

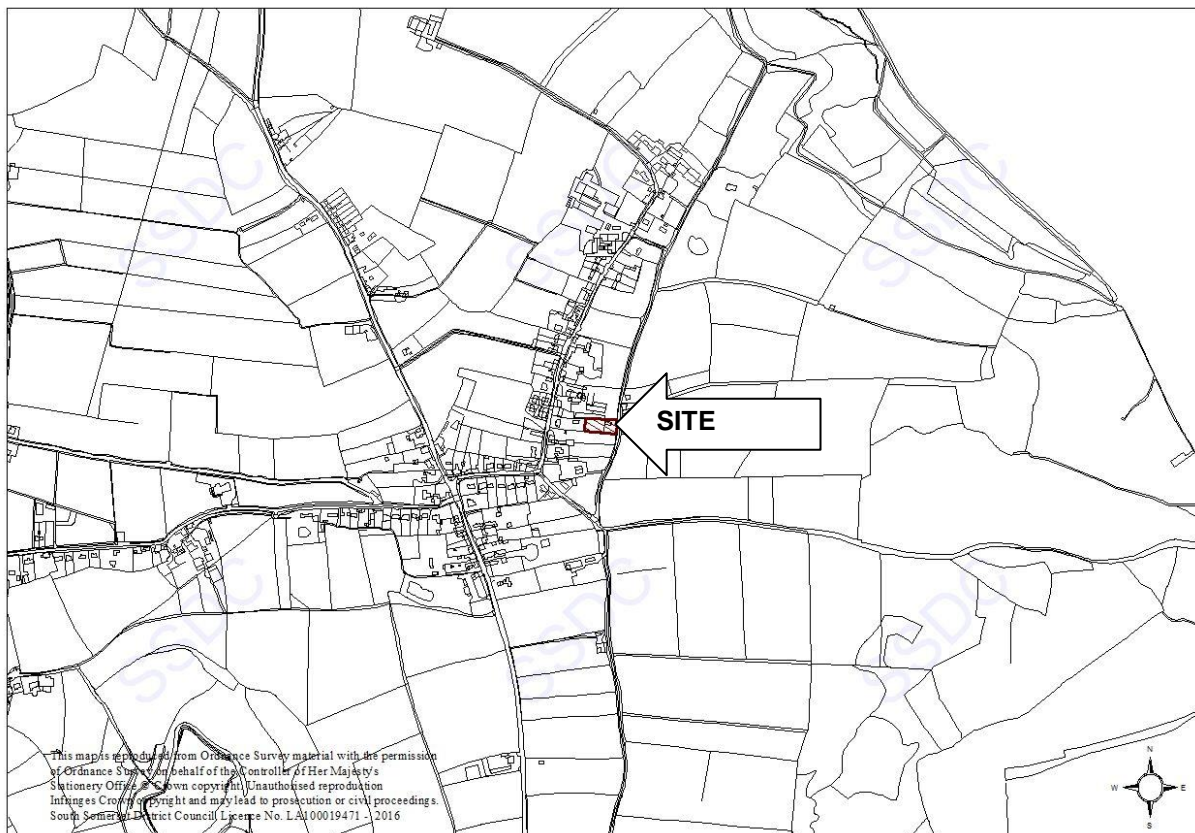
Officer Report On Planning Application: 16/01569/OUT

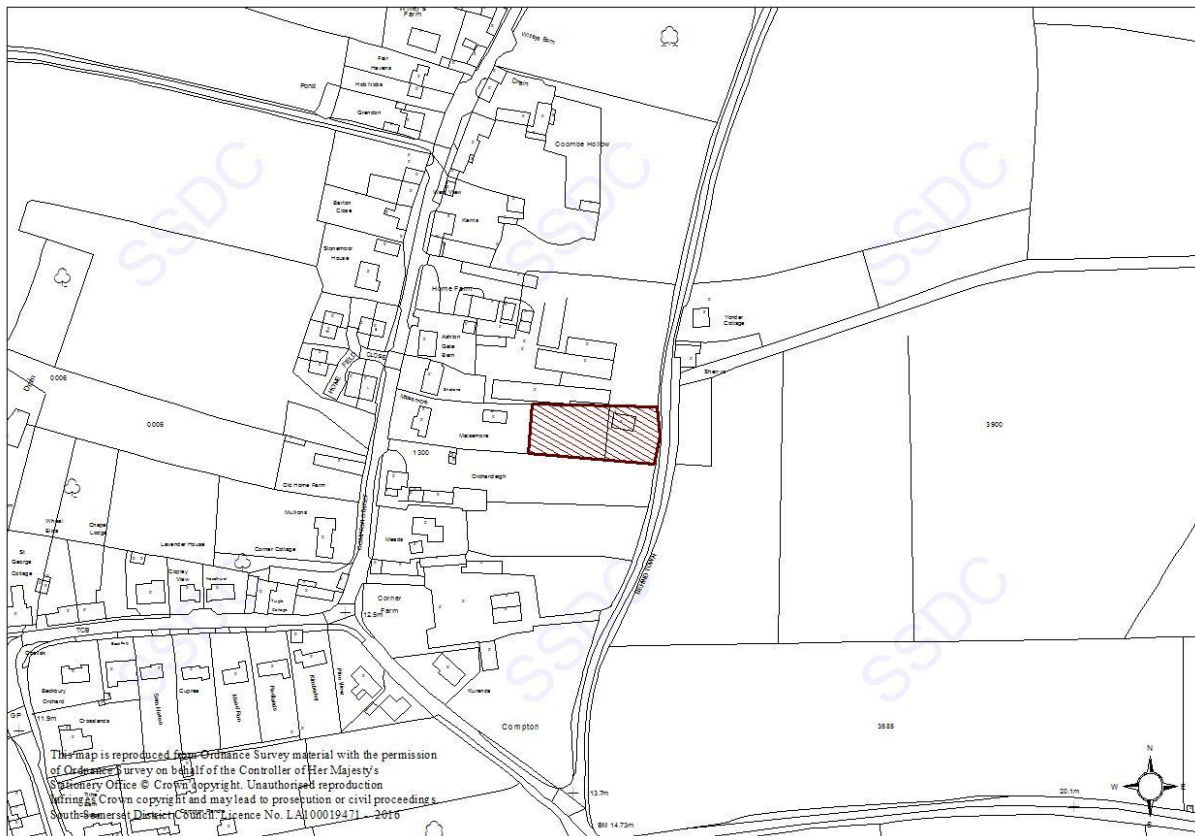
Proposal :	Outline application for the erection of a single dwelling and associated garage with some matters reserved.
Site Address:	Land Rear Of Maismore, Compton Street, Compton Dundon.
Parish:	Compton Dundon
WESSEX Ward (SSDC Members)	Cllr Stephen Page Cllr Dean Ruddle
Recommending Case Officer:	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
Target date :	7th June 2016
Applicant :	Mr D Davis
Agent: (no agent if blank)	Joanna Fryer, The Town And Country Planning Practice Ltd, Home Orchard, Littleton, Somerton TA11 6NR
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

This application is referred to committee at request of the Ward Members with the agreement of the Area Chair to enable the issues raised to be fully debated by Members.

SITE DESCRIPTION AND PROPOSAL





The site is located to the east of Maismore, a property fronting Compton Street, and comprises part established garden of this property, and part yard with a large building and two shipping containers present. It is stated that this part of the site has been used in connection with the applicant's plumbing and heating business, and for domestic activities. There is also a static caravan sited within the application site, although this is within the garden area of Maismore. The application site has its own existing access directly off Behind Town. There is mainly residential development to the west and a working farm immediately to the north. This is an edge of village location, with open fields to the south and east, and only occasional dwellings along Behind Town itself.

The application is made for outline planning permission, for the erection of a dwelling. The layout of the site and vehicular access arrangements are included for determination at this stage, with appearance, landscaping and scale to be reserved.

HISTORY

99/01051/FUL: Erection of a single storey extension to dwelling and construction of new vehicular access - Permitted with conditions.

870742: The erection of a two storey extension to house - Permitted with conditions.

852119: (Reserved Matters) Erection of a dwelling and garage - Permitted with conditions.

840379: The erection of a dwelling on land adjoining Orchard Leigh, Compton Dundon - Allowed by appeal following initial refusal.

62398/1: Erection of dwelling house and garage and provision of vehicular access - Permitted with conditions.

62398: Erection of dwelling house and garage and provision of vehicular access - Permitted with conditions.

POLICY

The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the adopted local plan now forms part of the development plan. As such, decisions on the award of planning permission should be made in accordance with this development plan, unless material considerations indicate otherwise. Legislation and national policy are clear that the starting point for decision-making is the development plan, where development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

Policies of the South Somerset Local Plan (2006-2028)

SD1 - Sustainable Development
SS1 - Settlement Strategy
SS2 - Development in Rural Settlements
SS4 - District Wide Housing Provision
SS5 - Delivering New Housing Growth
TA5 - Transport Impact of New Development
TA6 - Parking Standards
EQ2 - General Development
EQ3 - Historic Environment
EQ7 - Pollution Control

National Planning Policy Framework
Core Planning Principles - Paragraph 17
Chapter 4 - Promoting Sustainable Transport
Chapter 6 - Delivering a Wide Choice of High Quality Homes
Chapter 7 - Requiring Good Design
Chapter 10 - Climate Change and Flooding
Chapter 11 - Conserving and Enhancing the Natural Environment
Chapter 12 - Conserving and Enhancing the Historic Environment

National Planning Practice Guidance

Design
Natural Environment
Rural Housing

Policy-related Material Considerations

Somerset County Council Parking Strategy (September 2013)
Somerset County Council Highways Development Control - Standing Advice (June 2015)

CONSULTATIONS

Parish Council: Recommend approval.

SCC Highway Authority: Standing advice applies.

SSDC Highway Consultant: Consider sustainability issues (transport) taking into account para. 29 of the NPPF. Consider the standard of Behind Town in terms of its width but taking account that the net traffic impact of the development may not be significant given the traffic generation associated with the extant use of the current buildings on site. If vehicle speeds on Behind Town are in the region of 23mph as suggested in the Planning Statement, the existing

visibility splays at the access outlined in the Planning Statement should be acceptable. Ensure the proposed parking provision accords with the SPS standards, and appropriate turning facilities are secured. The first 6.0m of the access should be properly consolidated and surfaced (not loose stone or gravel). Ideally drainage measures should be implemented to ensure on-site surface water does not discharge onto the public highway.

County Archaeology: The site lies within the Compton Dundon Area of High Archaeological Potential. Investigations in 1995 during the construction of the properties on Homefield Close revealed the presence of medieval and post medieval settlement activity. It is possible that similar remains may survive within the application area.

It is therefore recommended that the applicant be required to provide archaeological monitoring of the development and a report on any discoveries made as indicated in the National Planning Policy Framework (Paragraph 141). This should be secured by the use of model condition 55 attached to any permission granted:

'No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.'

SSDC Environmental Protection: "Due to the extremely close proximity of the neighbour farm yard and buildings, I would have to recommend refusal of this application on amenity grounds.

It is my opinion that any future occupants of the proposed dwelling would be adversely affected by noise, odour and dust arising from the neighbouring farm. These adverse effects would have most impact on the use and enjoyment of the external private area to the dwelling but have a significant potential to cause loss of amenity to the dwelling itself.

These conflicts cannot be overcome without major constraints upon the existing farming business." Should the application be approved however, a contaminated land condition is requested.

Following further comment from the applicant's agent, in response to this objection, the Environmental Protection Officer has made the following comment:

As you know we have to be consistent on our approach to such applications, recent appeals have provided a degree of support for our stance along with Policy EQ2 of the adopted Local Plan which seeks to ensure the creation of quality places and that site specific considerations are taken into account.

Also the National Planning Policy Framework (the Framework), states at paragraph 17 the core planning principle to 'always seek to ensure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'.

"I have read and understand where the applicant's agent is coming from, but that does not diminish the chance that future occupiers could well be impacted on amenity wise from the neighbouring farms current activities and future activities which could change without the need for additional planning permission re use of existing barns and building."

REPRESENTATIONS

Nine letters have been received from local residents. Two of these letters raise no objection in principle, however do have some concerns about elements of the scheme, and a further two do raise objections. Five letters have been submitted in support of the proposal, including one from the occupiers of the adjoining farm. The areas of concern cover the following:

- Highway safety
- Impact on local rural character
- Risk of surface water flooding

The letters of support make the following points:

- Access already exists
- The proposal would lead to an improvement in the appearance of the lane
- The site is adequately sized to provide a dwelling and garden
- The applicant is seeking to remain in the village, where he has existing ties
- The adjoining farm is a small family business with no plans to expand or go into intensive farming
- The adjoining farm has little impact on the nearest local residents, with no problems experienced

CONSIDERATIONS

Principle of Development

The site is located on the west side the Behind Town, a short distance from the village core to the west. Policy SS1 (Settlement Strategy) highlights the areas where new development is expected to be focused, grouping certain towns and villages into a hierarchy, of settlements including the Strategically Significant Town (Yeovil), Primary Market Towns, Local Market Towns and Rural Centres. All other settlements, including Compton Dundon, are 'Rural Settlements', which policy SS1 states "will be considered as part of the countryside to which national countryside protection policies apply (subject to the exceptions identified in policy SS2. Policy SS2 states:

"Development in Rural Settlements (not Market Towns or Rural Centres) will be strictly controlled and limited to that which:

- Provides employment opportunities appropriate to the scale of the settlement; and/or
- Creates or enhances community facilities and services to serve the settlement; and/or
- Meets identified housing need, particularly for affordable housing.

Development will be permitted where it is commensurate with the scale and character of the settlement, provides for one or more of the types of development above, and increases the sustainability of a settlement in general. Proposals should be consistent with relevant community led plans, and should generally have the support of the local community following robust engagement and consultation. Proposals for housing development should only be permitted in Rural Settlements that have access to two or more key services listed at paragraph 5.41 (i.e. local convenience shop, post office, pub, children's play area/sports pitch, village hall/community centre, health centre, faith facility, primary school)."

Usually applications in locations such as this would be considered against the settlement strategy contained within Local Plan policies SS1 and SS2, however the Local Planning Authority are currently unable to demonstrate a five year supply of housing sites. As such, several recent appeal decisions have confirmed that in the context of the National Planning Policy Framework these policies should be considered out of date, as they are relevant to the supply of housing. In such circumstances, the main consideration will be whether any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

As a starting point, Compton Dundon is considered to be a generally sustainable location, where development could be acceptable in principle. Despite policy SS2 being viewed as out of date, the village has several key services referred to in this policy. Furthermore, it is noted that an appeal decision allowing the outline permission for a new dwelling within the village, in 2014, states that "Compton Dundon has a village hall which provides a wide range of community facilities and also accommodates a post office with morning opening hours. There is also a church, a pub and an educational establishment, and I consider that all these facilities and the hourly bus service are in fact within a reasonable walking distance on a relatively safe route rather than 'remote' as the Council claims."

The above quote relates to a site along Ham Lane, a road heading westwards from the village core. In comparing this with the current application, it is noted that the current application site is also only a relatively short distance from the village centre, allowing access into the village, as well as access to public transport. Taking the above into account, the application site is considered to be similarly well located in relation to the village services. As such, it is considered that the development of this site for a dwellinghouse could be acceptable in principle, subject of course to the assessment of other appropriate local and national policy considerations, to determine whether there are any adverse impacts that would significantly and demonstrably outweigh the benefits. The main considerations in this case are impact on visual amenity and local landscape character, highway safety and residential amenity.

Scale and Appearance

The proposal includes approval of layout at this outline stage, with appearance of the proposed dwelling, scale and landscaping reserved. The main issue in considering layout at this stage is the principle of the development and the impact of any development in this location, particularly in respect to landscape character and in respect to local development pattern. In this case, there is minimal development along Behind Town, with the prevailing pattern of development comprising residential properties fronting Compton Street. There are however a few houses along Behind Town, as well as a farm yard immediately to the north of the site. Generally, development of plots off Behind Town would not be considered appropriate as this would fail to accord with the prevailing development pattern to the detriment of local character, however in this case there is existing built form on the site, in the form of the existing building. While the proposed dwelling is likely to be larger, it will also be seen against the context of the large adjoining farm buildings, which it would be well-related too. Overall, it is not considered that the provision of a dwelling on this site would have an adverse impact on local character and appearance.

Highway Safety

The proposal includes the use of the existing access, with improvements made to visibility, which would allow splays of up to 52m to the north and 30m to the south. Objections have been received about the proposed development in respect to highway safety, with concerns about the width of Behind Town, concerns about the speed that vehicles drove along this road and also concerns about visibility.

The Highway Authority have indicated that standing advice should apply, which usually includes providing levels of visibility of 43m in each direction, consideration of width of access, surfacing of access and ensuring positive drainage arrangements to prevent discharge of surface water runoff onto highway land. In this case, the existing access arrangements, which are intended to be retained, meet the necessary requirements, other than that visibility splays of 30m to the south, set back 1m, rather than the usual 43m stated in the standing advice. The applicant has however sought to justify this reduction by advising that the visibility is

appropriate due to lower vehicle speeds at this point. The Council's Highway Consultant has indicated that the visibility should be acceptable if vehicle speeds are in the region of 23mph, however it is also noted that there is an extant use of the current buildings and existing access, in which case, the use of the access may not represent a significant net traffic impact. Taking this into account, and noting that the existing use of the access would no longer continue, it is not considered that the proposal would lead to a severe impact on highway safety so as to recommend refusal on highway grounds. It is noted that the layout of the site is proposed, even though proposed parking is not stated. Notwithstanding this, the position of the proposed dwelling is set far enough into the site to ensure that there would be plenty of space for providing the appropriate amount of parking and turning. Should permission be granted, it would therefore be necessary to impose conditions to ensure the provision of the parking, visibility, hard surfacing and drainage details.

Residential Amenity

The proposed dwelling would be set well away from the nearest dwellings to the west and north east, as such it would have no detrimental impact on the occupiers of these dwellings by way of overlooking or overshadowing. Of concern however is the proximity of the proposed dwelling to adjoining agricultural buildings. If sited as proposed, the dwelling would be within 6m of the nearest building, a long structure running almost the full length of the application site, and within 19m of a large building sited centrally within the adjoining farm.

Local Plan Policy EQ2 includes several criteria aimed at ensuring high quality development, and includes a requirement for *"development proposals should protect the residential amenity of neighbouring properties."* Equally it should be expected that prospective occupiers of new dwellings have their residential amenity protected too by not being sited in inappropriate locations. Likewise, the Core Planning Principles of the NPPF (paragraph 17) states that *"planning should always seek to secure high quality design and a good standard of amenity to all existing and future occupants of land and buildings."*

In this case, the Council's Environmental Protection Officer has objected to the proposal on the basis of the proximity to the neighbouring agricultural buildings, raising concern that the future occupiers of the dwelling would be adversely affected by noise, odour and dust, which would impact on the private amenity space associated with the proposed dwelling, and also have significant potential to cause loss of amenity to the dwelling itself too. The applicant has sought to justify this by highlighting the presence of the buildings in close proximity to several other dwellings and there being no knowledge of complaints, and no evidence of noise, smell and dust arising from farm activities. Furthermore it is advised that the farm is relatively small by modern standards with beef cattle overwintered on site and spending the summer months in the fields.

The Environmental Protection Officer has considered the additional information, however still objects. While it is noted that the farm is run in this manner, this does not change the fact that there is high potential for unacceptable impact on residential amenity due to the very close proximity. Furthermore, there are no restrictions that would prevent this site being used more intensively should the current farmer, or future owner, wish to do so. It should also be noted that while there are other dwellings near the farm buildings, none are as close as that proposed by this application. The next nearest dwelling is 'Shetland', which is to the west of the farm. This property is approximately 25m from the nearest farm building and almost 45m from the central agricultural building. In this case, the dwelling would only be 6m from the nearest building, which is considerably closer. Overall, while the presence of other dwellings nearby is acknowledged, the very close proximity of the proposed dwelling, along with the inability to control the use of the adjoining farm buildings, does give rise to significant potential for harm to the residential amenity of future occupiers of the dwelling. It is therefore considered

appropriate to recommend refusal.

Other Issues

Some concern has been raised by neighbours in respect to flooding of Behind Town, however it is not considered that this dwelling should lead to any worsening of any current situation subject to appropriate surface water drainage provision being put in place. It should be noted that there are buildings and containers already present on site, as well as existing hard surfacing of this yard. Not only is it considered that there would be no risk to flooding associated with this proposal, there is the potential to improve drainage within the site.

Comments received from County Archaeology advise that the site lies within the Compton Dundon Area of High Archaeological Potential and that investigations in 1995, during the construction of the properties on Homefield Close, revealed the presence of medieval and post medieval settlement activity. It is considered that similar remains may survive within the application area. While not considered a constraint to development, it is recommended that the applicant provide archaeological monitoring of the development and a report on any discoveries made. A standard archaeology condition is requested should permission be granted.

Conclusion

Despite the support of the Parish Council, and impact on highway safety and local character being acceptable, the proposal is considered to be unacceptable due to the proposed development being sited so close to the adjoining farm yard. It is therefore proposed to refuse the application solely in respect to adverse impact on the residential amenity of future occupiers of the proposed dwelling.

RECOMMENDATION

Refuse

FOR THE FOLLOWING REASON:

01. The proposed dwelling is unacceptable by reason of its siting in close proximity to an adjoining agricultural building. This relationship has the potential to cause unacceptable harm to the residential amenities of the future occupiers of the proposed dwelling by way of noise and odour generation as a result of the possible use of the adjoining building for the accommodation of livestock. As such it is contrary to policy EQ2 of the South Somerset Local Plan (2006-2028) and the provisions of the core planning principles of the National Planning Policy Framework.
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