

Appendix A

Extract from Area North Committee Minutes – 27th February 2013

Planning Application: 12/04705/FUL Erection of two eco-dwellings with outbuildings and formation of vehicular accesses (GR: 343386/127772) at Land to the North of Banff, Picts Hill, High Ham for Gillian Pengelly and Richard Body.

The Area Lead explained that this application, for two new dwellings in open countryside, should have been marked as a 2 starred application which indicates that the application would have to be referred to the Council's Regulation Committee should members wish to support the proposal contrary to the officers recommendation.

The Planning Officer asked members to note a correction to the number of letters of objection received from three to two, and the deletion of the first two bullet points in the agenda report.

With the aid of a power point presentation the officer showed views of the road junction, views to Langport and Somerton, and the planned elevations etc. As the proposal represented an unsustainable development, and would have an adverse effect on the local character with the possibility that a precedent could be set, the officer confirmed his recommendation was to refuse the application.

Frank Pengelly spoke in support of the application and gave a brief history of the site; he explained that during the process of drawing up the plans the applicant had worked closely with the parish council and close neighbours. After a suggestion from the PC a private agreement would be drawn up to prevent any variation to the scheme.

Mike Williams, the agent, addressed members and commented that it would be wrong to presume that the PC had objected to the application subject to the signing of a private legal agreement. The infill plot would be sustainable as it was close to a bus stop and was within walking distance to the local school and shops etc, the design was good and he urged members to approve the application.

Ward Member Cllr Shane Pledger understood that the applicants had spent 18 months working on the plans; he felt the design of the two houses on the small piece of land was very good; schools and shops were all in close proximity. He commented that each application had to be judged on its own merit and supported this application.

In response to a question regarding the number of letters received in support of the application, the Area Lead explained that 7 letters in support had been submitted to the Council in the bundle of papers with the application form. He also referred to the PC comments regarding the requested assurance that the applicant would not submit a revised application for larger dwellings those comments were caveated by assurance.

He also reiterated that Picts Hill was not considered sustainable, if this application was to be deemed sustainable and approved it could set a precedent to justify the development of other potential sites in the locality and theoretically on land between Picts Hill and Langport.

During discussion the following comments by members were made, some of which included:

- A similar application had been refused in 1979, and prior to that appeals were dismissed for new dwellings in that location, therefore this application should be refused as nothing had changed since then;
- This application would not be unsustainable there is a development of 40 to 50 houses across the road from this application site;
- Unhappy that this application was 2 starred at the last minute;
- The site is currently an eyesore this application would be a welcome improvement;
- The Eco design is of a high standard;
- Hard to refuse when applications across the road have already been approved;
- Could understand officers concern.

It was proposed and seconded to approve the application contrary to the officers' recommendation with conditions as suggested by the officer, however when discussing the conditions several members felt that the suggested removal of permitted development rights (PDR) was unreasonable and unfair.

In response the officer replied that a condition to remove PDR's had been suggested because of the Parish Council's request for no further development on the site. Due to the close proximity between the proposed dwellings any extension would mean they would be too close to each other.

The Principal Legal Executive explained that although there was no specific legal agreement covering the point, the Parish Council was concerned about any future increase in size of the proposed dwellings.

The only other way that could be restricted would be with a s106 agreement, but it would not be appropriate for this application, which was why the removal of PDR had been suggested meaning another planning application would have to be submitted if an extension was required.

The reasons why members wished to approve the application were reiterated namely that it is not considered to be an unsustainable location for development and the site is reasonably capable of accommodating the proposed development without harm to residential or visual amenity or highways safety.

Members understood that if approved, the application would be referred to the Councils Regulation Committee for determination. Ten members voted in favour with one abstention.

A suggestion was then made that the Regulation Committee visit the site prior to consideration.

RESOLVED:

That Planning Application 12/04705/FUL be referred to the Regulation Committee with a recommendation to approve, contrary to the officer's recommendation, on the grounds that this is not considered to be an unsustainable location for development and the site is reasonably capable of accommodating the proposed development without harm to residential or visual amenity or highways safety. As such the proposal complies with policies ST5, ST6, ST3 and EC3 of the South Somerset Local Plan and the provisions of the National Planning Policy Framework.

If approved should be subject to conditions:-

1. Standard time limit
2. Approved plans list
3. Visibility splays based on 2.4m x 120m
4. Access in accordance with approved drawings
5. Surface water drainage to be agreed
6. Removal of permitted development rights for extensions
7. Removal of permitted development rights for additional windows.

(Voting 10 in favour: 1abstention)
