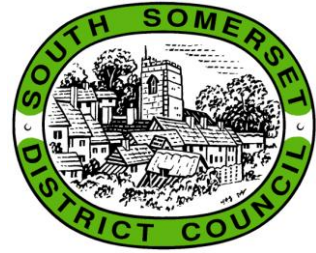


# South Somerset District Council

*Notice of Meeting*



## Regulation Committee

*Making a difference where it counts*

**Tuesday 15<sup>th</sup> October 2013**

**9.00 am**

**Council Chamber  
Council Offices  
Brympton Way  
Yeovil**

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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](mailto:democracy@southsomerset.gov.uk), website: [www.southsomerset.gov.uk](http://www.southsomerset.gov.uk)

This Agenda was issued on Monday 7<sup>th</sup> October 2013

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

This information is also available on our website  
[www.southsomerset.gov.uk](http://www.southsomerset.gov.uk)



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  
Paul Thompson  
William Wallace

(The Quorum of this Committee is 5 Councillors)

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 15<sup>th</sup> October 2013

## A g e n d a

1. Minutes of the meeting held on Tuesday 17<sup>th</sup> September 2013
2. Apologies for Absence
3. Declarations of Interest
4. Public Question Time

Page No.

5. Land South Of The Old Barn Owl Inn Westport Langport ..... 1

6. **Date of Next Meeting**

The date of the next meeting is scheduled for Tuesday, 19<sup>th</sup> November 2013 in the Council Chamber, Brympton Way at 10.00 a.m.

5. Land South Of The Old Barn Owl Inn Westport Langport

**Officer Report On Planning Application: 13/02322/FUL\*\***

<b>Proposal :</b>	Erection of a new three bedroom detached dwelling house with link attached garage designed to 'The Code for Sustainable Homes' level 4 on land adjacent to The Old Barn Owl. (GR 338721/120343)
<b>Site Address:</b>	Land South Of The Old Barn Owl Inn Westport Langport
<b>Parish:</b>	Hambridge/Westport
<b>ISLEMOOR Ward (SSDC Member)</b>	Cllr Sue Steele
<b>Recommending Case Officer:</b>	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
<b>Target date :</b>	12th August 2013
<b>Applicant :</b>	Mr J Lock
<b>Agent: (no agent if blank)</b>	Mr John Wratten The Waggon Shed Flaxdrayton Farm Drayton South Petherton Somerset TA13 5LR England
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

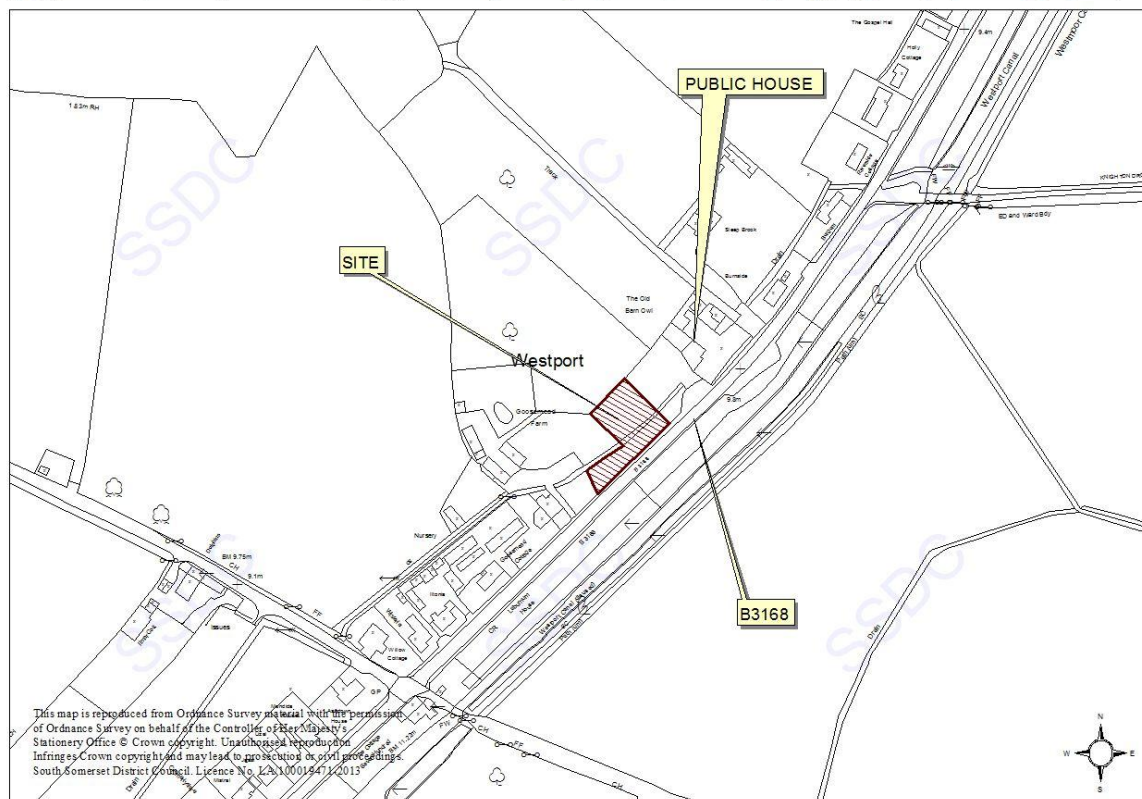
**Reason for Referral to Committee**

The report was considered by Area North Committee at its meeting on 25 September 2013, when it was resolved:

That Planning Application 13/02322/FUL\*\* be referred to Regulation Committee with a recommendation for approval from the Area North Committee for the following reasons:

- The site was in a sustainable location.
- This was infilling a problem site.
- The applicant had demonstrated a local connection.

## Site Description and Proposal



The application site is located in the countryside beyond development limits and stands below road level to the north-west of the main road. A culverted watercourse runs

parallel to the road behind which the proposed dwelling would stand.

The Old Barn Owl Inn with its associated car park stands to the north and a pair of semi-detached houses south of the application site. Opposite, across the road is largely undeveloped.

The proposal seeks the erection of a three bedroom two storey dwelling with attached double garage within a single storey rear wing. The main two storey structure stands 8.1m to ridge and 4.9m to eaves above ground level and has a floor plan 7m deep by 10m wide that fronts onto the highway. Elevations are shown to be rendered under a tiled roof. The rear garage wing is to be timber clad.

The application is submitted with a pre-assessment report (Code for Sustainable Homes) and Design and Access Statement.

## **HISTORY**

None.

## **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. For the purposes of determining current applications the local planning authority considers that the relevant development plan comprises the saved policies of the South Somerset Local Plan.

### **Saved policies of the South Somerset Local Plan (Adopted April 2006)**

Policy ST3 Development Area  
Policy ST5 - General Principles of Development  
Policy ST6 - The Quality of Development  
Policy EC3 - Landscape Character

### **National Planning Policy Framework (March 2012):**

Chapter 4 - Promoting sustainable transport  
Chapter 6 - Delivering a wide choice of high quality homes, paragraph 55  
Chapter 7 - Requiring Good Design  
Chapter 11 - Conserving and enhancing the natural environment

South Somerset Sustainable Community Strategy  
Goal 8 - High Quality Homes  
Goal 9 - A Balanced housing Market

### **Other Relevant Documents**

Somerset County Council Parking Standards

## **CONSULTATIONS**

**Hambridge / Westport Parish Council** - has no objections.

**County Highway Authority** - I would recommend refusal for the following reason: On the information currently available, the Local Planning Authority is not convinced that a safe access, in terms of visibility together with parking and turning can be provided within the site. The proposal therefore does not meet the requirements of ST5 of the South Somerset Local Plan.



Visibility splays based on co-ordinate of 2.4m x 120m either side of the access to nearside carriageway edge in each direction would be applicable in this location and should be fully shown on a plan at a scale of 1:200. I am not convinced that such splays could be incorporated due to land ownership issues. Visibility splays should be provided within the red line of the application site (and or Highway land), it will not be acceptable for splays to encroach onto/over third party land.

It is essential that in addition to parking a segregated turning area is provided within the site so that all vehicles can park and turn within the site when all of the parking spaces are occupied. A parking and turning area has been shown, however it does not meet the SCC standard, as effectively the parking spaces are sited within the turning area and this could lead to reversing from/onto the adjoining public highway.

**Landscape Architect** - Whilst I am ordinarily wary of any proposal to build in a rural location, it is noted that this stretch of road through Westport is characterised by a number of individual roadside plots, and little cohesion. It is also noted that the plot has no substantive landscape or visual value, and that the principal built element on this immediate stretch of road is the Inn and its floodlit parking area, which is immediately north of this site.

Given this context, I see little justification to resist this proposal on landscape grounds. However, if minded to approve, please request a landscape proposal, to provide a measure of enhancement on the site

**Tree Officer** - The neighbouring Ash tree adjoining the S/Western-most tip of the site is located upon the bank of a watercourse. It is triple-stemmed and qualifies for a radial Root Protection Area (RPA) of 8 metres.

The proposal suggests that the area in the vicinity of the tree will be a vegetable garden. This ought to prove quite compatible with preserving the future health of the tree. In my opinion, the close proximity of the watercourse makes it unlikely for the area to be utilised for the storage of materials and other construction-related activities. I do not consider imposing a tree protection condition to be necessary.

**Wessex Water** - Soak-a- ways may not be effective in this area. Ensure that no surface water connections to the public foul water sewer.

**Area Engineer** - The scale of the development here (1 dwelling) is such that connection to the culverted watercourse that runs parallel to the road for disposal of surface water would not give rise to any flooding problems elsewhere (assuming that the watercourse is not reduced in size to accommodate the development - this would require land drainage consent from SCC).

**Parrett Drainage Board** - No objection subject to condition the foul, surface water and land drainage details.

**Environmental Health** - I have no objections to this proposal. There are on-going foul water drainage problems in this locality and given the wider drainage problems in this location a full drainage scheme for the surface water and foul water should be submitted. The new dwelling must be connected to mains foul drainage.

Whilst there is a gravel driveway and skittle alley at the pub, the distance and layout should be sufficient to limit the potential for nuisance under normal use.

## **REPRESENTATIONS**

None.

## **CONSIDERATIONS**

The main considerations include the principle of development and sustainable location, character and appearance, highway safety and neighbour amenity.

### **The Principle of Development:**

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.

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. These are considered as follows:-

- From an economic perspective this proposal because of its scale brings limited benefit to those employed in the construction of the new dwellings.
- In terms of a social role the development might help meet the shortfall in housing, but is not in the right place with sustainable accessible local services, employment, education, shops, healthcare etc.
- From an environmental perspective the proposal's location would not minimise the impacts of climate change. Future occupants would have to travel considerable distances to access even the most basic services and facilities. Public transport is limited and whilst some might occasionally cycle walking is unlikely to be an option given the distances involved and the lack of footpaths.

Whilst the applicant contends that this is a sustainable location, Westport's only facility is the pub and it is separated from Hambridge (which has a wider range of facilities) by a tract of open countryside. The main road, where speed is evident, has no pavement. Its use by pedestrians is limited and does not encourage footfall with the effect that the site is dependent on the use of the private motor vehicle to access even the limited local services that are available.

The proposed dwelling is not justified on the basis of 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.

On this basis it is considered that the proposal constitutes unsustainable development contrary to the policies of the NPPF.

### **Character and appearance**

Westport is a linear development dispersed along the road with a simply rural character reflecting the surrounding countryside. Whilst the Landscape Architect has not raised an objection to the proposal on landscape grounds, the infilling of this gap between existing buildings raises concerns about the erosion of the loose linear character of Westport and the potential to create precedent for further infilling of other gaps.

Whilst a single house might have a limited effect the character of Westport it is

considered that it would result in an unacceptable consolidation of development. Furthermore it is considered that if this is deemed a sustainable location in principle it would set a clear precedent that might be cited in support of future applications for similar infill sites in Westport.

With regard to the design of the proposed this is considered unobjectionable.

### **Highway safety**

The Highway Authority considers that visibility is lacking while the proposed parking and turning layout is not acceptable and on this basis recommend refusal.

### **Neighbour amenity**

The adjacent public house/ restaurant enjoys' a roadside location that is set away from nearby housing. Encroachment on the pub car park brings with it the potential for noise disturbance from diners and corresponding detrimental impact for the pub business from future occupiers of the proposed dwelling. However, the Environmental Health officer considers the proposed layout and distance should be sufficient to limit the potential for nuisance under normal use.

The other nearby neighbour to the south of the application site is considered would not be affected and the proposal would not unacceptably harm their residential amenity by disturbing, interfering with or overlooking their property.

### **Other Matters:**

The proposal is considered does not introduce an exceptional quality or innovative nature of design (para55 of the NPPF). 'Code for Sustainable Homes' is appropriate for housing constructed in sustainable locations, but should not justify a dwelling in an unsustainable location. Additionally code level 4 is by no means exceptional and is anticipated will become a standard requirement for building regulations in the near future. Neither is there evidence of an essential need, while the location is considered will not enhance or maintain the vitality of the rural community.

### **Conclusion**

Whilst there are no objections to the design of the house or residential amenity this is not considered to outweigh the unsustainability of proposed dwelling or mitigate the highways safety issues identified by the highways authority. No acceptable justification has been put forward to justify the proposed dwelling in this unsustainable location which would result in the unacceptable consolidation of development and set an undesirable precedent for future harmful development.

### **RECOMMENDATION:**

Refuse planning permission for the following reasons:

01. The proposal, for which no essential need has been demonstrated, would constitute the unsustainable consolidation of development beyond recognised settlement limits that would neither enhance nor maintain the vitality of rural communities. The site is remote from everyday services and facilities and is located in an area where public transport services are infrequent and walking or cycling are not viable alternatives. As a consequence, occupiers of the new development are likely to be dependent on private vehicles for most of their daily needs. Such unsustainable, infill development is contrary to policies ST6, ST5 and ST3 of the South Somerset Local Plan and the policies contained within the National Planning Policy Framework.

02. It has not been demonstrated that a safe access, incorporating the appropriate visibility and parking and turning areas, can be provided within the site. As such the proposed is contrary to policy ST5 of the South Somerset Local Plan and paragraph 32 of the National Planning Policy Framework.

## Appendix A

### Extract from Area North Committee Minutes – 25<sup>th</sup> September 2013

**Planning application: 13/02322/FUL\*\* - Erection of a new three bedroom detached dwelling house with link attached garage designed to 'The Code for Sustainable Homes' level 4 on land adjacent to The Old Barn Owl, Land South Of The Old Barn Owl Inn Westport Langport, Applicant: Mr J Lock**

The Planning Officer with the aid of slides and photographs summarised the details of the application as set out in the report. He said there was no pavement which forced the use of a car and the Highway Authority recommended refusal because of lack of visibility at the entrance. Also there was no exception policy to justify acceptance of the proposal.

Mr M Williams, Agent for the applicant, said the applicant was a young local tradesman who wished to return to the area he had grown up with his young family. The revised vehicle plan submitted overcame turning arrangements on the site and local facilities were only 1 mile from the site. There were no objections from neighbours nor on landscape or design of the proposed property. He noted that planning officers had stated Policy ST3 could not be relied upon in previous applications but it had been cited in the reason for refusal. He concluded there could be no reasonable objection to a small infill property on the site.

The Ward Member, Councillor Sue Steele, said the site had previously been used for abandoned vehicles and getting them removed had been a problem. The site was very close to the vibrant community and school in Hambridge and there were nearby local employment units. She felt there were no objections to the application.

During discussion, Members commended a local person addressing their own housing needs. They felt the road was straight, within the 40mph speed limit and the applicant could create a wide visibility splay in common with other existing properties along the road. It was proposed and seconded that planning permission be granted as the site was in a sustainable location, was infilling a problem site and the applicant had demonstrated a local connection. On being put to the vote this was carried (voting: 9 in favour, 1 abstention). Councillor Seal noted that she had abstained from voting as she was a member of the Regulation Committee which the application would now be referred to.

#### **RESOLVED:**

That Planning Application 13/02322/FUL be **REFERRED** to Regulation Committee with a recommendation for APPROVAL from the Area North Committee for the following reasons:

- The site was in a sustainable location.
- This was infilling a problem site.
- The applicant had demonstrated a local connection.

(Voting: 9 in favour, 0 against, 1 abstention)