

South Somerset District Council

Draft Minutes of a meeting of the **Regulation Committee** held on **Tuesday 17th July 2012** in the Council Chamber, Council Offices, Brympton Way, Yeovil.

(10.00am – 12.00 noon)

Present:

Peter Gubbins (Chairman)

Mick Best	Ros Roderigo
Tim Carroll	Sylvia Seal
Nick Colbert	Gina Seaton
Tony Fife	Angie Singleton
Ian Martin	Linda Vijeh
Terry Mounter	William Wallace
Shane Pledger	

Also Present:

Cllr John Calvert
Cllr Derek Yeomans
Cllr Jimmy Zouche, SCC Ward Member

Officers:

Jo Boucher	Committee Administrator
Adrian Noon	Area Lead North/East
Alex Skidmore	Planner
Amy Cater	Solicitor

7. Minutes (Agenda Item 1)

The minutes of the meeting of the Regulation Committee held on Tuesday, 15th November 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)

There were no Apologies for Absence.

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. 12/00875/OUT Outline application for the erection of a dwellinghouse – Island House Stembridge Martock

Prior to the Planning Officer presenting details of the application the Area Lead clarified to members the consideration given to the relevant ST3 policy provided in the current Local Plan. He explained the requirements and timescales of the emerging Core Strategy policy SS2 but that this is not relevant to the proposal at this time.

The Planning Officer then presented the report as set out in the agenda and informed members that the site is located outside of defined development area and that little weight should be given in comparison to sites at the nearby development area of Kingsbury Episcopi.

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

- Location plan
- Existing and proposed site plan including proposed streetscene and floor plan
- Various photographs including:
 - existing properties within the area
 - existing lane and access to site
 - bungalow adjacent to the site
 - proposed site area
 - aerial view of Stembridge and Kingsbury Episcopi
- Latest proposed plans

The Planning Officer 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, referring to the relevant plan included within her powerpoint presentation.

In response to members' questions the Area Lead clarified that:

- ST3 policy seeks to protect rural areas from unjustified development
- uncertain when adjacent bungalow was built but would not have been subject to current policies
- the existing outbuilding adjoining to the lane would have similar restrictions should planning permission be sought
- slightly different development boundary in Kingsbury Episcopi than Stembridge
- a "Grampian condition" is a planning condition that prevents the start of a development until off-site highways works have been completed and in this case would therefore provide a requirement to the applicant to carry out improvements to the access road prior to the development
- a form of hardstanding is located to the rear of the proposed site
- the majority of objection letters received were not from local residents
- Kingsbury Episcopi has a development limit but Stembridge does not
- exceptions to justify develop to building outside development limits include barn conversions, affordable housing, agricultural dwelling

Councillor Derek Yeomans, ward member, spoke in support of the application. He informed members of the facilities now available in Kingsbury Episcopi including a thriving shop, pub and primary school. He referred to Stembridge having deliberately been kept separate from Kingsbury Episcopi so that the two villages did not run as one. He referred to the proposed dwelling being situated between two existing houses and

although the access lane was in a poor state of repair, the applicant has indicated that he would be prepared to do some remedial work to it and therefore beneficial to the local public and users of the lane. He concluded that the dwelling was in a sustainable location for a new residential development, that the site was situated between existing houses and not in open countryside and would therefore cause no harm to residential amenity.

Mr Mike Williams, agent also spoke in support of the application. He referred to the comments made by the parish Council and Area North Committee who were in support of the application. He explained that the applicant's family were long standing members of the community, indicating that the dwellinghouse would be used within the family, details of which he explained to the committee. He felt the proposed site was an in-fill plot in a cul-de-sac and therefore in a sustainable area and also why he felt that the application could be granted in policy terms. He referred to the applicant being willing to improve the lane from which the property was accessed and if approved would enable the applicant to prepare detailed plans for a dwelling, which would enable an extended family to live in the village and provided a dwelling of a smaller size.

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

- Stembridge was a sustainable location for a new residential development
- appreciate the site is situated outside of the development limit, however this proposed dwelling is situated between existing houses and not in open countryside and would therefore cause no harm to residential amenity
- that the lane had to be traversed to reach some Yarlinton homes and therefore the proposal of remedial works to the access lane would benefit the local community
- noted that the majority of objections received had not been submitted by people who lived locally
- support to provide a dwelling of a smaller size
- noted the facilities now available within Kingsbury Episcopi and felt additional housing would only help support these local facilities
- raised concern over the maintenance of the access road
- transport and sustainable policy guidance was impracticable in this case
- support for family life in rural settlements
- definite in-fill site and therefore would not be setting a precedent if minded to approve application

In conclusion, members voiced their full support for the application and following clarification from the Area Lead and Solicitor proposed and subsequently seconded, that planning permission be approved for reason that:

'Although 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, the specific location and setting of the proposed development – land locked and not adjacent to open countryside – justify an exemption to Policy 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'.

Plus conditions to include the following:

1. Standard outline and reserve matters conditions
2. Grampian condition for the agreement of improvements to the access track prior to commencement and implementation prior to occupation of dwelling

On being put to the vote this was carried unanimously.

RESOLVED:

That application reference 12/00875/OUT be approved subject to:-

01. Approval of the details of the layout, scale, appearance, access and landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

SUBJECT TO THE FOLLOWING:

1. Standard time
2. Approved plans
3. Levels
4. No work in connection with the development hereby approved shall be carried out until such time a scheme for the improvement of the access from the site to the junction with the main road has been submitted to and approved in writing by the local planning authority. Once approved such improvements shall be fully implemented prior to the occupation of the dwelling hereby approved.

(Voting: unanimous)

12. 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, Sandpits Lane, Charlton Mackrell

The Planning Officer presented the report as set out in the agenda updating members that 13 additional letters of support had been received since the Area East Committee.

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

- Location plan outlining in red the proposed site and access lane
- Elevation drawings
- Development area of Charlton Mackrell
- Aerial view of site
- Various photographs including:
 - Proposed site
 - Adjacent neighbouring property
 - View along access lane
 - Access and junction to lane

The Planning Officer referred to the key considerations to be taken into account reaffirming her recommendation to refuse the application. She explained that 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. She felt an exceptional need for a dwelling in this location had not been demonstrated to

overcome strong policy objection against new build residential development outside designated development areas. The proposal would also impact upon highway safety and does not accord with the established pattern and character of built development in the locality.

SCC Councillor Jimmy Zouche spoke in support of the application. He reported he had known the applicant for more than twenty years and had supported the community greatly. He explained the dwellinghouse was needed for the applicant and his wife, details of which he explained to the committee. He also referred to the Area East minutes included within the agenda, referring to the statement made by the Area Lead indicating that if Policy SS2 had already been in place the application would not have had to be recommended to Regulation. He felt however this would be a waste of resources and officer's time should members refuse this application.

In response the Area Lead explained that Planning Policy SS2 was different to that of the existing ST3 policy and would in future give more onus for the applicant to support outside settlements. Once in this position it is likely that more applications would be determined by Area Committee's, however this was not the only reason for refusal in this case.

Councillor John Calvert, Ward member, spoke in support of the application. He felt this proposal was merely an in-fill site as houses already surrounded the site. He appreciated the highway issues but had used the lane many times and never had a problem leaving the lane.

Mr David Lane, representative from Charlton Mackrell Parish Council also spoke in support of the application. He reiterated the Ward members' comments regarding the access to the lane, as he too had never encountered any problems. He informed members that a turning point would be included with the site and felt this was merely in-fill as houses already surrounded the site.

Mr C Horridge, the applicant addressed members and explained he and his wife had lived locally all their lives, the dwelling was needed for his disabled wife and although the plot was only just outside the development line there was a strong boundary hedge between the site and the open countryside. He referred to the number of letters of support from the local community and his doctor. He said that the access point in question was used daily with no issues and indicated that he would be prepared to do some remedial work to the access lane and therefore beneficial to the local public and users of the lane.

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

- Concern over the very narrow single track which is already shared with other properties where there are very few passing opportunities
- Location of the site was outside development limits and in this case was not land locked by other dwellings so did not warrant exception to policy
- Proposed development could generate a significant number of additional vehicular movements to the land and existing access
- Concern about the level of visibility at the junction onto a classified road
- Appreciated the applicants situation but personal circumstances were not a planning consideration
- Appreciated the huge local support to the application
- Some weight should be given to the local resident's and Parish Council's views of support

- Could be considered to be an infill site
- Should look to help and support local residents to continue to be able to live in the village they were born in
- Appreciated the remedial works to the lane to be undertaken by the applicant
- Referred to the forthcoming change in Planning Policy and appreciated applicant could re-apply once new policy comes into force next year; unsure what the advantage would be to refuse application now

Following a short discussion, it was then proposed and subsequently seconded, that planning permission be approved for reason that:

‘Although the site is outside of any defined development area evidence has been submitted to demonstrate that there is a need for the proposed dwelling in this local area, and is therefore considered to be a sustainable location for a new residential development of this type. Justification has therefore been given to over-riding of planning policy 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’.

Plus conditions to include the following:

1. Standard Conditions
2. Detail to require all external materials to be typical of locality
3. Landscape condition to retain hedge
4. Standard timescales and approval of plans
5. Levels of site
6. Parking & turning area to be provided and maintained
7. Scheme of lane - Grampian

On being put to the vote this was lost by 6 votes in favour, 7 against.

The Officer’s original recommendation to refuse the application, as set out in the agenda report, was then proposed and subsequently seconded and on being put to the vote was carried by 7 votes in favour and 6 against.

RESOLVED:

That application reference 12/01058/FUL be refused for the following reason:

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.

(Voting: 7 votes in favour, 6 against)

13. Date of Next Meeting (Agenda Item 7)

Members noted that the next meeting of the Committee would take place on Tuesday, 21st August 2012 at 10.00am in the Council Chamber, Council Offices, Brympton Way.

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Chairman