South Somerset District Council

Notice of Meeting

Regulation Committee

Making a difference where it counts

Tuesday 17th September 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 9th September 2013

Ian Clarke, *Assistant Director (Legal & Corporate Services)*

This information is also available on our website
www.southsomerset.gov.uk

INVESTOR IN PEOPLE

Regulation Committee

Chairman Peter Gubbins

Mike Best	Terry Mounter	Angie Singleton
Tim Carroll	Shane Pledger	Paul Thompson
Nick Colbert	Ros Roderigo	William Wallace
Tony Fife	Sylvia Seal	
Ian Martin	Gina Seaton	

(The Quorum of this Committee is 5 Councillors)

Please remember to car share whenever possible

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 17th September 2013

A g e n d a

1. Minutes of the meeting held on Tuesday 16th July 2013

2. Apologies for Absence

3. Declarations of Interest

4. Public Question Time

Page No.

6. Date of Next Meeting

The date of the next meeting is scheduled for Tuesday, 15th October 2013 in the Council Chamber, Brympton Way at 10.00 a.m.

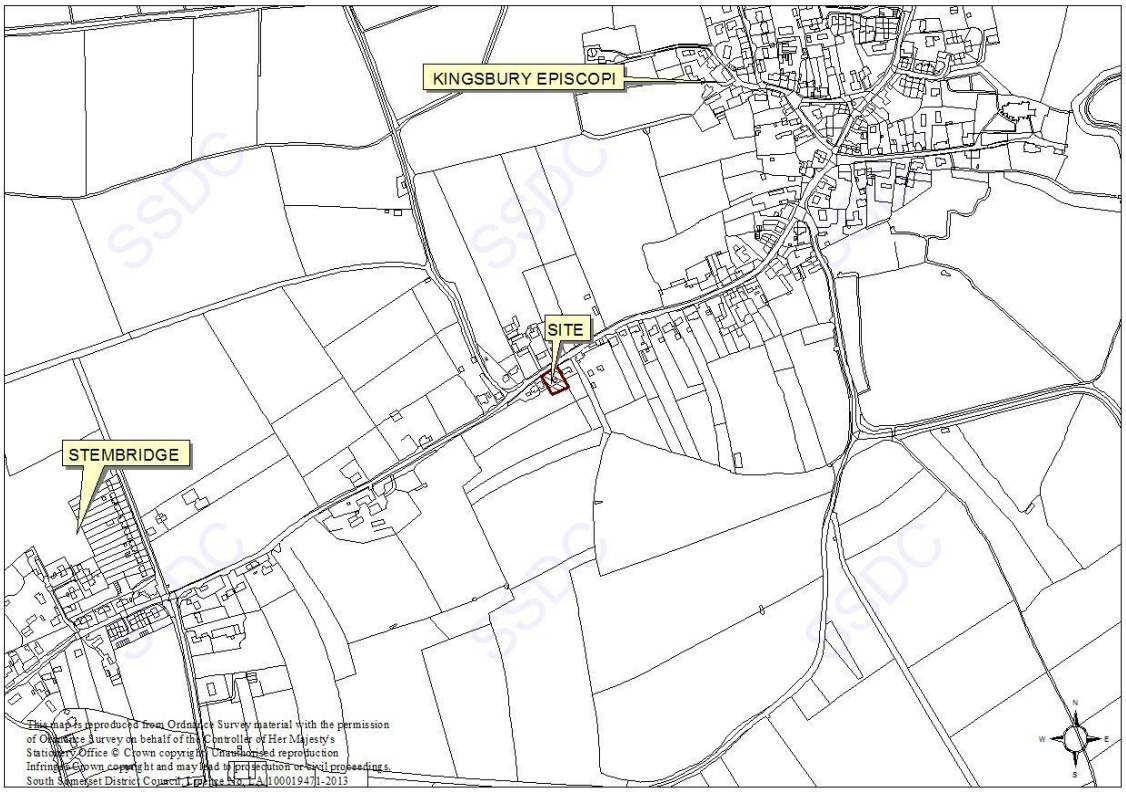
5. Erection of one dwelling, West View, Folly Road, Kingsbury Episcopi 13/01092/FUL

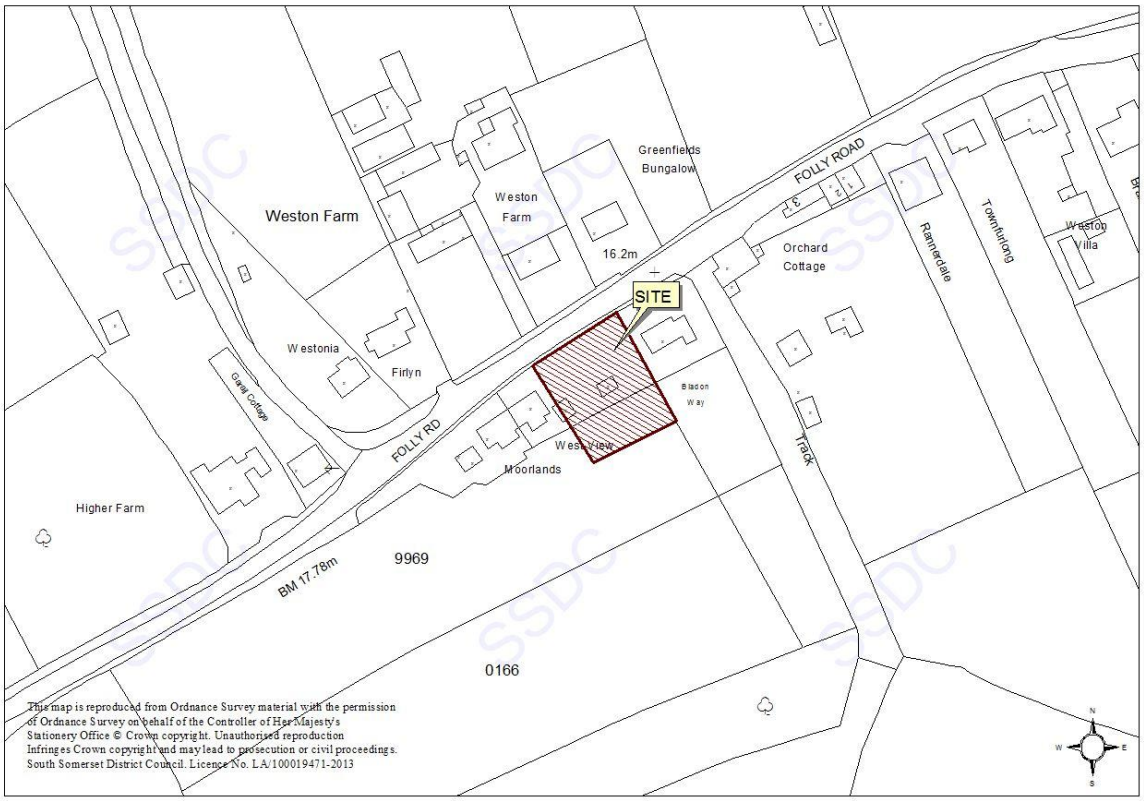
Proposal:	Erection of one dwelling (GR 343018/120732)
Site Address:	West View, Folly Road, Kingsbury Episcopi
Parish:	Kingsbury Episcopi
BURROW HILL Ward (SSDC Member)	Cllr Derek Yeomans
Recommending Case Officer:	Alex Skidmore Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
Target date:	16th May 2013
Applicant:	Mr Steven Pearce
Agent: **(no agent if blank)**	Mrs Helen Lazenby Sanderley Studio Kennel Lane, Langport Somerset, TA10 9SB
Application Type:	Minor Dwellings 1-9 site less than 1ha

The report was considered by Area North Committee at its meeting on 24 July 2013, when it was resolved:

That Planning Application 13/01092/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, and the proposal would not be detrimental to highway safety, residential amenity or the character of the locality.

Site Description and Proposal





This application is seeking full planning permission to erect a two-storey detached dwelling within the garden of West View, two-storey, semi-detached house that has been previously extended to the side and rear.

The West View sits in a row of three properties that occupy relatively shallow, level plots linear to the highway with little rear garden area. Opposite are two bungalows and to the rear (south) is open countryside where the original rear garden boundary dividing the domestic curtilage from the field beyond has been removed and a number of trees / shrubs had been planted within the adjoining field.

Access is via Folly Lane, a Class C road subject to a 30 mph speed limit, leading to a parking and turning area to the side of the dwelling. There is an existing single garage, sheds and a number of mature trees within the side garden along with a mix of planting and a low fence along the east boundary with the neighbouring property and a hedge along the front boundary.

The proposed dwelling would be positioned within the side garden of West View, sitting between West View and the property to the east, Bladdon Way. It would be a two bedroom, 2-storey 'cottage' style property constructed of natural stone with a tiled roof and timber detailing. A shared access and turning area would be provided to serve West View and the new dwelling, with each property to be allocated 3 spaces.

The site is located outside and approximately 200m distant from Kingsbury Episcopi's development area.

The proposal has been amended to address highways concerns.

SITE HISTORY

11/04354/COU	Planning permission granted for change of use of agricultural land approved to form garden extensions to Bladon Way, West View and Moorlands.
06/03008/COU	Planning permission refused for change of use of agricultural land approved to form garden. Subsequent appeal dismissed.
94/01312/FUL	Planning permission granted for erection of garage and two-storey extension.
90/01491/OUT:	Planning permission refused for erection of a detached dwelling on the grounds that:-

> "*This proposal would constitute the consolidation of undesirable sporadic development beyond the defined development limits of Kingsbury Episcopi which would adversely affect the character and appearance of the area …*"

An appeal against this refusal was subsequently dismissed.

Permission was granted at Regulation Committee for a dwelling outside the Kingsbury Episcopi development area at Hawthorne House (08/01669/FUL) however that site is some 200m to the east and abuts the development area.

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 saved policies of South Somerset Local Plan (2006).

South Somerset Local Plan (2006)
ST5 - General Principles of Development
ST6 - The Quality of Development
EC3 - Landscape character
EC7 - Networks of Natural Habitats
EC8 - Protected Species

National Planning Policy Framework
Part 4 - Promoting sustainable transport
Part 6 - Delivering a wide choice of high quality homes
Part 7 - Requiring good design
Part 8 - Promoting healthy communities
Part 10 - Meeting the challenge of climate change, flooding and coastal change
Part 11 - Conserving and enhancing the natural environment

Other Material Considerations

Somerset Parking Strategy

CONSULTATIONS

Kingsbury Episcopi Parish Council: No objections. The proposed dwelling is of modest design and the vehicular access for both properties will be improved.

Area Engineer: No comment.

County Highways: Recommend refusal for sustainability reasons and for reasons of highway safety. The highway authority is not convinced that a safe means of access, in terms of visibility together with parking and turning, can be provided. Initial comments advised:-

> *"The proposed development is located outside the development limits of Kingsbury Episcopi and is remote from day to day services and facilities and access to public transport.*
>
> *"The proposal will result in a 100% increase in traffic entering the site. The new access should have a minimum width of 5m and incorporate visibility splays based on co-ordinates of 2.4m x 43m to the nearside carriageway edge in each direction with no obstruction greater than 900mm above adjoining road level and should not encourage onto third party land. Sufficient parking and turning should also be provided within the site to serve both the new and existing dwelling (2.5 spaces for a 2 bedroom unit, spaces for a 3 bedroom unit and 3.5 spaces for a four bedroom unit).*
>
> *"The size of the shared parking and turning area shown on plan does not meet the SCC standard as effectively the parking spaces are sited within the turning area which could lead to vehicles reversing from / onto the adjoining highway to the detriment of highway safety for all road users. Therefore this needs to be amended. On this basis I recommend refusal."*

Subsequent clarification stated:-

> *"I question the point at which the 2.4m, 'X' distance has been taken, as the highway grass verge running along the site frontage measures approximately 1m, but it shown as 2m on the submitted plan. Notwithstanding this the amended plans do not address the issues previously raised by the highway authority therefore I recommend refusal for sustainability and highway safety reasons due to insufficient visibility, and on-site parking and turning area."*

In relation to amended plans:-

> *"Whilst the visibility is improved it still does not meet the required standard the highway authority would seek in this location. As previously advised, a shared parking and turning area has been shown, however, the size does not meet the SCC standard, as effectively the parking spaces are sited within the turning area. Therefore the proposal is considered to be contrary to Policy ST5 and the NPPF. "*

REPRESENTATIONS

None.

CONSIDERATIONS

Principle

The application site is located outside any defined development area where the principle of new development is usually strictly controlled. Currently SSDC cannot demonstrate a five year land supply in terms of meeting its housing needs, as such Policy ST3 of the SSLP cannot be applied, instead the provisions of the NPPF (and other relevant local plan policies) must be relied on to assess whether the proposal meets the requirements of sustainable development.

While the application site is located amongst existing housing, it is at the western periphery of the village approximately 200m to the west of the development area for Kingsbury Episcopi and is subject to the same degree of protection as the open countryside.

Kingsbury Episcopi has some local services such as a shop, public house and church located in the heart of the village (approximately 480m away) and there is a primary school in nearby Stembridge (approximately 1.2km away). However, there is no pedestrian footway leading from the site to these facilities and access, whether by foot, bicycle or any other mode of transport, is via a relatively well trafficked classified highway that is fairly narrow with two lanes of traffic. Public transport services within the village are limited. Given these concerns it is considered that occupiers of the dwelling are likely to be car dependent to meet most of their day to day needs. On this basis the application site is not considered to be sustainable in nature and is not therefore considered to be an appropriate location for development to contribute towards SSDC's five year land supply.

It is noted that there have been a number of planning permissions granted in recent years for residential development at Kingsbury Episcopi which fall outside the development area. However these have either been justified on the basis of the barn conversion policy or, as in the case of the site at Hawthorne House (08/01669/FUL) were closer to, and had better pedestrian links to the local facilities within the village. Accordingly such approvals are not considered to set a precedent that overcome the sustainability concerns raised above.

The proposed dwelling is not sought to meet an essential need, e.g. affordable housing to meet a proven local need that would benefit the local community or an agricultural workers dwelling, and its design is not considered to be either exceptional or unusually innovative so as to justify a new dwelling as an exemplar of its type. As such there are no exceptional circumstances that might outweigh the ‘in principle’ concerns about unsustainable development outlined above.

Pattern of Development

Planning permission for a dwelling has previously been sought on this site through planning application 90/01491/OUT. This application was refused as the proposal was considered to "constitute the consolidation of undesirable sporadic development beyond the defined development limits of Kingsbury Episcopi which would adversely affect the character and appearance of the area". This refusal was subsequently tested at appeal and dismissed.

The Planning Inspector made the following comments in his report:

> *"Kingsbury Episcopi has a compact central village area with a scattered ribbon of development to the southwest and extending towards the adjoining settlement of*

Stembridge with a relatively slender rural break between. The appeal site is part of this scattered ribbon which is a mixture of more modern and older properties of variable quality and character interspersed with open spaces and fields. In my view these open spaces, fields and glimpses of the agricultural background maintain a predominantly rural character which contrasts with the more dense village form of the main centre.

"… this part of the village should be considered to be outside limits. It has a different character and one which I consider is related more to the open countryside around and not to the main part of the settlement. In my view, it is important that this difference be maintained unless there is shown to be an essential need which could only be met by extending the outline of the village.

"The appeal site is an extended garden area of the type common in the countryside and is one of the several breaks between the scattered buildings which give open views of the fields around. Further development would seem to be a consolidation which would tend to bring a compact village atmosphere to the area which the local plan is trying to resist. I consider that the proposal would be prejudicial to these aims and is, in this case, rightly resisted. The character of the area has a fragile quality and, in my opinion your client's proposal would begin to erode and to change it unacceptably to its detriment."

Whilst this decision was made some years ago the character of this peripheral area of Kingsbury Episcopi would appear to have little altered since this time and the Inspector's views in regard to the rural context of the site is considered to remain true to the current proposal.

The applicant argues that the weight of this decision has substantially diminished by 'circumstances on the ground' and changes in planning policy. They go on to cite planning application 08/01669/FUL, referred to earlier in this report, stating that this development is very close to the application site, is outside development limits and that no essential need was provided to support the application. That site in fact abuts the development area and is much better related to the compact built form of the heart of the village as well as the facilities located there. It is not accepted therefore that the 2008 decision acts to erode this Inspector's decision.

For these reasons the proposed development is considered to be at odds with the rural character of the area.

Design

In terms of the detailed design of the proposed dwelling this is traditional in character and raises no specific concerns. The proposal would result in the loss of a number of trees on this site, however, these trees are not considered to make such a positive contribution to the amenity of the area as to warrant their protection and their loss therefore should not be a reason to object to this application.

Residential Amenity

The size, position and design of the proposed dwelling is such that it should not be unduly intrusive to or cause any other substantive harm to occupiers of neighbouring properties. The resulting amenity space to serve both the existing dwelling and the new dwelling will be modest, especially for the existing house which is a four bedroom family house. However, it is accepted there is sufficient space to meet the likely needs of future occupiers.

Highways Issues

The highway authority has objected to the application for reasons of inadequate on-site parking and turning and poor visibility for vehicles leaving the site.

Whilst the number of parking spaces meets the highway authority's parking standard there is insufficient space for turning which is likely to lead to vehicles having to reverse into or out of the site on to Folly Road, a classified highway, to the detriment of highway safety. The proposal incorporates alterations to the existing access which will lead to an improvement to visibility emerging from the site. However, such visibility still falls below the highway authority's standards (2.4m x 43m), in particular in an easterly direction where visibility is only approximately 20m, less than the visibility sought.

Although this is an improvement over the existing arrangements it is to be noted that this serves a single dwelling and could be improved without building a new house. The proposed arrangements would serve two properties and this intensification in the use of a substandard access is considered to off-set any improvements to the existing access. Accordingly it is not considered reasonable in this instance to over-ride the highways officer's objections.

Conclusion

It is considered that there is no justification to support a new dwelling in this rural location. Furthermore the development would be harmful to the rural character and appearance of the loose pattern of development in this rural location and would be prejudicial to highway safety. Accordingly the proposal is considered contrary to the aims and objectives of the NPPF and Policies ST5 and ST6 of the South Somerset Local Plan and is therefore recommended for refusal.

RECOMMENDATION

Refuse permission for the following reasons:

01. The erection of a dwelling on this rural greenfield site located outside the defined development area of Kingsbury Episcopi would constitute the undesirable consolidation of otherwise sporadic development in a location that has no pedestrian links to everyday local services and facilities. As such the proposal would adversely affect the rural character and appearance of the area and would be likely to foster the growth in the need to travel. No overriding need has been provided to justify the proposed dwelling, accordingly the proposal is contrary to the aims and objectives of the NPPF and Policy ST5 and ST6 of the South Somerset Local Plan.

02. The proposed development makes inadequate provision for the parking and turning of vehicles and would result in the increased use of a substandard access to the detriment of highway safety and contrary to the aims and objectives of the NPPF and Policy ST5 of the South Somerset Local Plan.

Appendix A

Extract from Area North Committee Minutes – 24th July 2013

Planning application: 13/019092/FUL - Erection of one dwelling at West View, Folly Road, Kingsbury Episcopi. Applicant: Mr S Pearce**

The Planning Officer presented the application as shown in the agenda. He reminded members that the officer recommendation was for refusal, for the reason as set out in the report, and if the Area Committee was unwilling to accept the officer's recommendation, the application would need to be referred to the Regulation Committee.

Agent, Ms H Lazenby, commented that there had been other infill plots near to the application site, and considered that under policy ST3 the proposal was acceptable. She noted the site was not in the open countryside nor did it have an open view, was within walking distance of village facilities, and was in a more unsustainable location that Island House at Stembridge where an application had been approved by the Regulation Committee. She commented that the number of parking spaces exceeded highway requirements. The applicants and their extended family lived at West View and the aspiration was for the applicants to move into the proposed dwelling and the remaining family to stay in West View, thereby the dwelling would be for a local family with no net increase in vehicle movements.

Ward member, Councillor Derek Yeomans, commented that he could see little reason for a recommendation of refusal. He noted the proposal was situated on a straight road on a large plot infilling with other dwellings. He felt some of the Highways comments were erroneous, as there is a village shop and pub within 400m. The location was not in the open countryside by definition and the village needed housing. He proposed to not accept the officer recommendation, and that the application went to Regulation Committee. He also felt a site visit would be beneficial to members of the Regulation Committee.

During 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 the infill development of the site would not constitute unsustainable development and could be achieved without harm to highway safety, residential amenity or the character of the locality. The Area Lead suggested there should be standard conditions to cover time limit, approved plans, materials, visibility, parking and turning provision, drainage and no additional openings on the east elevation, and these were agreed by the committee.

RESOLVED: That application 13/01092/FUL be referred to the Regulation Committee with the recommendation from Area North Committee that it be approved because it was considered that the infill development of the site would not constitute unsustainable development and could be achieved without harm to highway safety, residential amenity or the character of the locality. It was suggested there should be conditions for:

1. Time limit
2. Approved plans
3. Materials to be agreed
4. Visibility in accordance with plans
5. Turning parking in accordance with plans
6. No additional opening to east elevation
7. Drainage

(Voting: 8 in favour, 1 abstention)