

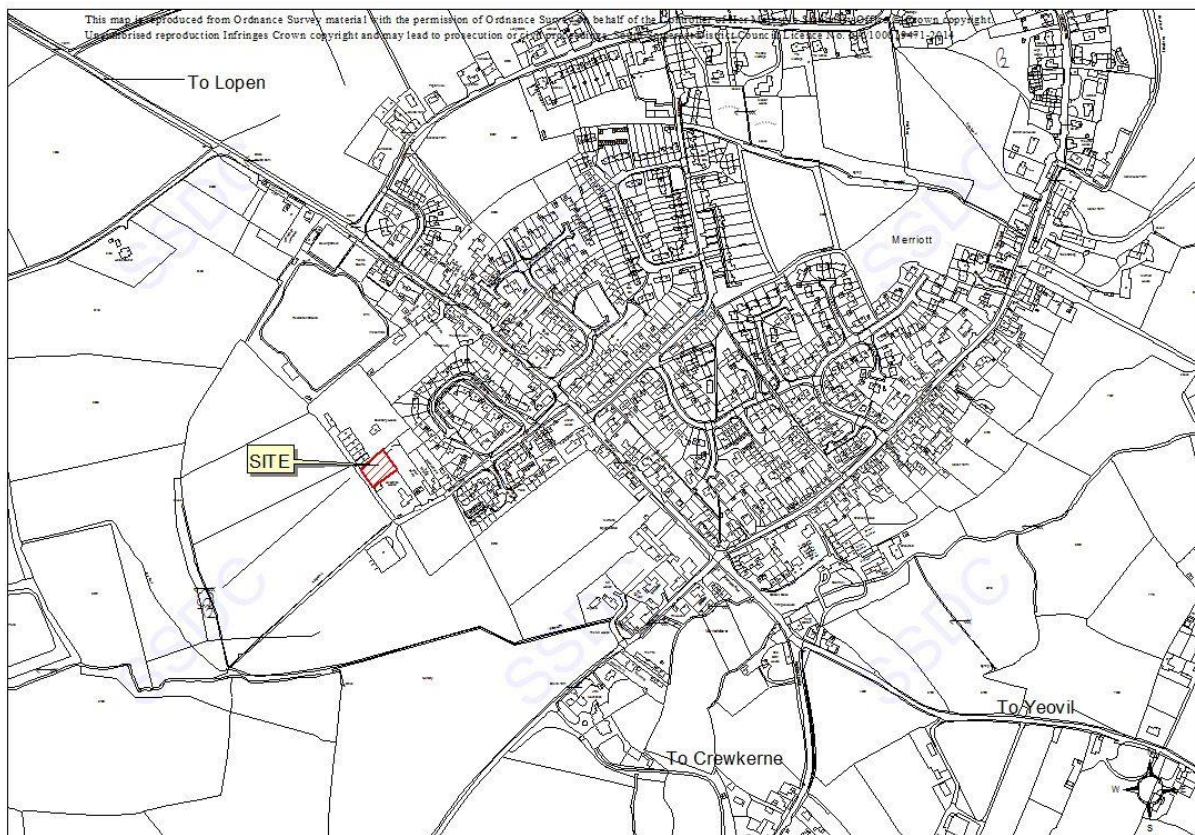
## Officer Report On Planning Application: 14/02863/OUT

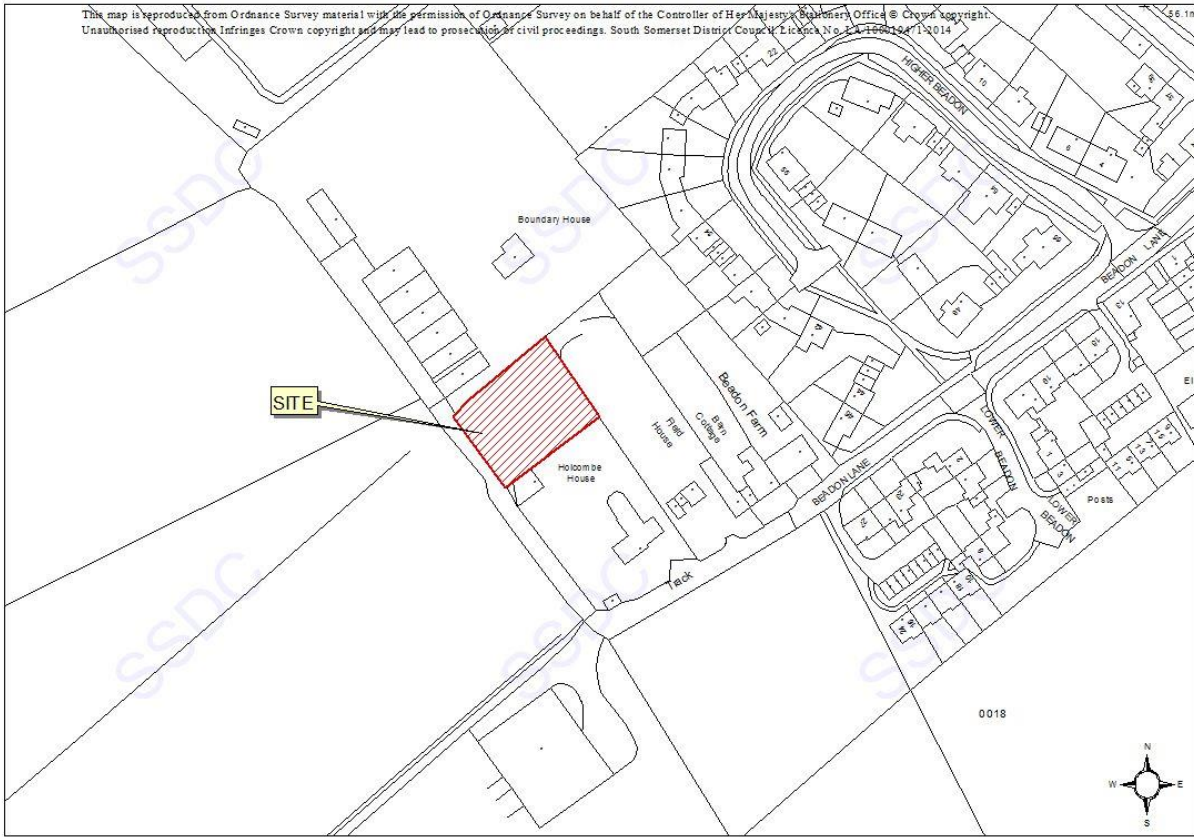
<b>Proposal :</b>	The erection of 1 No. detached dwelling with associated garage (GR 343883/112240)
<b>Site Address:</b>	Holcombe House, Beadon Lane, Merriott.
<b>Parish:</b>	Merriott
<b>EGGWOOD Ward (SSDC Member)</b>	Cllr P Maxwell
<b>Recommending Case Officer:</b>	Mike Hicks Tel: 01935 462015 Email: mike.hicks@southsomerset.gov.uk.
<b>Target date :</b>	14th August 2014
<b>Applicant :</b>	Mr & Mrs D Stokes
<b>Agent: (no agent if blank)</b>	Paul Dance, Foxgloves, 11 North Street, Stoke Sub Hamdon, Somerset TA14 6QR
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL TO COMMITTEE

This application for a dwelling is outside settlement limits and is referred to Committee as a departure from the saved policies of the local plan.

### SITE DESCRIPTION AND PROPOSAL





The application site is located within the northern end of the garden of 'Holcombe House'. The site is accessed from the south via an unmade track which is a continuation of Beadon Lane, located further to the east of the site. The vehicular access is also a Public Right of Way (Footpath CH19/10).

The subject site measures approximately 26 metres in width by 35 metres in depth. Ground levels fall slightly within the site towards Holcombe House. There are detached dwellings to the north and east of the site, known as 'Boundary House' and 'Field House'. Boundary House would share the vehicular access with the proposed dwelling.

This application considers the principle of development, with all matters reserved. Access, appearance, landscaping, layout and scale are to be considered under a subsequent application for Reserved Matters.

**HISTORY**

There is no planning history for the site that is relevant to this proposal.

**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.

The National Planning Policy Framework (NPPF) is a material consideration.

The policies of most relevance to the proposal are:

Saved policies of the South Somerset Local Plan (2006):

ST3 - Development Areas

ST5 - General Principles of Development

ST6 - The Quality of Development

EC3 - Landscape Character

EU3 - Non mains sewerage

EU 4 - Drainage, water supply and sewerage

National Planning Policy Framework

Chapter 4 - Promoting sustainable transport

Chapter 6 - Delivering a wide choice of high quality homes

Chapter 7 - Requiring good design

Chapter 11 - Conserving and enhancing the natural environment

Merriott Village Plan (2014)

The Merriott Village Plan is a material consideration.

## **CONSULTATIONS**

### **Merriott Parish Council:**

Recommend refusal on inaccuracy of plans. There are unaddressed issues regarding the access over a neighbour's property. There are queries on the boundary, land registry and fencing although it has been stated no landscaping will be needed. The site is outside of the development core area stated within the village plan and is not suitable for infill.

### **County Highway Authority:-**

Standing Advice applies.

### **County Rights of Way Department:-**

First response:

No objection given it's just the one dwelling. Standard wording regarding vehicular use of a public footpath, lawful authority and other generic text will be required.

Second response:

I can confirm that there is a public right of way (PROW) recorded on the Definitive Map which runs along the access to the proposed development at the present time. I have attached a plan for your information.

Any proposed works must not encroach on to the width of the footpath.

Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary (stopping up/diversion) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

The health and safety of walkers must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for

the surface of the footpath, but only to a standard suitable for pedestrians. SCC will not be responsible for putting right any damage occurring to the surface of the footpath resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath unless the driver has lawful authority (private rights) to do so.

In addition, if it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from SCC Rights of Way Group.

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would

- make a PROW less convenient for continued public use (or)
- create a hazard to users of a PROW

then a temporary closure order will be necessary and a suitable alternative route must be provided. A temporary closure can be obtained from Sarah Hooper on (01823) 483069.

## **REPRESENTATIONS**

Three letters of objection have been received making the following comments:

- The application does not fall within the development area as defined by the Merriott Village Plan. The application does not meet any of the criteria for housing development set out in the Village Plan.
- The development would not be 'infilling' as stated within the application.
- The comment 'There is much more development surrounding the site & edge of village development altering the character of the area' is misleading.
- Approval would set a precedent for future applications.
- The application states that landscaping would not be necessary, this would not be the case given that the driveway cuts through existing fencing and hedging.
- Access to the site would have to be via land within the ownership of Boundary House.
- The application would have a detrimental impact on neighbour impact.
- Gardens are no longer classified as brownfield land.
- The benefits of green spaces within villages is well documented.
- An additional dwelling would increase wear and tear on the un-adopted access track.
- There is no mains sewerage system.
- It would not be acceptable to justify the development by allowing the hedge between the site and Boundary House to grow higher to screen the development. This would result in loss of light to the garden of Boundary House.

## **CONSIDERATIONS**

### **Principle of Development**

#### **Principle:**

The development boundary for Merriott intersects the garden of Holcombe House. The application site is located to the northern side of the development boundary and is outside but immediately adjacent to the development area.

Having regard to the location of the site outside development limits, Saved Policy ST-3 would apply to the proposal and strictly controls development in such a location. However, paragraph 215 of the NPPF states that:

"due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)".

It should be acknowledged that the 2006 plan is now out of date and only those policies that are compliant with the aims of sustainable development as set out within the NPPF have been saved, furthermore where a saved policy isn't fully compliant with the NPPF it has diminished weight.

Whilst the emerging local plan has yet to be adopted, Policy SS2 has not been queried by the local plan inspector or challenged in the course of the local plan suspension and was not debated at the recent re-opening of the local plan inquiry. Accordingly, for the purpose of this application, it is considered that the general thrust of Policy SS2 and the NPPF's support for sustainable development should be balanced against the historic interpretation of Policy ST3 which weighs heavily against unwarranted development outside settlement boundaries.

Given these circumstances, the proposal to construct a single dwelling should be considered on its own merits. Paragraph 7 of the NPPF states that there are three dimensions of sustainable development, economic, social and environmental. Each dimension of sustainable development should not be considered in isolation and they are mutually dependant. Furthermore, Paragraph 6 of the NPPF states that paragraphs 18 to 219 of The NPPF should be taken as a whole and constitute the Government's view of what sustainable development means in practice for the planning system. In reaching a view as to whether the site is suitable for the development proposed a range of considerations are relevant.

From a sustainability perspective, the site is within a reasonable walking distance of services within the village such as a convenience store, first school and recreation facilities. As such the settlement is considered to be an appropriate location for residential development in principle.

The subject site is well contained visually within the built form and physical boundary of the settlement. As such, the proposal would not appear visually detached from the settlement and would accord with the characteristics of the locality.

In addition to the above, the proposal would provide some, but limited contribution to housing supply, and local services. Against the current policy framework outlined above, these factors weigh in favour of the proposal.

### **Visual Amenity**

Having regard to the close relationship of the site with the existing built form to the east of the site, proposal is considered to be acceptable in principle. An indicative layout has been submitted illustrating a detached dwelling and double garage. Subject to the inclusion of the planning conditions as set out within this report, the size of the plot is sufficient to ensure that an appropriate scheme can be achieved at Reserved Matters.

### **Residential Amenity**

The application is for outline planning consent and as such regard cannot be given to the detailed design and siting of the dwelling when assessing the impact on neighbour amenity. However, the plot is of sufficient width and depth to ensure appropriate space between the proposed dwelling and the shared boundaries with Boundary House, Field House and Holcombe House. In addition, consideration can be given to window placement during consideration of Reserved Matters. As such, the proposal is considered to be acceptable in

relation to residential amenity.

### **Highways**

Although means of access is reserved for subsequent approval, regard should be given to whether a safe and convenient access could be provided to the site and whether this is achievable at Reserved Matters.

The indicative plans indicate that the vehicular access would be via an existing vehicular access that currently provides access to Boundary House to the north of the site. This is likely to be the only viable point of access to the site. This access joins the existing unmade track and public right of way located approximately 46 metres to the south of the site.

In relation to visibility, the access onto unmade track would be acceptable due to the low level of vehicular use. In terms of the wider highway network, vehicles relating to the development would exit Beadon Lane onto Broadway which is an unnumbered classified highway. Visibility from Beadon lane onto Broadway is approximately 15 metres to the south of the access. This would be significantly below the 43 metre standard recommended within the Somerset County Council Highway Standing Advice document. However, considering that the proposal is for a single dwelling, the well established nature of this junction and the more pro development approach taken by the NPPF, it is considered unreasonable to withhold planning permission on this basis.

Subject to conditions to secure an appropriate level of parking, in all other respects the proposal complies acceptably with the relevant standards and therefore the proposed dwelling is acceptable in relation to highway safety matters

### **Public Right of Way**

The footpath currently provides access to three dwellings and as such it is already used by vehicles for these occupiers. The County Council Rights of Way Department have been consulted on the application and have raised no objections to the proposal.

It is not clear from the application details whether the applicant currently has vehicular access rights over the relevant section of the public right of way and it should be noted that there are no automatic vehicular rights of access over public rights of way. It should be further noted that the grant of planning permission does not automatically grant the developer the right to obstruct a public right of way or grant vehicular access rights. Having regard to the above, whilst the impact of a development on a public right of way is a material consideration, there are other statutory procedures in place for access rights and/or diversion works (if necessary) in the event of planning permission being granted.

In this instance, the development would not involve building work on or near the right of way. In addition, the right of way currently provides vehicular access to three dwellings. It is further noted that the track is of sufficient width and there is good forward visibility for vehicles and pedestrians. As such, it is considered that the public right of way provides an appropriate means of access to the site and the development would not result in harm to the safety or enjoyment of users of the right of way. It is recommended that an appropriate informative is included within the decision notice to inform the developer of the additional requirements in relation to access rights.

### **Other matters:**

Concern has been raised over the lack of mains foul drainage from the site. The applicant has confirmed by email that the site is not on mains drainage and that a septic tank would be constructed. Discussions with the Council's Building Control Department have confirmed that the site is sufficient in size to accommodate the septic tank and accord with the relevant building regulations requirements.

Objections have been received on the basis that the proposal is contrary to the Merriott Village Plan (2014). The Village plan requires that development proposals are located within the core of the village, do not spread into surrounding countryside, has a balanced mix of properties, supports local businesses and is associated with necessary additional infrastructure. However, whilst the Village Plan is a material consideration, it is not part of the adopted development plan. Primarily applications must be assessed against the updated guidance within the NPPF and for the reasons outlined in the report, the proposal is considered to be acceptable in this regard.

## **CONCLUSION**

Notwithstanding the location of the site outside defined development limits, by virtue of its close physical relationship to existing built form and easy walking distance to nearby services it is considered to meet the aims of sustainable development as set out within the NPPF. For the reasons set out above, the development raises no substantive landscape, visual or residential amenity concerns and is not considered to result in significant harm to highway safety, in accordance with Policies ST5, ST6 and EC3 of the South Somerset Local Plan, and is therefore recommended for approval.

## **RECOMMENDATION**

Approve the application subject to the following:

As the consultation period for publicity in relation to the adjacent public right of way does not expire until the 28th of August 2014, it is recommended that the Planning Manager be granted delegated powers to approve this application unless substantive additional representations to refuse the application are received.

01. Notwithstanding the location of the site outside defined development limits, by virtue of its close physical relationship to existing built form and easy walking distance to nearby services it is considered to meet the aims of sustainable development as set out within the NPPF. For the reasons set out above, the development raises no substantive landscape, visual or residential amenity concerns and is not considered to be prejudicial to highway safety, in accordance with Policies ST5, ST6 and EC3 of the South Somerset Local Plan, and the aims and objectives of the NPPF.

## **SUBJECT TO THE FOLLOWING:**

01. Approval of the details of the access, layout, scale, appearance and landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the provisions of S92 (2) Town and Country Planning Act 1990 (as amended by S51 (2) Planning and Compulsory Purchase Act 2004).

02. The development hereby permitted shall be carried out in accordance with the following approved plans: Unnumbered site location plan date stamped 7th July 2014.

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

03. Notwithstanding that the 'reserved matters' which include the layout, the development hereby approved shall be limited to one dwelling.

Reason: In the interests of the visual amenity and landscape character of the area, in accordance with Policy ST5 of the South Somerset Local Plan.

04. No works shall be carried out unless particulars of the following have been submitted to and approved in writing by the Local Planning Authority;
- a) particulars of the materials (including the provision of samples where appropriate) to be used for all external walls, roofs and chimneys;
  - b) particulars of all boundary treatments and hard surfacing materials. Such details shall include the use of porous materials to the parking and turning areas;

Reason: In the interest of visual amenity to accord with Policy ST6 of the South Somerset Local Plan.

05. Concurrently with the submission of the reserved matters, details of a proposed soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority.

- (i) The approved landscaping/planting scheme shall be carried out and completed within the first available planting season from the date of commencement of the development.
- (ii) For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Saved Policy ST5 of the South Somerset Local Plan adopted April 2006.

06. Concurrently with the submission of the "reserved matters" for the construction of the proposed dwelling, details of the off- street parking and turning facilities shall be submitted to and approved by the Local Planning Authority. The dwelling hereby permitted shall not be occupied until the vehicular parking facilities have been provided and made available for use in accordance with the approved details. These facilities shall be maintained available for those purposes thereafter

Reason: In the interests of highway safety in accordance with Saved Policy ST5 of the South Somerset Local Plan.

07. No work shall commence on the development site a drainage scheme for the site including an appropriate right of discharge of surface water, details of gullies, connections, soakaways, means of attenuation on site and drainage measures to prevent the discharge of water onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in



accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: The local planning authority wish to ensure that satisfactory drainage is provided to serve the proposed development so as to avoid environmental, amenity or public health problems in compliance with Saved Policies ST5, EU3 and EU4 of the South Somerset Local Plan adopted April 2006.

**Informatives:**

01. The applicant is advised that the grant of planning permission does not give vehicular access rights over the public right of way for construction or occupation of the dwelling. The applicant is further advised that access rights must be resolved through the relevant statutory process prior to construction of the dwelling hereby approved.
  02. If the work involved in carrying out this proposed development would
    - make a PROW less convenient for continued public use (or)
    - create a hazard to users of a PROWthen a temporary closure order will be necessary and a suitable alternative route must be provided. A temporary closure can be obtained from Sarah Hooper on (01823) 483069.
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