

South Somerset District Council

Notice of Meeting



Regulation Committee

Making a difference where it counts

Tuesday 17th July 2012

10.00 am

Main Committee Room 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 9th July 2012

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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INVESTOR IN PEOPLE

Regulation Committee

Chairman

Peter Gubbins

Mike Best
Tim Carroll
Nick Colbert
Tony Fife
Ian Martin

Terry Mounter
Shane Pledger
Ros Roderigo
Sylvia Seal
Gina Seaton

Angie Singleton
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 17th July 2012

A g e n d a

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5. Outline application for the erection of a dwellinghouse (GR: 342381/120419) - Island House Stembridge Martock..... 11
6. Erection of a new bungalow and garage as a private dwelling for subsequent disabled use (GR: 352864 / 129479) - Plot adjoining Higher Sandpits, Sandpit Lane, Charlton Mackrell 19
7. Date of Next Meeting

The date of the next meeting is scheduled for Tuesday, 21st August 2012 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 November 2011** in the Council Chamber, Council Offices, Brympton Way, Yeovil.

(10.00am – 12.50pm)

Present:

Peter Gubbins (Chairman)

Tim Carroll	Shane Pledger
Nick Colbert	Sylvia Seal
Tony Fife	Gina Seaton
Ian Martin	Angie Singleton
Patrick Palmer	

Officers:

Jo Boucher	Committee Administrator
Steve Joel	Assistant Director (Health & Well Being)
Andy Cato	Area South Leads Officer
Simon Fox	Planning Officer
Amy Cater	Solicitor
Rob Archer	Principal Landscape Officer
David Shears	Senior Land Records & Research Officer
Vicki Dawson	Environmental Health Officer
Paul Huntington	Senior Environmental Protection Officer
Carl Brinkman	SCC Highways

7. Minutes (Agenda Item 1)

The minutes of the meeting of the Regulation Committee held on Tuesday, 20th September 2011, 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, Ros Roderigo, Linda Vjeh and William Wallace.

9. Declarations of Interest (Agenda Item 3)

Councillors Gina Seaton and Tony Fife made a statement that as Member's of the Area South Committee and having already heard this application on 2nd November 2011 and took a view and voted, they will now look at the application afresh and with an open mind and make a decision based on the evidence presented today.

Councillors Ian Martin, Peter Gubbins and Tim Carroll also informed the committee they are members of Area South Committee, although they abstained from voting at the Area South Committee 2nd November 2011.

10. Public Question Time (Agenda Item 4)

A member of the public addressed the committee relating to the Yeovil Recreation Ground. She enquired as to when the Rights of Way department were made aware and instructed to divert the Rights of Way regarding the development of the Artificial Grass Pitch.

In response the Senior Land Records & Research Officer reported that they were first asked to divert in 2006 and carried out informal consultation in 2007. They were subsequently asked to proceed with the diversion order in August this year. He was first made aware of the location of the proposed AGP in mid September this year. The precise date was requested and the Senior Land Records & Research Officer confirmed it was the 15th September 2011.

11. 11/03605/R3D – The creation of artificial grass pitch with adjoining warm up area, spectator terracing, fencing, floodlighting and associated landscaping and engineering works Yeovil Recreation Centre Mudford Road Yeovil – Applicant: South Somerset District Council (Agenda Item 5)

The Planning Officer informed members that this application was initially referred to Area South Committee on 2nd November 2011 as the applicant is South Somerset District Council and the application represents major development. He informed members that Area South Committee resolved to recommend to the Regulation Committee that the application be approved with conditions as per the officer recommendations with revisions to Condition 3 and an additional condition, No. 14.

The Planning Officer then updated members that several more letters had been received, including issues regarding the noise level impact, flooding issues of the site and the democracy of the last meeting and the inappropriate timing of this meeting.

The Planning Officer also advised members that whilst the Artificial Grass Pitch (AGP) will be used for hockey for most of the time, the remainder of the time it will be available for use by the local community, sports clubs and college for recreational activities such as football and tennis.

With the aid of a powerpoint presentation, the Planning Officer then proceeded to highlight to members:

- Site location plan of Yeovil Recreation Centre which currently comprises an extensive area of football and rugby pitches, athletics arena, a pitch and putt course and flagship play area
- Aerial view of site
- Local plan inset map defining the No Development Area explaining the constraint of Policy EH10 and the provisions of PPG17

- Plan of current Public Rights of Way through the site informing them that a separate Public Path Diversion Order is currently being processed and that this a completely separate issue and should not prejudice any decision
- Proposed layout plan showing proposed warm up area and footpath from car park
- Proposed plan indicating distances from residential housing and re-contouring of ground levels
- Indicative plan of proposed Rights of Way, informing members if diversion is not agreed then there could be an impact on implementation
- Proposed Lighting plan including re-contouring of ground levels indicating the proposed area 68m x 101m plus 20m x 40m warm up area
- Proposed floodlighting to include 8 x columns at 15m high and 3 x columns at 10m high confirming the proposal will be located next to the Athletics Arena which already includes lighting
- Proposed landscaping plan – 49 additional trees to be planted
- Existing and proposed outdoor playing space – loss of 1 rugby pitch
- Existing sports pitch layout and proposed pitch layout – Sports England have reviewed this and are in support subject to conditions 11 and 12
- Proposed drainage plan
- Proposed CCTV coverage plan – cameras to be cited on proposed floodlighting columns
- Plan of proposed new sport pitch layout
- Image of section of fencing and spectator terracing – 3m, 4m and 5m high fencing, spectator terracing and dug out area
- Various photographs of the site including:
 - Example of type of fencing to be used and finished in green
 - Site in relation to properties in Marsh lane
 - Sloping ground levels within the site

He also explained that due to the difference in ground levels some engineering works are required to create a level AGP facility. This would include the re-profiling of the grassed area around the AGP due to the excavation required, with the spoil from those works partly retained on site to raise the level to the north of the AGP to re-profile sloping football pitches and to the west where spoil would be used to create a gentle mound to receive tree planting. He pointed out that some of this re-profiling would extend outside the red-line application area to the north but such works were considered de-minimis and perhaps could even be argued permitted development.

In conclusion the Planning Officer recommended that the application be approved with revisions to Condition 03 and an additional condition, No.14 as set out in the agenda report.

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

Several comments were made in opposition, which included the following:

- Application based on the assessment of need from statistics back in 2006
- How much general public consultation has taken place, haven't taken into account public opinion
- Nine sites originally considered, why Yeovil Rec first choice
- Application should be invalidated until new site assessment undertaken
- Second choice of Preston School is excellent viable alternative
- Increased noise from the facility, especially as Hockey is predominantly a winter sport and no leaves on the trees

- Concern over the acoustic expert advice on potential noise measures
- Right to Privacy without high level noise impact
- As the applicant, the Council are making a decision on their own application, process needs to be more open
- Inadequate noise assessment undertaken, not enough information to decide whether noise levels acceptable or not
- Were weather conditions taken into account when assessing noise impact
- Lovely open space in the centre of Yeovil, this proposed development would equate to far more than 10% of the Rec as stated
- Increase flooding issues especially in and around houses at Pickett Lane and Mudford Road
- Why other grass pitches being lost for one hockey pitch.
- Concern raised by local clubs regarding the proposed new football pitches not meeting the suggested size and insufficient area around pitches for parents etc.
- The Rec is a gift and well maintained, this would destroy the whole ambience
- Need to preserve the open green space for residents of Yeovil to enjoy
- Wrong to take this land away from Yeovil resulting in a loss of freedom enjoyed by users of the Rec from young mums to the elderly and dog walkers
- Whole floodlighting near houses is totally unacceptable and increased light pollution
- Costs will no doubt escalate as estimates originally made in 2008
- Should this money be better off spent elsewhere as cost could be over half a million pounds on a project for the minority
- Concern regarding the security of the site
- This area given to the town and SSDC only hold in trust, therefore should remain open recreation and playing fields in perpetuity for the people of Yeovil
- Increase in light pollution for residents in Marsh Lane especially adding to the floodlighting already in place for the athletics arena
- The Village Green application should be left to be determined first

Several comments were made in support, which included the following:

- Great opportunity for reinvestment in young people
- Students need sport to develop their skills
- Create a stronger link with the local community, local schools and college which could lead to development of future representation at county level and beyond
- Facility will give far better accessibility to the community with a potential to increase hockey awareness and sport participation in all ages and abilities
- Yeovil and South Somerset has a shortfall of hockey and artificial grass pitch provision as currently only one AGP in Yeovil
 - Gives a much needed facility which will potentially involve more local schools as there is currently little provision for hockey in schools in the local area
- Clubs need these facilities to prosper in order to help the community and young people to develop
- A catalyst for future sport developments within the town producing twenty first century facilities and need to invest in the future
- Sport is a great way of helping youngsters achieve, these facilities will benefit local people and in Olympic year will inspire youngster to play
- The current 3G facility at Bucklers Mead is recognised as an excellent facility and in huge demand, could be booked three times over
- College home fixtures over the last few years have had to played as far afield Shepton Mallet

- Gives a much needed fenced off all weather pitch for all year round matches helping with flooding and dog fouling issues
- Best location in order to rebuild membership for Hockey club as more accessible and attractive to local people of Yeovil
- Not a minority sport, second most popular team sport in Britain
- The AGP is conveniently located next to existing changing facilities and good access to parking areas
- This facility will have a huge community benefit within the town
- These facilities desperately needed as Yeovil is the second largest town in Somerset with worst sporting facilities

Steve Joel Assistant Director (Health & Well Being) the Applicant, then spoke in support of the application. He explained the principal case for need and that an analysis and feasibility study was first undertaken back in 2005 for hockey and football provision for the local area. The results of this consultation and assessment showed that across the district there was a significant shortfall of AGP provision and that Yeovil was shown to have the greatest shortfall. He further added that SSSDC was identified as having the lowest provisions available out of the five local District Council's in the area.

He has no doubt that the facility is needed and will be well used taking into account the current usage of the Bucklers Mead facility. He emphasised to members the commitment of £117,000 from the England Hockey Board indicating the commitment of the need for this facility.

He reported that a site assessment was carried out to establish the best site for the required AGP with the outcome showing that Yeovil Recreation Centre is the preferred site. He confirmed that Preston School as the preferred second choice scored less due to unsatisfactory changing facilities, car parking and greater light impact on neighbouring properties due to size restrictions of site.

He concluded however that an alternative site option was not a material consideration in relation to this application and rebutted claims from objectors that the development costs would escalate.

Mr Paul Ellingham the Agent, spoke in support of the application. He reiterated comments that the costs and assessments made regarding the site were not primary issues and that the important factor was the need for this type of facility. He said that all relevant noise and lighting impact assessments had been fulfilled and that this was an excellent proposal and design and was satisfied with the recommended conditions to the application.

In response to questions, members were informed that:

- Site selection was not a material consideration when determining this application
- Appreciated concern regarding proposed football pitch sizing, however Sport England having involved Somerset FA satisfied with proposal subject to conditions met by applicant
- Condition 13 covered concerns raised regarding drainage issues and that a full surface water drainage scheme would need to be submitted and agreed prior to commencement of works
- Aware of flooding issues in relation to property in Mudford Road and understood that this is being dealt with as a separate matter
- Clarified that Open Space is defined in the Town and Country Planning Act 1990 as land laid out as a public garden, or used for the purposes of public recreation, or

land which is disused burial ground. This illustrates the broad range of open spaces that may be of public value and therefore this proposal is fully consistent with the provision and maintenance of open space

- The Council are fully aware of the Declaration of Trust and within that declaration, the Council's predecessor agreed to hold land for the purposes of public recreation. The Council has taken legal advice on this matter and is satisfied that there are no conflicts. The Solicitor confirmed that in any event this was a private law matter and not a material planning consideration.
- Clarified the constraints of Policy EH10 and satisfied with this type of development
- The Town Green application does not necessarily preclude a grant of planning permission, although such an application is capable of being a material consideration. It should be given little weight as it is only at application stage and there is no indication as to when it will be determined.

The Senior Environmental Protection Officer explained to members' procedures regarding the noise impact assessment undertaken of the site. He explained the closest property to the site is at a distance of approximately 110 metres and the noise attenuation is expected to be approximately 50 db. The closest garden boundary would be approximately 55 metres from the site where the noise attenuation is expected to be approximately 40 –44 db. Given this level of attenuation he considered this was not a significant risk of loss of amenity due to noise.

He appreciated that there may be occasional impulses of noise from activities on the site, however, given that activities at the site will finish at 10pm and therefore the risk of harm to residential amenity due to noise is not significant.

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

- Alternative site is not an issue when determining this application
- Based on evidence there is a significant need for this type of facility
- Felt the Town Green application should be a separate issue
- Satisfied with lighting issues and proposals for minimal impact for surrounding residents
- We need this type of facility in Yeovil to help the development of sport in the community
- Excellent provision for the students of Yeovil College and other local schools who will benefit
- Sport is vital in society and for the development of children and therefore need to support
- Desperate need for this type of facility and fantastic asset for Yeovil and surrounding areas
- Excellent opportunity to plan for future generations to enjoy
- Mindful to give away open space as premium in Yeovil
- Unsure whether this is the correct site for this facility, could compromise the current Football and Rugby Clubs using the Rec
- Concern that this area is classed as 'No Development Area'

It was then proposed and subsequently seconded that the application be approved with conditions as per the officer recommendation with revisions to Condition 03 and an additional condition, No.14. On being put to the vote this was carried by 7 votes in favour, 2 against.

RESOLVED:

Grant permission for the following reason:

The proposal maintains the visual characteristic of the area whilst safeguarding residential amenity and meets a proven special recreational need in accordance with the aims and objectives of Planning Policy Statements 1, 9, 23 and 25; Planning Policy Guidance Notes 13 and 17; Policies STR1, STR2, STR4, 1, 37, 39, 48 and 49 of the Somerset and Exmoor National Park Joint Structure Plan (adopted April 2000) and Policies ST5, ST6, ST9, EP3, EP4, EH10, TP1, TP3, TP5, TP6, CR1 and CR9 of the South Somerset Local Plan (adopted April 2006).

Subject to the following conditions:

1. 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.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
 - a. Location Plan, Drawing No. AS/092/04A
 - b. Proposed Layout Plan, Drawing No. AS/092/03D
 - c. Proposed Sections, Drawing No. AS/092/07B
 - d. Outdoor Playing Space, Existing and Proposed, Drawing No. AS/092/08B
 - e. Landscape Proposals, Drawing No. AS/092/09B
 - f. Proposed Lighting Design, Drawing No. AS/092/10A
 - g. Pitch Side Elevation and Dug Out Details, Drawing No. AS/092/11
 - h. Proposed Drainage Design, Drawing No. AS/092/12A
 - i. Propose CCTV Coverage, Drawing No. AS/092/13A

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

3. The floodlights hereby permitted shall not be illuminated except between the hours of 0900 and 2215 hours Monday to Friday, 0900 and 1815 Saturdays, Sundays and Bank Holidays.

Reason: To minimise any potential nuisance and disturbance to neighbours and the surrounding area to accord with PPG17 and policies ST6 and EP3 of the South Somerset Local Plan (adopted April 2006).

4. The floodlighting hereby approved shall be installed in full accordance with the specification submitted within the application. Any future amendments, alterations or replacement lighting equipment shall be first agreed in writing by the Local Planning Authority.

Reason: To ensure that local residents are afforded the same protection in perpetuity to accord with policies ST6 and EP3 of the South Somerset Local Plan (adopted April 2006).

5. Details of the ball damper board to be installed around the perimeter of the pitch to mitigate the impact of hockey balls shall be submitted to and approved in

writing by the Local Planning Authority and shall thereafter be fully installed and maintained in accordance with such agreed details prior to the first use of the facility hereby approved.

Reason: To minimise any potential noise nuisance and disturbance to neighbours and the surrounding area to accord with PPG17 and policies ST6 and EP3 of the South Somerset Local Plan (adopted April 2006).

6. All planting proposed within the submitted landscaping scheme, drawing no. AS/092/09B (including that proposed outside the application red line) shall be carried out in the first planting season following the first use of the facility or the completion of the development, whichever is the sooner; and any trees or plants which within a period of ten 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: To maintain the character and appearance of the area to accord with policies ST5 and ST6 of the South Somerset Local Plan (Adopted April 2006).

7. No works shall be carried out unless the Local Planning Authority has approved in writing, the following tree protection and planting details:
 - a. A revised specification of watering, staking, mulching and the installation of strimmer guards relating to the submitted scheme of tree planting;
 - b. A Tree Protection Plan and Arboricultural Method Statement relating to all retained trees on or adjoining the site, so as to conform to British Standard 5837: 2005 - Trees in relation to construction and inclusive of: the installation of protective fencing, controlled vehicular access routes to and from the site and special tree protection and engineering measures for any required access, installation of built structures (i.e. the cycle shelter), below-ground services, drainage and hard surfacing within the root protection areas of retained trees.

Upon approval by the Local Planning Authority, the tree protection and planting details shall be implemented in their entirety for the duration of the construction of the development, inclusive of the landscaping phases and the required terms of the revised tree planting scheme.

Reason: To secure the planting of new trees and to preserve existing trees in accordance with the objectives of PPS1 and to accord with Policy ST6 of the South Somerset Local Plan (Adopted April 2006).

8. No works shall be carried out unless a framework for the preparation of a Travel Plan to include details for the provision of hard measures shall be submitted to and approved in writing by the Local Planning Authority. The framework shall set out the proposed contents of the plan, in accordance with the guidance in PPG13: Transport - Guidance for Travel Plans.

Reason: To promote sustainable modes of transport and mitigate any increases in vehicular traffic to accord with the objectives of PPS1 and PPG13.

9. No works shall be carried out unless a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include construction vehicle movements, construction operation hours, construction vehicular routes to and from site, construction delivery hours, expected number of construction vehicles per day, car parking for contractors, specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice and a scheme to encourage the use of public transport amongst contractors. The development shall be carried out strictly in accordance with the approved Construction Management Plan.

Reason: To ensure construction works do not impact upon the local highway network to accord with the objectives of PPG13.

10. Before the new development is brought into use, the new pedestrian and cycle arrangements shall be fully constructed in accordance with the approved plans. Such cycle provision shall be retained thereafter.

Reason: To promote sustainable modes of transport and mitigate any increases in vehicular traffic to accord with the objectives of PPS1 and PPG13.

11. No works shall be carried out unless a scheme to ensure the continuity of use of the playing fields/football pitches shown on Drawing No. AS/092/05C has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be complied with in full.

Reason: To ensure that the use of the Yeovil Recreation Centre for pitch sports meets with National Governing Body minimum standards, are fit for purpose, and accords with the objectives of PPG17.

12. Before the new development is brought into use, a Sports Development Programme shall be submitted to and approved in writing by the Local Planning Authority, which secures the delivery of a development programme for football and hockey, and includes a mechanism for review. The Programme shall be carried out and implemented in full in accordance with the approved details.

Reason: To secure sufficient benefits to the development of sport and to accord with the objectives of PPG17.

13. No works shall be carried out unless a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system to accord with the objectives of PPS25.

14. No works shall be carried out unless a Construction Method Scheme has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include the phasing of works and the positions of temporary safety/security fencing to be erected during the course of the development, which shall be set so as to allow at least a 3m-access strip adjacent to the rear boundaries of properties on Marsh Lane in order to maintain pedestrian access around the site. The scheme shall also indicate the location(s) of excavated spoil and the height of such piles.

Reason: In the interests of clarity.

Informatives:

1. With regards to Condition 11 the scheme shall ensure that the re-aligned grass pitches meet the Football Associations requirements in terms of size, quality and accessibility, and include a timetable for implementation.
2. The applicant is advised to implement the recommendations of the submitted ecological survey (Ecology Update Survey, Jackie Underhill, Sep 2011) specifically those of site enhancement.

The applicant is advised to review all access points to the Yeovil Recreation Centre so as not to prevent disabled access, or access by mobility scooter. Any alterations must take into account Rights of Way and the potential requirement for planning permission.

(Voting: 7 in favour, 2 against)

12. Date of Next Meeting (Agenda Item 7)

Members noted that the next meeting of the Committee would take place on Tuesday, 20th December 2011 at 10.00am in the Council Chamber, Council Offices, Brympton Way.

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Chairman

5. Outline application for the erection of a dwellinghouse (GR: 342381/120419) - Island House Stembridge Martock

Proposal :	Outline application for the erection of a dwellinghouse (GR: 342381/120419)
Site Address:	Island House Stembridge Martock
Parish:	Kingsbury Episcopi
BURROW HILL Ward (SSDC Member)	Mr Derek Yeomans (Cllr)
Recommending Case Officer:	Claire Alers-Hankey Tel: 01935 462295 Email: claire.alers-hankey@southsomerset.gov.uk
Target date :	2nd May 2012
Applicant :	Mr Brian Stuckey
Agent: (no agent if blank)	Clive Miller And Associates Ltd Sanderley Studio Kennel Lane Langport Somerset TA10 9SB
Application Type :	Minor Dwellings 1-9 site less than 1ha

Reason for Referral to Regulation Committee

The application is '2-starred' (**) as the proposal for a new dwelling in this rural location, for which no reasonable justification has been put forward, is contrary to policy and, if approved, could have district-wide implications.

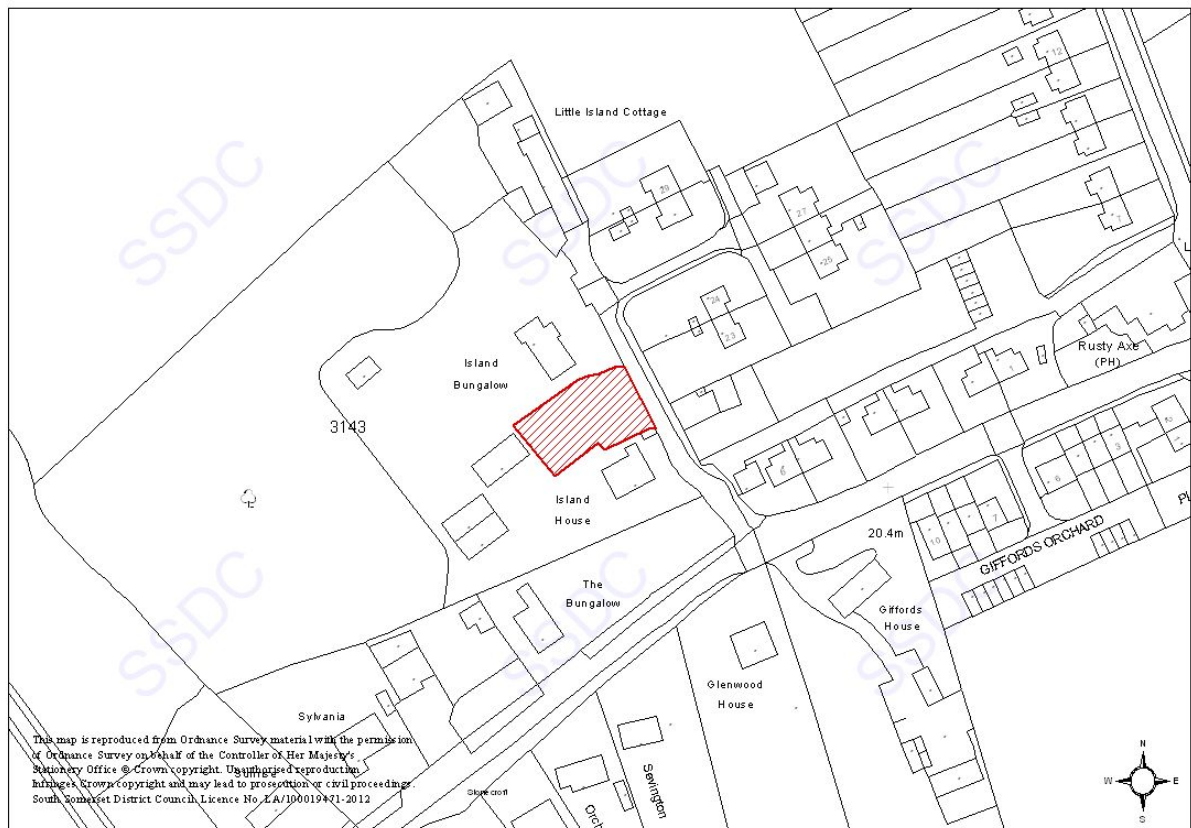
The Area North Committee on 27th June 2012 resolved to recommend to the Regulation Committee (Draft minute attached as Appendix A) that the application be approved subject to conditions including a Grampian condition to require improvements to the access road. The Area North Committee has also requested that the Regulation Committee make a site visit prior to determining the application.

The report as presented to the Area North committee is repeated below:

Reason for Referral to Area North Committee

This application is referred to the Committee with the agreement of the Chair so that the Ward Member's opinions can be considered further. The Ward Member considers that while the site is outside the development area, the site is between two existing dwellings and will cause no demonstrable harm to the bungalow or the access.

Site Description and Proposal



The site is located on the outskirts of Stembridge, a small village which does not have a defined development area, and currently forms part of the garden area of Island House.

This application seeks outline permission for the erection of a detached, two-storey dwelling and detached, two-bay garage. Indicative plans of the proposal have been submitted showing a three bedroom dwelling, although all matters have been reserved.

The applicant has provided additional supporting information in the form of a list of local services and facilities that serve the parish of Kingsbury Episcopi, and responses to the letters of objection received in relation to the application.

HISTORY

761193 - Reserved matters: Erection of bungalow and garage on land adjacent to Island House. Granted conditional approval on 11/08/1976.

751938 - Outline: Erection of bungalow and garage on land adjacent to Island House. Granted conditional approval on 02/04/1976.

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.

Saved policies of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011:

Policy STR1 - Sustainable Development

Policy STR6 - Development Outside Towns, Rural Centres and Villages

Policy 33 - Provision of Housing

Policy 49 - Transport Requirements of New Development

Saved policies of the South Somerset Local Plan:

Policy ST3 - Development Areas

Policy ST5 - General Principles of Development

Policy ST6 - The Quality of Development

Policy TP7 - Residential Parking Provision

Policy HG1 and HG2 - Provision for New Housing Development

National Guidance

National Planning Policy Framework - March 2012

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

CONSULTATIONS

PARISH COUNCIL - No objection

COUNTY HIGHWAY AUTHORITY - Notes that the site is located outside of any development limit and within an area that is considered to be unsustainable in transport terms given the lack of adequate services and facilities, together with limited public transport services within the immediate vicinity, and such fostering of growth in the need to travel would be contrary to government advice. Also notes that there does not appear to be any over-riding agricultural support to satisfy a genuine local need. The proposed development drives access onto/from Island Lane, which is a private road with a right of way running along it. Recommends the application is refused on sustainability grounds and supplies a recommended refusal reason.

AREA ENGINEER - No comment

LANDSCAPE ARCHITECT - No landscape issues

SSDC RIGHTS OF WAY OFFICER - No objection

COUNTY RIGHTS OF WAY OFFICER - Standard response regarding public right of way that runs along access.

REPRESENTATIONS

FIVE LETTERS OF OBJECTION - Have been received, raising concern over the following issues:

- Site is located outside of defined development area
- Application 08/01669/FUL is cited in the Design and Access Statement as setting a precedent, however the planning officer recommended refusal of the application and the only reason it was granted permission was due to the close proximity of the site to the development area of Kingsbury Episcopi

- This site is in a completely different location and therefore cannot be compared to the site at Kingsbury Episcopi
- Many applications for new dwellings in Stembridge have been refused and this application should be treated in the same way
- Emerging policy SS2 is referred to, however the proposal does not meet the criteria of this policy as it does not provide employment opportunities
- Does not enhance or contribute towards community facilities or services, and does not meet an identified need or provide affordable housing
- Discrepancy on the plans relating to historical boundary of Island Bungalow on the adjacent site
- Safety issue relating to the proposed altered access due to a telegraph pole and steel cable partially obstructing the entrance
- The proposed access to the orchard restricts access, such that it will force vehicles to make a wide sweep causing damage to the opposite kerb, pavement and hedges
- Question over the ownership of the lane accessing the property and the right to create further accesses onto it
- Increased traffic created by the dwelling will cause danger to users of the PROW
- Proposed development will block views across the orchard to Burrow Hill from the PROW and properties on the other side of the lane, constituting a loss of amenity
- Loss of light to adjacent Island Bungalow by proposed dwelling
- Increased disturbance to Island Bungalow from noise
- Overlooking and loss of privacy to Island Bungalow
- Overbearing/overshadowing of Island Bungalow and its rear garden
- Proposed access to the site is at the narrowest part of Island Lane, which raises safety concerns for vehicles and pedestrians
- Who will be responsible for making good further damage to the surface of Island Lane?

CONSIDERATIONS

Principle

The site is located outside of any defined development area, where the principle of new development is resisted. While the application site is located within Stembridge, the small village benefits from the same degree of protection as the open countryside, due to the lack of a development limit. Accordingly the proposal is contrary to planning policy.

No over-riding benefit has been offered by the dwelling in terms of eco-credentials or affordability, and hence there is no reason to reject established planning policy in this circumstance.

While the agent has referred to a site in Kingsbury Episcopi that was granted permission for a new dwelling outside of the defined development area, the Local Planning Authority does not consider this site to be comparable for the following reasons. That dwelling was located on Folly Road, very close to the development area of Kingsbury. The site was within a built up area and was a logical infill plot. Furthermore, being so close to the centre of Kingsbury Episcopi, the site had good access to a range of local services and facilities.

The same cannot be said for this site in Stembridge, which is in a different village entirely, not located close to a development limit and not close to local services and facilities. The agent has supplied additional information to demonstrate that there are a number of local facilities available through the number of small local businesses within

the Parish, however the majority of these facilities are distant from the site and would not serve the everyday needs of a dwelling in this location.

There is an extensive planning history within Stembridge where residential development has been resisted by the Local Planning Authority, and several of these decisions have been defended at appeal by the Planning Inspectorate. Of particular note are the following applications:

- 09/03070/OUT - Residential development was refused and then dismissed at appeal due to the proposal failing to justify an exception to planning policies restricting development in the countryside location.
- 05/02336/OUT - Residential development was refused and then dismissed at appeal due to the conflict of the proposal with policies that resist development in the countryside and also due to a lack of local facilities.
- 02/02917/OUT - Residential development was refused and then dismissed at appeal due to a lack of local facilities and the countryside location being contrary to policy.
- 02/00989/OUT - Residential development was refused as no proven essential need was established to override policies restricting development in countryside locations.

This planning history demonstrates a clear precedent has been established of refusals and dismissed appeals of new dwellings in Stembridge. These decisions show a consistent approach to residential development in such a location, outside the development area and with limited local facilities and services available, and the Local Planning Authority sees no justification put forward with this application to override the consistent precedent that has been established.

Highways

The Highway Authority has objected to the proposal on the basis that the site is located outside of any development limit and within an area that is considered to be unsustainable in transport terms given the lack of adequate services and facilities, together with limited public transport services within the immediate vicinity, and such fostering of growth in the need to travel would be contrary to government advice. The Highway Authority also notes that there does not appear to be any over-riding need, such as for an agricultural worker dwelling, to satisfy a genuine local need in the area.

Other Issues

A number of objections have been raised in relation to the proposal, some of which are relevant to the proposal and some which are not.

Reference is made of the proposal's failure to meet the requirements of emerging Core Strategy policy SS2. While the Local Plan provides the current policies, the emerging policy SS2 is gaining more weight. The LPA concurs the development fails to meet this emerging policy as the proposal fails to contribute towards community facilities or services, does not meet an identified need/affordable housing and does not provide employment opportunities.

Much concern is raised in letters of objection about the ownership and maintenance of the lane accessing the property, and harm to pedestrians using this lane. The lane is a private right of way and is not adopted by the Highway Authority. Accordingly, maintenance of the lane relates to a civil matter, which is not a material planning consideration in this instance. The Right of Way Officers have not raised an objection to the use of the lane and the Highway Authority is not concerned with the access off the lane, given that the lane is not adopted.

Concern has also been raised regarding the impact of the proposal upon Island Bungalow, directly to the north of the site and the historical boundary between the two properties. However it is considered a dwelling could be accommodated upon the application site, without harming the residential amenity of Island Bungalow, and the historical boundary line is not relevant to the determination of this application.

Conclusion

While the Parish Council has not raised an objection to the proposal, several letters of objection have been received and the Highway Authority has also objected to the principle of the development of the site. The site is outside of any defined development area, and accordingly in planning policy terms Stembridge benefits from the same degree of protection as the open countryside. No evidence has been submitted to demonstrate that there is a need for the proposal in this local area, and Stembridge as a village has almost no local services or facilities and is therefore considered to be an unsustainable location. Comparisons with the site in Kingsbury Episcopi where a dwelling was approved in 2008 are very weak, and are not considered to aid the arguments in favour of this proposal. No exceptional justification has been forward by the applicant to warrant the over-riding of planning policy and therefore the proposal is considered to be unacceptable.

RECOMMENDATION

Permission be refused

REASON:

The site is outside of any defined development area, and in planning policy terms Stembridge benefits from the same degree of protection as the open countryside. No evidence has been submitted to demonstrate that there is a need for the proposed dwelling in this local area, and Stembridge has very limited local services and facilities and is therefore considered to be an unsustainable location for new residential development of this type. No exceptional justification has been forward by the applicant to warrant the over-riding of planning policy and therefore the proposal is considered to be unacceptable and contrary to policies ST3 of the South Somerset Local Plan, STR6 of the Somerset and Exmoor National Park Joint Structure Plan and the policies set out in Chapters 4 and 6 of the National Planning Policy Framework.

APPENDIX A

Extract from Area North Committee minutes – 27th June 2012

12/00875/OUT (Pages 57-62) – Outline application for the erection of a dwellinghouse (GR 342381/120419), Island House, Stembridge – Mr. Brian Stuckey.

Prior to summarising the details of the application, the Planning Officer, in updating members reported the details of an additional letter received in objection to the application. She further reported the receipt of a letter from the applicant's agent stating that ten local residents had indicated that they had no objection to the application.

The Planning Officer, with the aid of slides and photographs, then summarised the details of the application as set out in the agenda report. She referred to the key considerations to be taken into account being the location of the site outside of any development area and the planning history of Stembridge where there was a consistency of dismissed appeals for residential development, details of which were included in the agenda report. The Committee noted that the recommendation was one of refusal for the reason set out in the agenda report and that, if the Area Committee was unwilling to accept the officer's recommendation, it would need to be referred to the Regulation Committee.

The Committee noted the comments of the applicant's agent, Mr. M. Williams, who indicated that the applicant was grateful for the opportunity of bringing the application to Committee. He referred to the applicant's family being long standing members of the community and indicated that the dwellinghouse would be used within the family, details of which he explained to the Committee. Reference was made to the applicant wishing to build a two or three bedroom house, which he commented would meet with the Parish Council's objective of having smaller dwellings in the village. He commented that the site was not in open countryside and had buildings adjacent on three sides. He did not feel that the building would be intrusive and indicated that it would not be visible from the through route. He explained the reasons for his view that the proposed dwelling would be in a sustainable area and also why he felt that the application could be granted in policy terms. In referring to the objections, he mentioned that they had not been submitted by people who lived locally and that local people had confirmed their acceptance of the proposals. Reference was also made to the applicant being willing to improve the lane from which the property was accessed. He asked the Committee to approve this outline application to enable the applicant to prepare detailed plans for a dwelling, which would enable an extended family to live in the village and provide a dwelling of a smaller size.

Cllr. Derek Yeomans, ward member, referred to there having been no facilities or services in Kingsbury Episcopi until recently. He informed members of the facilities that were now available including a shop and a pub as well as the primary school. In referring to the history of other residential development in Stembridge having been refused, he commented that those applications had been refused for good reasons. He referred to Stembridge having deliberately been kept separate from Kingsbury Episcopi so that the two villages did not run as one. He referred, however, to this site being between two existing houses and although the access lane was in a poor state of repair, the applicant had indicated that he would be prepared to do some remedial work to it. He further commented that the lane had to be traversed to reach some Yarlinton homes and its improvement would, therefore, be beneficial to the public. He indicated his support for the application, which he felt was on an eminently suitable site, not in open countryside and would bring benefits to Stembridge.

During the ensuing discussion, other members indicated their support for the comments of the ward member and were of the view that the application should be referred to the Regulation Committee with the recommendation that it be approved because it was considered that Stembridge was not an unsustainable location for new residential development, the site was situated between existing houses and not in open countryside and would cause no harm to residential amenity. It was also felt that the proposals would benefit the community given the offer of the applicant to carry out remedial work to the access lane. In that respect it was felt that any permission should be subject to a Grampian condition to require improvements to the access road.

The Committee was also of the view that it would be beneficial for members of the Regulation Committee to hold a site visit prior to determining the application.

- RESOLVED:** (1) that the application be referred to the Regulation Committee with the recommendation that it be approved because it was considered that Stembridge was not an unsustainable location for new residential development, the site was situated between existing houses and not in open countryside and would cause no harm to residential amenity. It was also felt that the proposals would benefit the community given the offer of the applicant to carry out remedial work to the access lane. In that respect it was felt that any permission should be subject to a Grampian condition to require improvements to the access road;
- (2) that members of the Regulation Committee be recommended to visit the site prior to determining the application.

(11 in favour, 1 abstention)

6. Erection of a new bungalow and garage as a private dwelling for subsequent disabled use (GR: 352864 / 129479) - Plot adjoining Higher Sandpits, Sandpit Lane, Charlton Mackrell

Proposal :	Erection of a new bungalow and garage as a private dwelling for subsequent disabled use (GR: 352864 / 129479)
Site Address:	Plot adjoining Higher Sandpits, Sandpit Lane, Charlton Mackrell
Parish:	Charlton Mackrell
CARY Ward (SSDC Member)	Mr J Calvert (Cllr)
Recommending Case Officer:	Alex Skidmore Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
Target date :	15 May 2012
Applicant :	Mr & Mrs Cameron Horridge
Agent: (no agent if blank)	Mr Gerarld Wilcox PDM Consultancy 7 St Johns Close Millbrook Torpoint Cornwall PL10 1HF
Application Type :	Minor Dwellings 1-9 site less than 1ha

Reason for Referral to Regulation Committee

The application is '2-starred' (**) as the proposal for a new dwelling in this rural location, for which no reasonable justification has been put forward, is contrary to policy and, if approved, could have district-wide implications.

The Area East Committee on 13th June 2012 (Draft minute attached as Appendix A) resolved to recommend to the Regulation Committee that the application be approved subject to conditions.

The report as presented to the Area North committee is repeated below:

Reason for Referral to Area East Committee

The application is referred to the Committee at the request of the Chairman to allow the Parish Council's comments to be discussed.

Site Description and Proposal



This application is seeking full planning permission to erect a detached, single storey dwelling and associated garage for occupation by a person with disabilities.

The application site comprises agricultural land located towards the end of a very narrow track (single vehicle width) that is shared with a number of other residential properties and is detached from and outside the defined development area for Charlton Mackrell. The track gives on to Kingweston Road, a classified C road, to the west, and a public footpath runs along the first 25 metres of the track. The site is bounded by agricultural land to front and rear, a residential property to the east and a copse with a residential property beyond to the west. The site is flat and level with neighbouring development and is enclosed by hedging along the front and rear boundaries, high open metal fence along the west boundary with planting beyond on the neighbouring land and a high breeze block wall along the east boundary. There are no trees on the site that are likely to be adversely affected by the proposed development.

HISTORY

92/00521/FUL: Erection of a sectional timber building for agricultural purposes. Refused for the following reason:

"The proposal by means of its size, materials and location (and in the absence of any appropriate justification) would be significantly detrimental to the amenities of adjoining residential property holders and to the character and appearance of its rural location ..."

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 5 - Landscape Character

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

EC3 - Landscape Character

TP7 - Parking Provision in Residential Areas

National Guidance:

National Planning Policy Framework (Parts 4, 6, 7, 10 and 11)

South Somerset Sustainable Community Strategy:

Goals 7, 8, 9, 10 and 11

CONSULTATIONS

Charlton Mackrell Parish Council: No objections. The applicant assured the Parish Council that access along Sandpits Lane would not be affected during building as it was a self build and no large lorries would transit the lane. Additional drainage / utilities would be laid along the lane however disruption would be kept to a minimum and the surface repaired with the correct materials.

Technical Officer: Surface water disposal via soakaways

County Highway: Recommended refusal for sustainability reasons, due to the location of the site outside development limits, as well as for the following highway safety reasons.

The site is accessed from a private single width track and occupiers of the dwelling would require access over a public footpath located to the west before joining the adopted public highway. The width of the private access track leading the site, appear to be less than 5m in width and therefore accommodating two way traffic would be difficult. Additional traffic associated with a new development in this location will exacerbate the situation resulting in an increase in conflicting traffic movements close to a junction to the detriment of highway safety for all road users.

I have concern about the level of visibility at the junction onto the classified road, in particular to the southeast as it is restricted by the adjoining landowner's boundary wall.

The newly adopted Somerset Parking Strategy (March 2012) has just come into affect and I would draw attention to the internal measurements of a double garage which should be 6m (long) x 6m (wide). The proposed garage actually measures less than these dimensions. Provision should also be mace for bicycle storage. A 3 bedroom dwelling in this location should accommodation 2.5-3 parking spaces, and it appears that this could be easily accommodated within the site.

The application is therefore recommended for refusal for the following highway safety reasons:

1. The use of the access to the site in connection with the development proposed would be likely to increase conflicting vehicle/pedestrian 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).
2. The proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 2000) since the increase in the use made of the sub-standard junction where the public right of way meets Kingweston Road such as would be generated by the proposed development, would be prejudicial to highway safety.

Rights of Way (Somerset County Council): Raised no objections but asked that the health and safety of walkers be taken into consideration whilst works are being carried out. They also noted that the applicant will be responsible for putting right any damage to the surface of the footpath resulting from the development and that it is an offence to drive a vehicle along a public footpath unless the driver has lawful authority to do so.

Should the proposal result in a right of way becoming less convenient for public use, become obstructed or its physical condition be adversely affected in anyway then separate permission from the Somerset County Council Rights of Way Group may be needed (01823) 483069.

Rights of Way (SSDC): No comments received.

Landscape Officer: Objects, noting that “this quarter of Charlton Mackrell is characterised by linear residential development, which aligns the Kingweston Road, and is primarily a single plot depth. To the north of the site, the land is open countryside, and open in character.

This application site is clearly at the fringe of the village. Whilst the field boundary that runs across the north boundary of this site is a strong landscape boundary between the village periphery and the open farmland, this section of the periphery is primarily characterised by small pasture plots. Noting that adjacent residential form is primarily concentrated on the Kingweston Road, to the west of this site, then I consider that development of the proposal site is contrary to local settlement character, and thus could be rejected on those grounds (policy ST5 para 4).”

Should this proposal be approved a landscape and boundary treatment condition are requested.

REPRESENTATIONS

None.

APPLICANT'S CASE

The applicants state that they require a bungalow with disabled access for health reasons but that it has become impossible to find an acceptable property as bungalows are more expensive than houses and are in short supply in the area. They have also stated that they were both born and raised in Charlton Mackrell and that they are hoping to move back to the village. They currently reside in Charlton Adam.

CONSIDERATIONS

This application is seeking full planning permission to erect a permanent detached bungalow and associated garage for occupation by a person with disabilities.

Principle:

Whilst the applicant has stated that the application site is not agricultural land there is no planning history to support this view and the land is considered to be agricultural, in any case, regardless of whether the land is agricultural or residential garden land the site would still be considered to be greenfield land.

As a greenfield site located beyond any development boundaries, as defined by the South Somerset Local Plan (SSLP), there is a presumption against new development in this location unless it will be beneficial to economic activity, will maintain or enhance the environment and will not foster the growth in the need to travel. The proposed dwelling is not sought as an occupational workers dwelling, such as an agricultural workers dwelling, and as such offers no benefit to economic activity. Given that the proposal would result in new built development being constructed on greenfield land it will neither maintain nor enhance the environment and due to its location remote from every day services such as health care, shops, employment etc, and where there is poor access to public transport, it is considered to foster the growth in the need to travel.

The applicant submitted the application on the grounds that there is a shortage of bungalows within Charlton Mackrell, that he and his wife have lived in the locality all their lives and that they now require a single storey dwelling for health reasons. Whilst every sympathy is extended to the applicants for their present situation unfortunately the reasons given for requiring a dwelling outside development limits is not considered adequate justification to overcome the strong policy objections set out above. Further to this, it should be noted that it would not possible to restrict the occupation of the dwelling to a disabled person and their dependents as such a condition would not be enforceable, as such this permanent dwelling has to be treated as an unrestricted open market dwelling. There is no evidence that the applicants have considered whether there are any potential sites for their development within the defined development area for Charlton Mackrell and given the poor access arrangements (see comments on access below) the suitability of the site for a disabled persons dwelling is questionable.

For these reasons there is no planning policy support for the proposed development and the application is therefore recommended for refusal.

Pattern of development and visual amenity:

The site is located along a narrow, unmade track off the Kingweston Road to the north of the village core and where residential development is primarily single plot depth, linear to the highway. To the north of the site the land is open countryside and open in character. The site is at the very fringe of the village and whilst the field boundary along it's north boundary is a strong landscape boundary between the village periphery and open farmland this section of the periphery is characterised by small pasture plots. Given that residential development in the locality is primarily concentrated on the Kingweston Road to the west of the site the Landscape Officer considers the proposal to be contrary to the established pattern of development in the area and therefore contrary to Policy ST5 of the SSLP.

In terms of the detailed design, the proposal is seeking a bungalow of a fairly standard design to be finished predominantly in render but with a modest stone faced gable wing to the front. There is sufficient space within the site to accommodate a dwelling of this scale without it resulting in an unduly cramped layout. Whilst development along this

private track is primarily characterised by traditional, stone built dwellings there are a number of rendered bungalows along Kingweston Road to the south of the site, as such it is difficult to argue that the use of render in this area would be out of keeping with the locality.

For the above reasons, whilst the detailed design of the bungalow raises no significant concerns, a new dwelling in this position is considered to be contrary to the established pattern of development of the locality, contrary to Policy ST5 of the SLLP.

Residential amenity

Due to the single storey scale of the proposed dwelling, its position well away from the neighbour to the west and set away from the east boundary, along which in any case is a high solid boundary treatment (breeze block wall), the proposal is not considered to cause any significant harm to the residential amenity.

Access, parking and highway safety:

Access to the site is approximately 150m along a very narrow single width unmade track, shared with six other residential properties, along which there are few passing opportunities. The proposed dwelling will add significantly to the level of traffic using this track and increase conflicting traffic movements close to the junction with the public highway to the detriment of highway safety. The highway authority has identified the access on to the public highway as being substandard due to the poor visibility to the southeast for emerging vehicles and its increased use is therefore also considered to be detrimental to highway safety.

In terms of parking provision, it is accepted by County Highways that there is sufficient space to meet the Somerset Parking Strategy, i.e. 2.5 - 3 parking spaces.

Public footpath:

A public footpath passes along the first 25m of the access track from the public highway. Whilst the proposal will result in an increase in traffic passing over the footpath there is no reason to expect the development to adversely affect the amenities of users of the footpath.

Conclusion:

For the reasons set out above, it is considered that there is insufficient justification to support a new dwelling on this greenfield site within the open countryside and that due to its siting, the proposed development will be at odds with the established pattern of development in the area contrary to Policies ST3 and ST5 of the SLLP. Additionally, the proposal will result in the increased use of the narrow access track resulting in increased conflicting traffic movements and the increased use of a substandard junction to the detriment of highway safety and contrary to Policy ST5 of the SLLP and is therefore recommended for refusal.

RECOMMENDATION

Refuse permission for the following reasons:

01. The proposal seeks a new build residential dwelling on a greenfield site located in the open countryside which offers no benefit to economic activity, will neither maintain or enhance the environment and, due to its location remote from most day to day services, is likely to foster the growth in the need to travel. Insufficient justification has been provided to overcome these sustainability concerns and the proposal is therefore considered to be contrary to the aims and objectives of the National Planning Policy Framework (Parts 4, 6 and 10), Policy STR1 and STR6 of

the Somerset and Exmoor National Park Joint Structure Plan (1991-2011) and Policies ST3 and ST5 of the South Somerset Local Plan 2006.

02. The proposed development will generate a significant number of additional vehicular movements and result in the intensification in use of the existing substandard access on to Kingweston Road, which has restricted visibility for emerging vehicles, and an increase in conflicting traffic movements along this very narrow access track where there are few passing opportunities, to the detriment of highway safety and contrary to the aims and objectives of the National Planning Policy Framework (Part 4), Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (April 2000) and Policy ST5 of the South Somerset Local Plan 2006.
 03. The proposal is contrary to the single plot linear settlement pattern that predominates in the immediate vicinity and is therefore considered to be at variance with the established pattern and character of built development in the area and contrary to the aims and objectives of National Planning Policy Framework (Part 7) and Policy ST5 of the South Somerset Local Plan 2006.
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Appendix A

Draft minute from Area East Committee 13th June 2012

Planning Application: 12/01058/FUL ** Erection of a new bungalow and garage as a private dwelling for subsequent disabled use (GR: 352864 / 129479) Plot adjoining Higher Sandpits, Sandpit Lane, Charlton Mackrell Mr & Mrs Cameron Horridge

The Officer explained that this application was 2 starred because if approved contrary to officers recommendation, it could have district wide implications therefore would have to be referred to Regulation Committee.

The Planning Officer proceeded to present the report as detailed in the agenda and with the aid of a power point presentation showed:

- Plan of Charlton Mackrell including the development area;
- The narrow track leading to the site;
- Elevation drawings;
- Access into the site;
- The copped area to the left;
- View along Kingweston Road.

The officer reaffirmed her recommendation to refuse the application, although the application was to accommodate a local disabled person, if approved it would be impossible to impose a condition to keep the dwelling in perpetuity for a disabled person. An exceptional need for a dwelling in this location had not been demonstrated to adequately overcome the strong policy objection against new build residential development outside designated development areas; the proposal would also impact upon highway safety.

SC Councillor J Zouche spoke in support of the application although the property would be outside the village boundary, the land was within it, Cllr Zouche felt the photos shown were misleading as they indicated the lane was much narrower than it actually was, there were plenty of passing places along the lane. He referred to page 93 of the agenda report that stated the proposal was to build in 'open countryside' but Cllr Zouche said the site was not in 'open countryside' the Parish Council had supported the application therefore he asked members to do the same.

Mr C Horridge the applicant addressed members and explained that he and his wife had lived locally all of their lives, the dwelling was needed for his disabled wife, the plot was only just outside the development area, the access point in question was used daily with no issues, the land had not always been classed as greenfield as it had once been quarried in the 1950's.

Ward Member Cllr John Calvert did not think the lane was used as much as had been indicated, he was in favour of recommending approval of the application.

The following comments were made by members during discussion, some of which included:

- This appeared to be an infill plot between two properties;
- The 30mph speed limit ended near to the entrance to the lane which was mainly used by farm vehicles;

- Policy SS2 of the emerging Local Plan appeared to cover development in rural areas for a different type of housing in short supply for locals such as small bungalows for elderly local people to move to and remain in the village;
- Did not understand why some policies had been overturned in other applications.

The Area Lead responded to a couple of issues: the applicant had put a stronger case than a previous similar case in Area East but it was not possible to condition the occupancy. If Policy SS2 had already been in place the application would not have had to be recommended to Regulation Committee, the applicant could always bring the application back to AEC at a later date after the Local Plan had been adopted. It was not possible to remove the 2 starred recommendations now that the application had been in the public domain.

It was then proposed and seconded to approve the application; Members voted unanimously that the application be referred to Regulation Committee with a recommendation for approval of the application.

RESOLVED:

That Planning Application 12/01058/FUL ** be referred to the Regulation Committee with a recommendation to approve, contrary to the officer's recommendation, on the basis that:

The proposed dwelling be approved on the grounds that it complies with policy SS2 of the emerging Local Plan.

(Voting: Unanimous in favour)
