

South Somerset District Council

Minutes of a meeting of the **Regulation Committee** held at the **Council Chamber, Council Offices, Brympton Way, Yeovil BA20 2HT on Tuesday 21 August 2018.**

(10.00 - 11.05 am)

Present:

Members: Councillor Peter Gubbins (Chairman)

Mike Best	Angie Singleton
Tony Capozzoli	Martin Wale
Anna Groskop	Nick Weeks
Mike Lock	Colin Winder
Tony Lock	Mike Lewis
David Recardo	Graham Middleton
Sylvia Seal	

Officers

Kelly Wheeler	Case Services Officer (Support Services)
Marc Dorfman	Senior Planning Adviser
Sarah Hickey	Senior Planning Lawyer
Alex Skidmore	Planning Officer

25. Minutes (Agenda Item 1)

Councillor Nick Weeks requested an amendment be made to the minutes of the previous meeting held on Tuesday 17th July 2018 which had been circulated. He referred to the minute for item number 22 (planning application 13/03483/OUT – The Trial Ground, Somerton Road, Langport) and asked that reference be made for the provision of swallow/swift boxes to be included within the development, as this had been omitted from the minutes.

It was agreed that the minutes would be amended to include this request and re-circulated to members.

26. Apologies for Absence (Agenda Item 2)

An apology of absence was received from Councillor Clare Aparicio-Paul who was substituted by Councillor Graham Middleton.

27. Declarations of Interest (Agenda Item 3)

There were no declarations of interest.

28. Public Question Time (Agenda Item 4)

There were no questions from members of the public.

29. Planning Application 18/01071/S73A - Land rear of 18 to 24 Westcombe, Templecombe (Agenda Item 5)

Application Proposal: Section 73A application to vary condition 2 (approved plans) of planning approval 09/03037/FUL to allow for revised plans to replace on plot 1 a single storey dwelling with a two storey dwelling

The Planning Officer presented her report to members, explaining that the application had been refused by members at the July meeting of the Area East Committee.

She explained to members that there had been two further letters received from local residents, however advised that the letters did not raise any new issues.

Using a PowerPoint presentation, she pointed out the position of plot 1, explaining that the original planning application was for a development of 13 dwellings, with a mix of single and two-storey dwellings.

She also pointed out the position of two further dwellings on the site advising members that a similar planning application had recently been refused to replace bungalows with two-storey dwellings. She added that this decision to refuse was now subject to an appeal.

Using the PowerPoint presentation, she provided images of the site and neighbouring properties and a plan to show the layout and location of bungalows and houses on the site. She also provided images to show the proposed elevations of the dwelling and clarified that there would be no windows on the first floor level to overlook the property at 28 Bowden Road.

She explained to members that the plot was bounded by high close-board fencing on several sides and mature trees to the rear in the neighbour's garden. Although she noted the views of the residents, she felt that the proposal would be in keeping and would not result in any demonstrable visual or amenity harm to existing residents by way of overlooking or loss of light. She also confirmed that there were no parking concerns and that the proposal meets the standard in accordance with highways standing advice. She clarified that it was her recommendation that the application be approved, subject to conditions as detailed in her report.

In response to questions from members, she clarified the positions of where the presentation photographs were taken within the site. She also clarified which plots had been approved permission as bungalows and which plots had been completed.

A local resident spoke in objection to the proposal. He explained that he had bought his home 'off plan' and explained that this plan was a balanced plan, indicating bungalows on one side of the development and houses on the other. He felt that this amendment to the scheme was in bad faith and felt that the developer was in breach of contract. He also advised that the plan showed the driveways to be much longer than they are and suggested that there would be parking issues on the site. He advised that he would be overlooked by this dwelling and stated that there was a national shortage of bungalows.

Another local resident spoke in objection to the application. She advised members that this plan would be different to the plan, which was agreed when she purchased her property.

The Senior Planning Lawyer advised that planning laws allow these amendments and that only planning grounds could be considered when determining this amendment.

The Planning Officer clarified that there were no parking concerns as plot 1 provided three usable parking spaces, in accordance with highway advice.

One member expressed concern that one of the existing bungalows sit to the rear of Plots 1-3, would be surrounded by houses and would be overlooked and overshadowed. He felt that the application was unacceptable.

However, the Senior Planning Advisor advised that there was some distance between this bungalow and plot 1 and felt that the impact would be insignificant.

Another member explained that it took a lot of hard work to agree a suitable scheme for this difficult site when the 13 homes were approved and felt that this amendment should be refused.

In response to a members question, the Senior Planning Advisor confirmed that this application would not set a precedent as each development and application would be considered separately. He also clarified the reason why the previous application to amend other plots on the site had not been referred to the Regulation Committee for determination.

Some members expressed understanding for the reasons why the application had been refused.

Following the discussion, it was proposed and seconded that the application should be approved, as per the officer report.

On being put to the vote, this was carried 8 in support and 5 against.

RESOLVED: that members approved planning application 18/01071/S73 as per the officer report for the following reason;

01. The proposed development, by reason of its context, density, scale, layout, design and materials, respects the character of the area, causes no demonstrable harm to visual amenity, residential amenity or highway safety and is considered to constitute an appropriate sustainable form of development that accords with the aims and objectives of policies SS2, SS6, TA5, TA6, HW1, EQ2, EQ4 and EQ5 of the South Somerset Local Plan and the provisions of the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be carried out in accordance with the following approved plans numbered F1325/217S, F1325/205E, F1325/216, F1325/212C, F1325/214C, F1325/215, F1325/200B, F1325/203B, F1325/206C, F1325/207C, F1325/208C and F1325/210C.

Reason: For the avoidance of doubt and in the interests of proper planning.

02. The external wall, roof and chimney materials, the materials and external finish for all external windows and doors, internal and external boundary treatments and surfacing materials for the access drive, paths, turning and parking areas shall

accord with those detailed agreed under discharge of condition application 13/00878/DOC, unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the character and appearance of the area to accord with policy EQ2 of the South Somerset Local Plan.

03. Prior to any other works commencing in respect of the development hereby permitted the visibility splays shown on drawing no. F1325/217D shall be provided in full and shall thereafter be permanently maintained in this fashion.

Reason: In the interests of highway safety to accord with policy TA5 of the South Somerset Local Plan.

04. The proposed roads, including footpaths and turning spaces where applicable shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: In the interests of highway safety to accord with policy TA5 of the South Somerset Local Plan.

05. At the proposed access there shall be no obstruction to visibility greater than 300mm above adjoining road level within the visibility splays shown on the submitted plan F1325/217D, such visibility splays shall be permanently retained and maintained thereafter.

Reason: In the interests of highway safety to accord with policy TA5 of the South Somerset Local Plan.

06. The foul and surface water drainage details to serve the development shall accord with the details set out on drawing number F1325/225B received 29/07/2016, unless otherwise agreed in writing by the local planning authority. Such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: To ensure the site is adequately drained to accord with policy EQ7 of the South Somerset Local Plan.

07. The development shall be carried out in accordance with the internal ground floor levels set out on drawing number F1325/217S, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential and visual amenity to accord with policy EQ2 of the South Somerset Local Plan.

08. The development shall be carried out in accordance with the landscaping scheme detailed on drawing number J46-01A received 31/01/2013. All changes to existing ground levels and all planting, seeding / turfing comprised in the approved details shall be carried out in the first planting and seeding season following the first occupation of the dwellings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of five years from the completion

of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To safeguard the character and appearance of the area and to protect the trees on the site subject to a Tree Preservation Order to accord with policy EQ2 of the South Somerset Local Plan.

09. The tree protection measures detailed on drawing number J46/-01A received 31/01/2013 shall be implemented and kept in place until the approved development is completed, unless otherwise agreed in writing by the local planning authority.

Reason: To protect the trees on the site subject to a Tree Preservation Order to accord with policy EQ2 of the South Somerset Local Plan.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road.

Reason: To safeguard the character and appearance of the area to accord with policy EQ2 of the South Somerset Local Plan.

11. Prior to plot 16 (as identified on drawing number F1325/217D received 19/07/2016) being first brought into use the first floor window in the south elevation shall be fitted with obscure glass (and fixed closed) and shall be permanently retained and maintained in this fashion thereafter.

Reason: In the interest of residential amenity to accord with policy EQ2 of the South Somerset Local Plan.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), there shall be no openings within the south elevation of Plot 1 without the prior express grant of planning permission.

Reason: In the interest of residential amenity to accord with policy EQ2 of the South Somerset Local Plan.

Informatives:

01. The applicant is reminded that no consent is hereby granted for the installation of Air Source Heat Pumps (ASHPs). If the applicant wishes to install such equipment without the need for planning permission it will need to comply with the requirements of Class G, Part 14, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

(Voting: 8 in support, 5 against)

30. Planning Application 18/00650/OUT - Knights Templar Court Nursing Home, Throop Road, Templecombe (Agenda Item 6)

The Planning Officer explained to members that since writing her report, it had become evident that there were some outstanding ecology matters, which should be dealt with prior to the application being determined. She advised members that she was waiting for a phase 2 ecology survey, which should be with her before the end of the week. She therefore advised that her recommendation was now for members to defer the application to the September meeting of the Regulation Committee to allow full consideration of the ecology issues.

Following this, it was proposed and seconded that the application be deferred to the September meeting of the Regulation Committee.

On being put to the vote, this was unanimously agreed.

RESOLVED: that planning application 18/00650/OUT be deferred to the September meeting of the Regulation Committee to allow full consideration of the outstanding ecology issues.

(Voting: unanimous)

31. Date of Next Meeting (Agenda Item 7)

Members noted that the scheduled meeting of the Regulation Committee will be held on Tuesday 18th September 2018 at 10.00am.

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Chairman

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Date