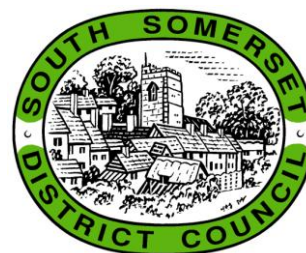


South Somerset District Council

Notice of Meeting



Regulation Committee

Making a difference where it counts

Tuesday 19th February 2013

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 11th February 2013

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 Disclosable Pecuniary Interest (DPI) or a personal and prejudicial interest

In relation to Disclosable Pecuniary Interests, a Councillor is prohibited by law from participating in the discussion about the business on the agenda that relates to this interest and is also required to leave the room whilst the relevant agenda item is being discussed.

Under the new Code of Conduct adopted by this Council in July 2012, a Councillor with a personal and prejudicial interest (which is not also a DPI) will be afforded the same right as a member of the public to speak in relation to the relevant business and may also answer any questions, 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 19th February 2013

A g e n d a

1. Minutes of the meeting held on Tuesday 18th December 2012
2. Apologies for Absence
3. Declarations of Interest
4. Public Question Time

Page No.

5. Tern House, Charlton Musgrove, Wincanton – Application No. 12/03627/FUL.....5

6. Date of Next Meeting

The date of the next meeting is scheduled for Tuesday, 19th March 2013 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 18th December 2012** in the Council Chamber, Council Offices, Brympton Way, Yeovil.

(10.00am – 11.00am)

Present:

Tim Carroll (Chairman)

Mick Best	Sylvia Seal
Nick Colbert	Gina Seaton
Ian Martin	Angie Singleton
Terry Mounter	Linda Vijeh
Ros Roderigo	

Officers:

Jo Boucher	Committee Administrator
David Norris	Development Control Manager
Simon Fox	Planning Officer
Amy Cater	Solicitor

7. Minutes (Agenda Item 1)

The minutes of the meeting of the Regulation Committee held on Tuesday, 17th July 2012, copies of which had been previously circulated, were approved as a correct record by the Chairman.

8. Apologies for Absence (Agenda Item 2)

Apologies for absence were received from Councillors Tony Fife, Peter Gubbins, Shane Pledger and William Wallace.

In the absence of the Chairman, the Vice Chairman, Councillor Tim Carroll assumed the Chair for the meeting. Councillor Ian Martin was then proposed and seconded to position of Vice Chairman with the agreement of all members of the committee.

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. 12/03202/OUT Outline application for the erection of a dwelling (GR 352898/113152) Land at Witches Way Holywell East Coker – Mr & Mrs Miller

The Planning Officer presented the report as set out in the agenda and explained to members that at the meeting of the Area South Committee on 7th November 2012 it was resolved that the application be referred to the Regulation Committee with the recommendation to approve contrary to the officer's recommendation.

He reported that this report had been slightly amended from that presented to Area South Committee and with the aid of slides highlighted to members:

- Location Plan and nearest property known as 'Brooke House'
- Indicative Site Plan
- Plan showing residential curtilage
- Map showing site located between East and West Coker
- Various photographs including:
 - Aerial view of site
 - Varying street views from site
 - Existing gate and vehicular access in relation to Brooke House
 - Alignment of highway from site
 - Varying levels of site and existing boundaries
 - Applicants current residence known as 'Witches Way'
- Plan showing comparison of dimensions of Witches Way and indicative drawing of proposed new dwelling
- The application was located outside of the development limit.

The Planning Officer also informed members that at the meeting of Area South Mrs Moira Brunt (an independent advocate) and Mr Rousell both spoke in support of the application.

He also referred to comments made by the local Parish Council's stating that East Coker Parish Council did not support the application as they considered it an inappropriate location to build on agricultural land but West Coker Parish Council had raised no objections.

In conclusion the Planning Officer referred members to the powerpoint slide detailing the Key Considerations for members, this included:

- Application is in outline with all matters reserved for later determination
- Due to the fact that occupancy cannot be controlled by any means the application effectively seeks approval for an open market dwelling in the open countryside
- Has the continued use of the existing house been suitably proved not to be an option?
- The sole justification for this application is based on the personal circumstances of the applicant's son
- Is it possible to suitably differentiate between these circumstances and those that could be presented by someone else in the future?
- Would the granting of this application based on the personal circumstances alone create an unacceptable precedent across the district?
- Previous refusal in 2001

The Planning Officer also clarified to members the voting procedure taken at Area South Committee. He explained that the Officer's recommendation for refusal was proposed and seconded and on being put to the vote was lost by 6 votes in favour and 7 against, hence the reason why the application was referred to this Regulation Committee for determination.

Mr Stan Shayler, East Coker Parish Council representative then addressed the committee. He told members that the applicant had not attended the appropriate Parish Council meeting although evidence had been provided by Mr Miller for the application. It was felt that the applicant's son Paul was able to carry out daily responsibilities such as work, ride a motorcycle and understood that he holidayed with his parents. He said the current location was isolated, would set a precedent for others to build in open countryside and that the alternative of purchasing a smaller dwelling nearby would be a more suitable option.

Mr Brian Rousell then addressed the committee and spoke in support of the application. He said that he had known the applicant for many years and that all they wanted was to safeguard the future care and accommodation for their son as their present home was not suitable. He expressed the neighbour's local support and hoped the members would also support the application.

Mr Philip Crowther, the applicant's solicitor, also spoke in support of the application. He referred to the National Planning Policy Framework (NPPF) stating it made clear the support for development outside of development area for special circumstances. He felt this would not set a precedent as this was a very rare case and therefore should be classed as a significant consideration. He said in an ideal world they wouldn't want to move but unable to adapt the current home.

Mrs Moira Brunt, an independent advocate, addressed the committee. She explained the health issues associated with Aspergers Syndrome and that routines were extremely important for the sufferer, as were safeguarding their familiar surroundings and that any changes to these would have a huge impact on their mental health. She also explained the need for a large network of support and because of Paul's condition any changes in these matters would have a huge impact for him should he be forced to move away. She felt the need for a more user friendly home and with the support of his parents would aid in the transition process which would be extremely important.

Mr Dudley Miller the applicant then addressed the committee. He enlarged on the severe mental health issues his son suffers responding to the comments made by East Coker Parish Council maintaining that his son does not ride his motorcycle to work and is no longer able to go on holiday. He said Paul had great support from friends and neighbours and that his only objective was to secure his sons long term future care.

Councillor Gina Seaton, Ward member reiterated comments made at Area South Committee. She felt these were special circumstances that would not set a precedent should this application be approved. She agreed that the applicants existing dwelling could not meet their needs and therefore the best alternative was to erect suitable accommodation within the grounds of their own property. She referred to Highways comments over concerns that the site was remote from adequate services but reported that the village had an hourly bus service. She also referred to the NPPF stating it made clear the support for planning for the future including people with disabilities and therefore she would support this application.

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

- Sought clarification regarding the justification of a new property over the existing dwelling
- Appreciated the applicant's circumstances but should be mindful to follow planning policy guidance
- Site not within a sustainable location and remote from adequate services and facilities
- Occupancy cannot be controlled therefore property could be sold on the open market
- This was a unique case and appreciated the need to sell their existing home in order to fund the build and secure a trust fund for their sons future
- Not given any real reason why the existing property could not be modified to meet the sons needs as moving home could cause further anxiety
- Would like to see a full detailed application and due to undergoing planning policy changes could be a matter for the Planning Inspector to decide.

It was then proposed and seconded that the application be refused as per the Officer's recommendation as set out in the agenda report. On being put to the vote this was carried by 6 votes in favour, 3 against and 1 abstention.

RESOLVED:

Refuse permission for the following reasons:

01. The proposal would represent a new isolated home in the countryside for which an overriding essential need has not been justified. The application site is remote from services, facilities, education, employment opportunities and sufficient public transport links, and will therefore increase the need for journeys to be made by private vehicles. The proposal would, in addition, represent an unjustified and undesirable intrusion into an attractive area of open countryside to the detriment of the visual appearance and character of the landscape and would not represent sustainable development and is therefore contrary to The National Planning Policy Framework and policies ST5 and EC3 of the South Somerset Local Plan (adopted April 2006).

(Voting: 6 votes in favour, 3 against and 1 abstention)

12. Date of Next Meeting (Agenda Item 6)

Members noted that the next meeting of the Committee would take place on Tuesday, 15th January 2013 at 10.00am in the Council Chamber, Council Offices, Brympton Way.

.....
Chairman

5. Tern House, Charlton Musgrove, Wincanton – Application No. 12/03627/FUL

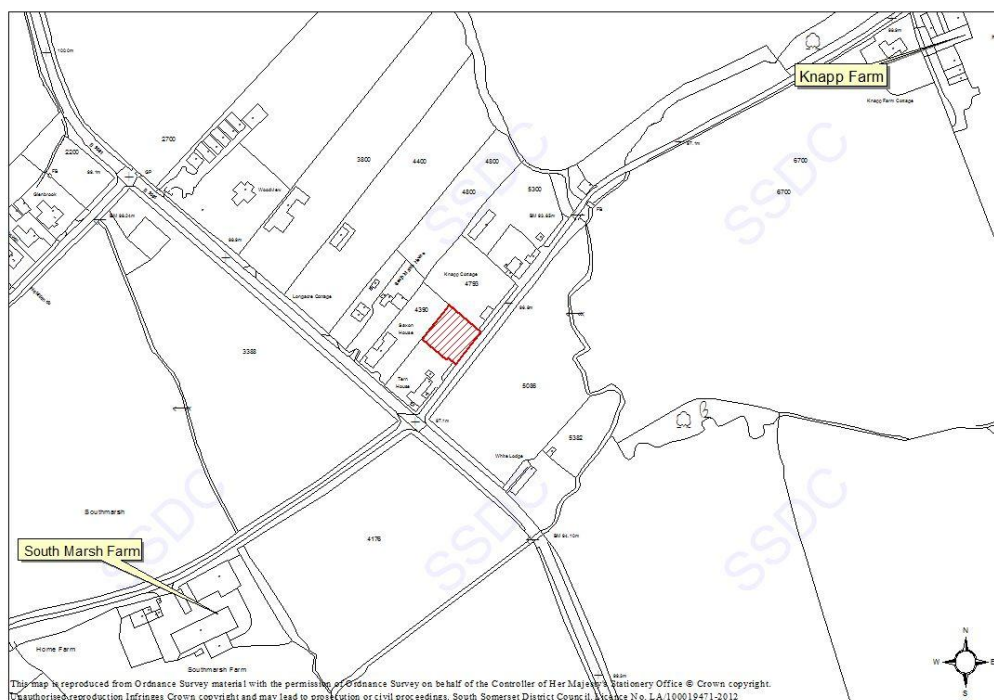
Proposal :	Erection of a dwelling in part of garden (GR: 373449/130872)
Site Address:	Tern House Charlton Musgrove Wincanton
Parish:	Charlton Musgrove
TOWER Ward (SSDC Member)	Cllr Mike Beech
Recommending Case Officer:	Nicholas Head Tel: (01935) 462167 Email: nick.head@southsomerset.gov.uk
Target date :	5th November 2012
Applicant :	Mr C Ricketts
Agent: (no agent if blank)	Mr Michael Lawson The Square Gillingham Dorset SP8 4AS
Application Type :	Minor Dwellings 1-9 site less than 1ha

The report was considered by Area East Committee at its meeting on 12 December 2012, when it was resolved:

That Planning Application 12/03627/FUL ** be referred to the Regulation Committee with a recommendation to approve, contrary to the officer's recommendation, on the grounds that this is a sustainable location for residential development; the proposal would not be detrimental to highways safety and would not adversely affect the local character.

The following officer's report has been amended to include comments from a local resident received after the matter had been considered by Area East Committee.

SITE DESCRIPTION AND PROPOSAL



The site is located outside the defined development area, just off the intersection of Brickhouse Farm Lane and the B3081 (Charlton Musgrove to Leigh Common Rd). It forms part of the rear garden of an existing dwellinghouse (Tern House) which has a site of about 1500 sq m. The south-western boundary of the site is formed by Brickhouse Farm Lane, a narrow, unclassified highway. This boundary is marked by a deep drainage ditch. To the north-west is an existing horticultural business. To the north-east of the site is the garden of the neighbouring dwellinghouse, Saxon House. Tern House is one of a group of four detached dwellings fronting onto the B3081, and each has a long rear garden of similar length.

An application for the erection of a single dwellinghouse on the site, taking access off Brickhouse Farm Lane, was refused (application 12/01732/FUL). A revised application has now been submitted.

HISTORY

12/01732/FUL – Erection of a dwelling in part of garden – refused, 21 June 2012, for the following reasons:

01. The proposed development would be unsustainably located outside of the defined development area where it is remote from adequate services, employment, educational and other facilities, and public transport. It would foster growth in the need to travel by private vehicles and is contrary to the aims and objectives of the NPPF and Policy ST3 of the South Somerset Local Plan, 2006.
02. The junction of Brickhouse Farm Lane and the B3081 by reason of its restricted visibility is considered unsuitable to serve as a means of access to the proposed development. Furthermore, on the information currently available, the Local Planning Authority is not convinced that a safe means of access together with adequate provision for parking and turning can be achieved. The proposal is therefore prejudicial to highway safety, and contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review, (Adopted April 2000) and Policy ST5 of the South Somerset Local Plan, 2006.
03. The proposal fails, in terms of design, density and layout, to preserve and complement the key characteristics of the location. It does not satisfactorily respect and relate to the form and character of its surroundings and this rural setting. Although the intention to incorporate existing mature trees into the proposal is stated, no practical means of doing this has been demonstrated within the proposed design. The proposal is therefore considered to be contrary to the aims and objectives of Policies ST3, ST5 and ST6 of the South Somerset Local Plan, 2006.
04. The proposal, by reason of overlooking of private garden and amenity space, would harm the level of amenity currently enjoyed by the occupiers of adjoining residential development, contrary to Policy ST6 of the South Somerset Local Plan, 2006.

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

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

For the purposes of determining current applications the local planning authority considers that the relevant development plan comprises the saved policies of the Somerset and Exmoor National Park Joint Structure Plan Review and the saved policies of the South Somerset Local Plan.

The policies of most relevance to the proposal are:

Saved policies of the Somerset and Exmoor National Park Joint Structure Plan (April 2000):

STR1 – Sustainable Development
STR6 – Development Outside Towns, Rural Centres and Villages
Policy 5 – Landscape Character
Policy 9 – The Built Historic Environment
Policy 48 – Access and Parking
Policy 49 – Transport Requirements of New Development

Saved policies of the South Somerset Local Plan (April 2006):

ST3 – Development Areas
ST5 – General Principles of Development
ST6 – The Quality of Development
EC3 – Landscape Character
TP5 – Public Transport
TP7 – Residential Parking Provision

Policy-related Material Considerations

National Planning Policy Framework (March 2012):

1. Building a strong, competitive economy
2. Ensuring the vitality of town centres
3. Supporting a prosperous rural economy
4. Promoting sustainable transport
6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities
11. Conserving and enhancing the natural environment

South Somerset Sustainable Community Strategy

Goal 1 - Safe and Inclusive
Goal 2 - Healthy and Active
Goal 3 - Healthy Environments
Goal 4 - Quality Public Services
Goal 5 - High Performance Local Economy
Goal 7 - Distinctiveness
Goal 8 - Quality Development
Goal 9 - Homes
Goal 10 - Energy
Goal 11 – Environment

CONSULTATIONS

Parish Council: Recommends approval subject to the following conditions:

1. Erected dwelling should not detract from or impinge on the privacy of next door.
2. The hedge at the entrance should be removed in order to improve visibility onto the B3081.

Highways Authority: Recommends refusal of the application for the following reasons:

- The site is unsustainable in that it would promote growth in the need to travel.
- The junction of Brickhouse Farm Lane and the B3081 by reason of its restricted visibility is considered unsuitable to serve as a means of access to the proposed development.
- On the information currently available, the Highways Authority is not convinced that a safe means of access can be provided.

Reference has also been made to the parking layout. Although this is not considered optimal in terms of entering and exiting the site, it has not been quoted as a reason for refusal, as access is taken onto an unclassified highway.

SSDC Area Engineer: Surface water disposal via soakaways.

SSDC Planning Policy: A policy objection is raised: the proposal is not considered to constitute sustainable development.

This proposal is a re-submission of planning application 12/01732/FUL which was refused planning permission on 21 June 2012. As you are aware the validity of saved South Somerset Local Plan Policy ST3: Development Areas has recently been called into question with regards to housing supply, therefore currently, housing applications should be considered in the context of the presumption in favour of sustainable development as set out in the National Planning Policy Framework, 2012 (NPPF). Saved Local Plan Policies ST5 and ST6 remain relevant.

The NPPF identifies the three dimensions of sustainable development - it is expected to perform an economic, a social and an environmental role, paragraph 8 is clear that sustainable development consists of a combination of all three elements. As I stated in my response to the previous application dated 29 May 2012, from an economic perspective this proposal will only bring about benefit to the owners of Tern House. In terms of a social role the proposal will potentially provide an additional home in Charlton Musgrove but in a location that is not accessible to local services. The Rural Parish Facilities Survey 1991 to 2010 shows that in terms of facilities Charlton Musgrove has only a pub, there is no shop or post office nor does the settlement have a school. In terms of an environmental role the proposal will not contribute to enhancing the environment or improving biodiversity. On this basis I am of the view that this proposal does not constitute sustainable development. I would refer you to my previous comments regarding the NPPF's approach to developing residential garden land.

Since my previous response the Proposed Submission South Somerset Local Plan 2006 - 2028 (June 2012) has been placed on deposit for a 6 week period of consultation, this document includes emerging Policy SS2 which has yet to be Examined and remains the subject of outstanding objections; therefore in this instance it can be afforded little

weight. However, I would also refer you to my comments regarding this policy as set out in my response of 29 May.

In summary, it is my view that this proposal, by virtue of its rural location and lack of economic role, does not constitute sustainable development and as such is contrary to the NPPF. I note also that the previous application was refused because it was contrary to saved Policies ST5 and ST6 and I understand from our discussion earlier today that the issues of design and access have not been adequately addressed by the revised proposal therefore a planning policy objection is raised.

SSDC Tree Officer: The submitted tree protection plan and arboricultural method statement are satisfactory, and any development should incorporate appropriate conditions. No objection is raised.

REPRESENTATIONS

Three letters have been received, objecting to the proposal for the following reasons:

- a new dwelling would exacerbate existing poor drainage conditions
- a negative impact on residential amenity/privacy for the adjoining garden area(s)
- the loss of trees
- inadequate parking
- harm to the character and appearance of the area
- a bad precedent will be set
- dangerous access onto both the land and the B3081 – highway safety concerns

Subsequent to consideration of the matter by Area East Committee, an additional letter of representation was received, making the following points:

- *Incorrect references were made to properties using the access lane: Brick House Farm is not a farm but a private residence; Knapp Farm is no longer a farm in its own right and now takes access at a different point on the B3081; Longacre Nursery conducts 95% of its business via mail order and is open to the public by appointment.*
- *The only business traffic using the lane and the access point is tractors, lorries and delivery vans, high enough to see over hedges and remove some of the safety hazard.*
- *There appeared to be no reason for ignoring the Highways Officer recommendation, or the recommendation of the Council's Policy Officer.*
- *It is felt that there was no opportunity to refute statements made by members at the Committee meeting.*

CONSIDERATIONS

The proposal is a resubmission of an earlier proposal which was refused for the clear reasons set out above. The primary consideration, therefore, is the degree to which the previous reasons for refusal have been overcome.

Sustainability

The Policy Officer has clearly set out the view that the proposal fails the sustainability tests set out in the NPPF. The site is remote from services and facilities and would foster growth in the need to travel – in addition to being unsustainable in the broader sense.

Note: Although the Policy response refers to there being a pub in the village, it is noted that this has been inoperative for some time, and application has previously been made for its conversion to a dwellinghouse (11/04779/COU – refused 25 January 2012).

It is not considered that the first reason for refusal has been overcome.

Trees

The issue of trees has been satisfactorily dealt with in the re-submission, and there is not considered to be any reason for refusal of the application related to tree protection.

Design and Appearance

The proposal is for a modest cottage in stone, with tiled roof. The design and appearance are not considered incongruous or at odds with the general architectural character of the locality.

Impact on Setting and Local Character

The principal site is one of a small group of dwellinghouses fronting onto the B3081. Development is dispersed and at a low density. The insertion of an additional dwellinghouse into this backland situation would not respect this established character, and create an intrusive presence on the quiet rural character of Brickhouse Farm Lane. In this respect the proposal is considered contrary to saved Policy ST6 of the South Somerset Local Plan.

Impact on Residential Amenity

The orientation of the building has been slightly altered; and one upper-storey window has been removed, on the elevation facing the neighbouring garden.

Neighbours have continued to raise concerns that the proposed dwelling would overlook rear gardens. It is accepted that this is the case, although the degree of overlooking (from an upper storey bedroom window, a bathroom and a bedroom rooflight) is not severe, and does not involve unacceptable direct window-to-window overlooking. Given the changes made in the resubmission, this impact is now considered marginal, and not to constitute a reason for refusal of the application.

Highways Issues

The current access from Brickhouse Farm lane onto the B3081 is substandard, with very poor forward visibility. The proposal has shown a splay (not within the red-line area of the application), and referred to the possibility of 'covenants' to secure this splay (in one direction only). The Highways Officer has commented that an adequate splay provision has not been demonstrated. Even if the splay were to be of the appropriate dimensions, it cannot be secured by covenant. On the basis of what has been submitted, it is not considered that an adequate visibility splay can be achieved or secured.

The detailed site access has also not adequately addressed the safety concerns raised in the previous application, although the provision of on-site parking has improved.

It is not considered that the revised submission has adequately overcome the highway safety and access concerns raised previously, and the proposal is accordingly recommended for refusal on this basis.

Pre-Application Advice

It is noted, that despite the clear reasons for refusal of the previous application, the applicant did not take the opportunity of seeking pre-application advice before submitting a further application.

Parish Council Comments

The Parish Council has recommended approval, subject to two conditions. The first condition is not practical or enforceable, requiring that the development (presumably in the form applied for) 'should not detract from or impinge on the privacy of next door'. However, the issue of residential amenity has been dealt with above.

The second condition relates to land not within the red-line area. The removal of the hedge could only be secured by way of a legal agreement – a condition would not secure visibility in perpetuity.

Neighbour Concerns

Drainage: It is not considered that any drainage concerns would justify a refusal of the application, as these matters could be covered by appropriate conditions requiring solutions to the problems.

Trees: This is dealt with above and by the Council's Tree Officer: it is considered that this concern has been overcome in the resubmission.

Precedent: It is not considered that this alone would warrant a refusal, as applications should be dealt with on their individual merits.

Additional Letter of Representation Subsequent to Area Committee Decision

The comments are noted, and drawn to the Committee's attention. The statements about the nature and volumes of traffic are not considered to alter the recommendation - which is based on the concern that **any** additional traffic using this intersection would represent a highway safety hazard.

Conclusion

The resubmission of the previously refused scheme has only partially overcome the four reasons for refusal. The primary and principal refusal reason still stands – i.e. that the proposal is considered to be unsustainable for the reasons set out above. In particular, the site is remote from services and facilities and would foster growth in the need to travel by private transport. The revised scheme does not improve the previously identified conflict with the character and appearance of the area. Whilst issues relating to retention of trees and residential amenity have been addressed in the resubmission of the proposal, access and highway safety issues have not been satisfactorily addressed.

The proposal is therefore recommended for refusal.

S.106 AGREEMENT

Not relevant.

RECOMMENDATION

Refuse.

SUBJECT TO THE FOLLOWING:

01. The proposed development would be unsustainably located outside of the defined development area where it is remote from adequate services, employment, educational and other facilities, and public transport. It would foster growth in the need to travel by private vehicles and is contrary to the aims and objectives of the NPPF and Policy ST5 of the South Somerset Local Plan, 2006.
02. The junction of Brickhouse Farm Lane and the B3081 by reason of its restricted visibility is considered unsuitable to serve as a means of access to the proposed development, and the application has failed to demonstrate that the restricted visibility can be satisfactorily overcome. Furthermore, on the information currently available, the Local Planning Authority is not satisfied that a safe means of access can be provided. The proposal is therefore prejudicial to highway safety, and contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review, (Adopted April 2000) and Policy ST5 of the South Somerset Local Plan, 2006.
03. The proposal fails, in terms of design, density and layout, to preserve and complement the key characteristics of the location. It does not satisfactorily respect and relate to the form and character of its surroundings and this rural setting. The proposal is therefore considered to be contrary to the aims and objectives of Policies ST3, ST5 and ST6 of the South Somerset Local Plan, 2006.

Appendix A

Extract from Area East Committee Minutes – 12th December 2012

Planning Application: 12/03627/FUL Erection of a dwelling in part of garden (GR: 373449/130872) Tern House Charlton Musgrove Wincanton for Mr C Ricketts**

The Planning Officer explained that this application had been 2 starred because there was no reasonable justification for a new dwelling in this rural location, and it was contrary to policy. If approved, contrary to the officers' recommendation, the application would be referred to Regulation Committee because it could have district wide implications.

The planning officer referred to the previous planning application on the site which had been refused by the officer's delegated decision, details of which were in the agenda report. With the aid of a power point presentation, the officer showed details of the site and photographs, with particular emphasis on the poor access, highlighted by the HA (Highways Authority).

The officer confirmed his recommendation was to refuse the application.

Hazel Mote spoke in objection to the application, she felt the details in the report spoke for themselves; the proposed dwelling would only be 6ft from her boundary, which could mean more noise through open windows during the summer months. If approved, the whole effect would feel like a residential area rather than the rural area that it was.

Mr C Ricketts, the applicant, explained that his family wished to stay in Charlton Musgrove, but in a smaller eco-friendly house. There were already 3 businesses along the lane that created traffic; he did not feel the proposed dwelling would create any more traffic. The hedge would be moved further back from the road which would help alleviate the HA issues.

Ward Member Cllr Mike Beech objected to the application being 2 starred as he felt it implied a lack of trust with regard to AEC members' decisions. If applications in rural areas continued to be refused there would be no further development at all. He did not think this application was unsustainable as there were towns nearby he could not see the issues raised by the HA were a problem, but would keep an open mind during further discussion.

Members raised the following points through discussion:

- Supported the view of Cllr Beech regarding the application being 2 starred;
- Did not understand the HA issue;
- Brickhouse Farm Lane had at one time been used as an access route to a local school therefore there should be no problem with additional vehicles.

It was proposed and seconded to recommend approval of the application contrary to the officers recommendation, the parish council had no objections and members in general were of the view that the proposal was sustainable; Government policy was to keep village folk living in homes in their villages as far as was possible, the HA objection was not realistic. Members voted 5 in favour and 4 against to recommend approval and for the application to be referred to Regulation Committee for determination.

RESOLVED:

That Planning Application 12/03627/FUL ** be referred to the Regulation Committee with a recommendation to approve, contrary to the officer's recommendation, on the grounds that this is a sustainable location for residential development; the proposal would not be detrimental to highways safety and would not adversely affect the local character.

(Voting: 5 in favour: 4 against)