CONSULTATIONS

Yeovil Town Council: Support subject to favourable comments from Environmental Protection.

SSSDC Environmental Protection: No history of complaints in respect of existing Nursery use. No reason why the proposal should cause any more noise than is currently present and no objections are raised to the proposed extension of the Nursery use or the proposed hours of operation. A condition should be imposed to control any means of external lighting.

SCC Highways: No objections to the principle of the proposed development. Parking provision accords with the adopted parking strategy. Sufficient on-site parking should be provided for the existing nursery use.

Neighbours: A Site Notice has been posted on the site inviting comments on the application and five individual households and the neighbouring St James Resource Centre have been notified of the application. This has resulted in the receipt of one letter from the immediate householder who informs:

There is no objection to the change of use from B1 to DI (as proposed). However extremely concerned about the noise aspect, which will impact on a lovely, tranquil and quiet garden unless measures are taken to contain the noise within the building. Feels very strongly that if this goes ahead as proposed it will have an adverse affect on the neighbour`s life. Existing outside lighting is causing great concern and on one occasion lights were left on all night. A further issue is a potential increase of a pedestrian path, which borders the neighbour`s home.

CONSIDERATIONS

The proposed change of use will entail minimal external alterations to the existing building; the main external change is the use of an existing small tarmac area as a playground. The Highway Authority has no concerns over the proposed access and

parking arrangements and it has been confirmed that the existing Nursery use will also be served by sufficient on-site parking. The concerns raised by the neighbour have been referred to both the applicant and the Environmental Protection Officer (EPU). In this connection the applicant has advised that Property Services will investigate the issue of problems caused by existing external lighting. EPU above comments (no objections) have been supplied in light of the neighbour`s comments.

Subject to a condition to ensure that the car-parking arrangements remain available and a condition controlling any future proposed external lighting, there are no planning objections to this proposal.

RECOMMENDATION:

Grant permission for the following reason:

01. The proposal by reason of its scale, nature, layout and access and parking arrangements respects the character of the area, and causes no demonstrable harm to visual or residential amenity or to highway safety whilst representing the most efficient use of land within the defined development boundary and is therefore in accordance with the aims and objectives of policy ST5,ST6,EP2,EP3 and TP6 of the South Somerset Local Plan

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 58C, 1176-11A,1196-01,1196-03,1196-02.
Reason: For the avoidance of doubt and in the interests of proper planning.
 03. The parking area shall not be sited otherwise than in the position shown on the approved plan and following its provision such car park and the access to it shall be kept free of obstruction and shall not be used otherwise than for access or for the parking of vehicles in connection with the development hereby approved.
Reason: To ensure the proper and adequate provision of on-site parking facilities in the interests of highway safety and efficiency in accordance with policy TP6 of the South Somerset Local Plan.
 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), no means of external illumination shall be installed or provided in connection with the development hereby permitted without the prior express grant of planning permission.
Reason: In the interests of residential amenity further to policy ST5 of the South Somerset Local Plan
-

Draft minute from Area South Committee 7th September 2011

11/02401/R3D – Alterations and the change of use of building from office (Use Class B1) to childrens nursery (Use Class D1) – Applicant: South Somerset District Council

The Chairman informed members that this application should be two starred (**) and that the application will be referred to the Regulation Committee. The Planning Team Leader advised that whilst it was not a requirement for the application to be reported to the Regulation Committee he understood that this was as the District Council are both the applicant and landowner and for the sake of probity.

He then presented the report and with the aid of slides showed:

- site plan including new proposed playground area
- proposed floor plan
- existing rear and proposed elevations.

He confirmed that although a neighbour had not raised objections against this proposal concerns had been raised including an issue over the exterior lighting of the existing Nursery site; he advised that subject to a condition controlling any future proposed external lighting, there were no objections to this proposal.

Members were in full support of the officer's recommendation to approve the application and it was therefore proposed and seconded to refer the application to the Regulation Committee with a recommendation to approve. On being put to the vote this proposal was carried unanimously.

RESOLVED: that the Area South Committee refer the application to the Regulation Committee with recommendation for approval of the application, subject to the following conditions:

Grant permission for the following reason:

01. The proposal by reason of its scale, nature, layout and access and parking arrangements respects the character of the area, and causes no demonstrable harm to visual or residential amenity or to highway safety whilst representing the most efficient use of land within the defined development boundary and is therefore in accordance with the aims and objectives of policy ST5,ST6,EP2,EP3 and TP6 of the South Somerset Local Plan

SUBJECT TO THE FOLLOWING:

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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 58C, 1176-11A,1196-01,1196-03,1196-02.

Reason: For the avoidance of doubt and in the interests of proper planning.

03. The parking area shall not be sited otherwise than in the position shown on the approved plan and following its provision such car park and the access to it shall be kept free of obstruction and shall not be used otherwise than for access or for the parking of vehicles in connection with the development hereby approved.

Reason: To ensure the proper and adequate provision of on-site parking facilities in the interests of highway safety and efficiency in accordance with policy TP6 of the South Somerset Local Plan.

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), no means of external illumination shall be installed or provided in connection with the development hereby permitted without the prior express grant of planning permission.

Reason: In the interests of residential amenity further to policy ST5 of the South Somerset Local Plan

(Voting: unanimous)
