

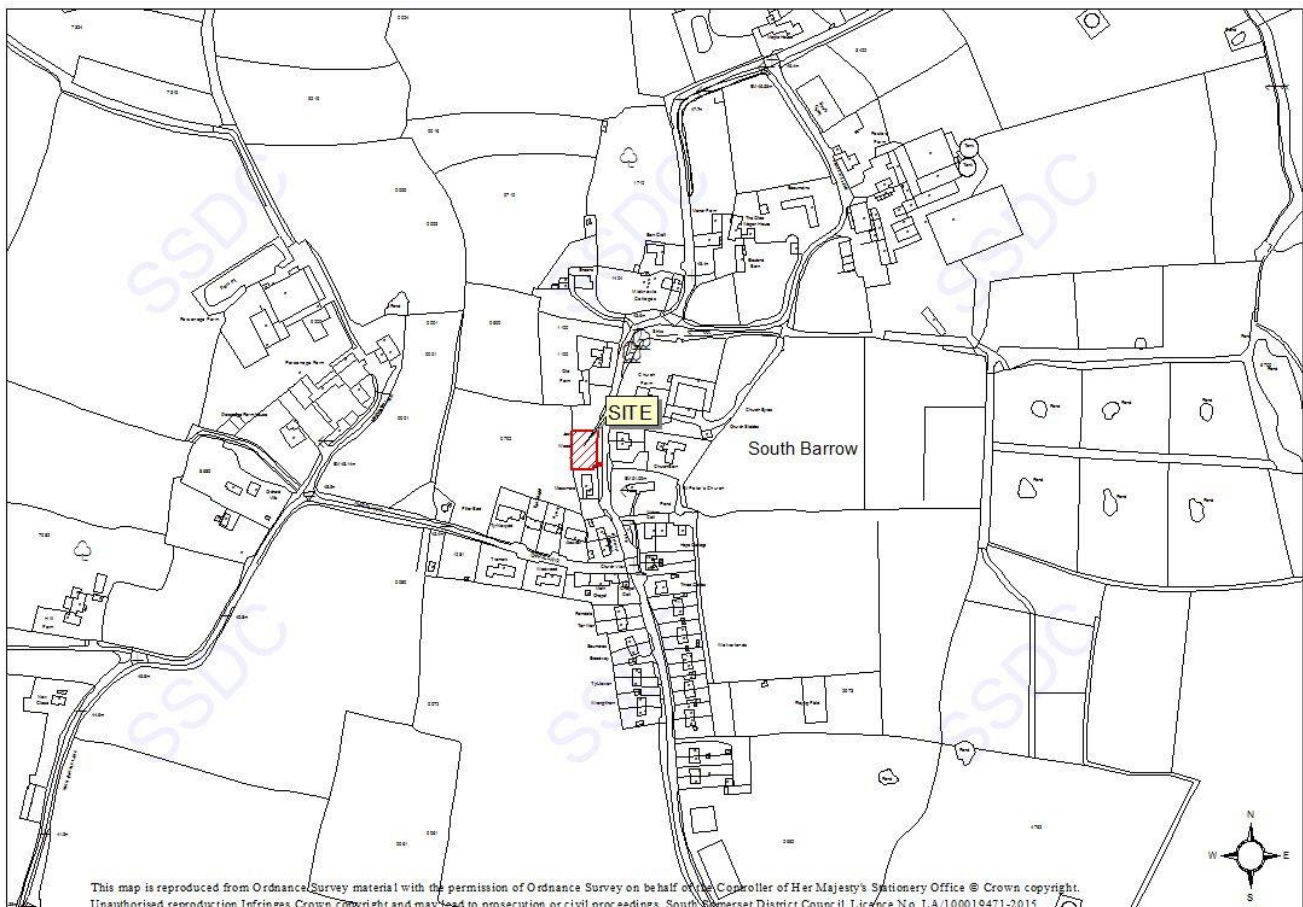
Officer Report On Planning Application: 17/03158/OUT

Proposal:	Erection of a detached dwelling and garage
Site Address:	Land OS 1394 Sparkford Road South Barrow
Parish:	South Barrow
CARY Ward (SSDC Member)	Cllr Nick Weeks Cllr Henry Hobhouse
Recommending Case Officer:	Alex Skidmore Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
Target date:	22nd September 2017
Applicant :	Mr & Mrs C & M Kisielewski
Agent: (no agent if blank)	Mr Matthew Williams Wessex House High Street Gillingham SP8 4AG
Application Type:	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

The application is referred to Area East Committee at the request of the Ward Member Cllr Weeks and with the agreement of the Deputy Chair Cllr Colbert to allow the neighbour concerns to be considered more fully.

SITE DESCRIPTION AND PROPOSAL





This application is seeking outline planning consent, with all matters reserved, to erect a single detached dwelling with garage.

The application site forms part of the curtilage of Old Farm, a grade II listed residential property. The site does not have a manicured appearance however it does appear to form part of the garden belonging to the Old Farm house. The site is surrounded by hedgerows and mature trees on three sides (to the east, south and west). It is adjacent to the access and parking area that serves the existing house with neighbouring residential properties to the south and on the opposite side of the road to the east, with agricultural farmland to the west. There is a public right of way, footpath WN 25/5, that passes through the grounds of the Old Farm house but outside the redline site area. St Peters Church, which is grade II* listed, is situated a short distance to the southeast of the site.

HISTORY

06/03769/OUT: Erection of a dwelling. Refused for the following reason:

01. The site for the proposed dwelling lies outside the Development Area of any town or village. The development would not benefit economic activity or maintain and enhance the environment; and would foster growth in the need to travel, and as no overriding justification has been demonstrated, the proposal is contrary to Policy ST3 of the South Somerset Local Plan (adopted April 2006) and Planning Policy Statement no.7 (2004).
02. The site is located within South Barrow, which is remote from local facilities and services and therefore, it is considered that the residents of the proposed dwelling would be reliant on the use of their private vehicles for the majority of their domestic needs. As such, the development proposal would represent unsustainable development in terms of transport being contrary to

policies ST5 of the South Somerset Local Plan (adopted April 2006), STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review and to advice contained within Planning Policy Guidance 13 and the Regional Spatial Strategy.

03. The proposal would result in the loss of an important gap, resulting in the undesirable consolidation of the existing pattern of development in the village. This would be detrimental to the rural character and appearance of this part of South Barrow and would set a precedent for similar development elsewhere in the village contrary to Policies ST5 and ST6 of the South Somerset Local Plan (adopted April 2006).

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF states that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

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

SD1 - Sustainable Development

SS2 - Rural Settlements

TA5 - Transport Impact of New Development

TA6 - Parking Standards

EQ2 - General Development

EQ3 - Historic Environment

EQ4 - Biodiversity

EQ5 - Green Infrastructure

National Planning Policy Framework

Part 1 - Building a strong, competitive economy

Part 4 - Promoting sustainable transport

Part 6 - Delivering a wide choice of high quality homes

Part 7 - Requiring good design

Part 10 - Meeting the challenge of climate change, flooding and coastal change

Part 11 - Conserving and enhancing the natural environment

Part 12 - Conserving and enhancing the historic environment

CONSULTATIONS

Cary Moor Parish Council: Recommend approval on condition that the dwelling is set back from the road. The PC considers this to be a good site for a dwelling.

County Highways: Referred to their standing advice. Highlighted that there is a public right of way that passes close to the site.

SSDC Highway Consultant: Consider sustainability (safe accessibility and connectivity) in transport terms. The traffic impact of the development on the local highway network is unlikely to be significant. While access is a reserved matter (I would prefer details of access to be agreed at this stage), it is worth commenting upon this aspect of the proposal. I am not convinced that utilising the existing site entrance would provide safe and suitable access to the development scheme, given its close proximity to the neighbouring property and the high hedgerow that appears to front that property. That said, it might be possible to propose a suitable access layout elsewhere along the frontage but it would need to

incorporate the requisite details (i.e. suitable visibility splays commensurate with vehicle speeds, appropriate geometry and width, surfacing, drainage, etc.). On-site parking will need to accord with the SPS, in addition to the provision of on-site turning facilities.

County Rights of Way: No objections but noted that a public right of way (footpath WN 25/5) passes close to the site just to the north and made reference to their standing advice.

County Archaeology: No objections.

Wessex Water: Raised no objection.

Arborist: If consent is granted I would be grateful if a quality scheme of new shrub, hedge and tree planting could be secured for this pleasant rural location.

Ecology: There have already been some works to trees and some tree removal. The remaining pear tree could contain potential roost features for bats (e.g. hollows). I note the arborist's comments suggesting this may need to be removed to enable the development. If the application is granted, I recommend a condition requiring a bat survey prior to removal. I do not consider there to be any other significant ecological issues.

Conservation: No objection. The property to the north is listed. The land is in the same ownership as the listed building but the plot of land is quite separate from the main garden areas around the listed building. I am of the view that building on the application site will not cause harm to the setting of the listed building, nor will it result in such a significant loss of curtilage that the future conservation of the listed building would be in doubt.

REPRESENTATIONS

Written representations have been received from one local household raising the following objections and observations:

- Loss of outlook. The proposal immediately opposite our home will completely detract from our rural outlook.
- Loss of privacy. The new house will look directly into us.
- Loss of light - the new house will deprive us of a significant amount of later afternoon and early evening light.
- Disturbance from construction works. A number of years ago a barn to the rear of us was converted to a dwelling. For more than one year we suffered tremendous inconvenience from the contractor's vehicles comings and goings, obstruction to our access and mud everywhere. There is no safe on road parking for contractors.
- The vehicular access point has not been in use at any time during the nearly 30 years we have lived here and until quite recently was completely overgrown. A natural spring also rises in front of the vehicular access point, the flow of which the relevant water authorities have made repeated attempts to stem over the years.
- An earlier application on this site was refused due to poor / unsafe access. The situation has worsened since then due to the increased amount of larger vehicles that now pass by.

CONSIDERATIONS

This application is seeking outline consent, with all matters reserved, for the erection of a single dwelling on this site.

It is noted that there was an earlier application made in 2006 for a similar scheme on this site which was

refused in part for sustainability reasons. Since this time the policy situation has altered significantly as a result of the introduction of the National Planning Policy Framework in place of the Planning Policy Statements as well as a new local plan. The current application must therefore be assessed against the current policy backdrop.

The site is located outside of any development areas or directions of growth as defined by the local plan. As such, policy SS2 of the South Somerset Local Plan is of most relevance. However, elements of policy SS2 must be considered out of date, as SSDC cannot currently demonstrate a five year supply of housing land. It is noted that South Barrow would be considered as a broadly sustainable location under policy SS2, as it contains at least two basic services and facilities - in this case a recreation ground and church/village hall. The principle of modest residential development within the settlement must therefore be considered acceptable, subject, of course, to full consideration of site specific impacts. Furthermore the benefit of contributing to the supply of housing in the district outweighs the lack of local benefits that would have been previously required by policy SS2.

It is therefore considered that, notwithstanding local concerns regarding the need for the proposed dwellings and lack of compliance with local plan policy, the principle of development is acceptable in accordance with the aims and provisions of the NPPF.

Pattern of development / visual amenity

Firstly it is noted that the pattern of development in South Barrow is in the main characterised as being linear in nature and it is accepted that this proposal will be in accordance with this.

The third and last reason for refusal of the aforementioned 2006 application identified the site as an important gap and that the proposal to put a house on this site would result in an undesirable consolidation of the existing pattern of development in the village to the detriment of the rural character and appearance of this part of the village.

It is considered that this site still represents a pleasing green gap within the streetscene although some of the trees on the site have recently been removed or had works carried out to them to reduce their canopy. None of the trees on the site are subject to a preservation order and the site is not within a conservation area, as such the applicant was at liberty to carry out such works. Whilst the remaining trees still collectively give an impression of a fairly green appearance to the site none of them can be described as being of particular interest or quality and as such it is not considered to seek their protection through a Tree Preservation Order. It is noted that the Council's arborist has not objected to this scheme.

Whilst the site does currently offer a green space in the streetscene it is not considered that the retention of this green gap is intrinsic to maintaining the prevailing character of South Barrow and the immediate locality of the site. At present the roadside frontage is contained by a picket fence and it is acknowledged that the proposed development is likely to result in the loss of most of the few remaining trees growing along its frontage. However, bearing in mind the extent of mature tree planting that exists in the locality on neighbouring land both on the applicant's property and on the other side of the road to the northeast the general character of the locality will still maintain a pleasing green character. Subject to any permission granted including a condition that secures a detailed planting scheme, which should ideally include a new roadside hedge as well as some specimen tree planting, it is considered that the proposal should not result in any substantive harm to the distinctive character of locality or the wider village and to accord with policy EQ2 of the local plan.

Impact on the setting of listed buildings

The Conservation Officer has been consulted and made comment on this proposal and concluded that he is satisfied that the proposal will not be harmful to the setting of the original listed house, noting that the application site is quite separate from the main garden area that serves this listed property. He did not make any specific reference to the nearby Church however the Church is already surrounded on

three sides by closer residential development. The proposal will not affect the agricultural views to the east of the Church and due to its position and distance from the Church and intervening development it is not considered to intrude into the setting of the Church.

Residential amenity

The occupiers of Woodbine Cottage, which is located directly on the opposite side of the road from the site, have objected to this proposal on the basis that it will be harmful to their privacy, result in loss of light, affect their outlook and that it will cause them disturbance as a result of the construction works.

Whilst these concerns are noted and it is accepted that they are very likely to be negatively impacted upon by the proposal it is not considered that the resulting harms will be so significant as to constitute a demonstrable loss of harm to their residential amenity. Although it can be appreciated that their current outlook is across the applicant's garden and on to the fields beyond, the planning system makes no provision with regards to the protection of an individual's view, and in any case the introduction of a dwelling is not unusual and as such should not be unexpected in this village location.

In terms of the loss of light concerns, it is noted that Woodbine Cottage and its adjoining neighbour are set back from and raised up slightly above the road. It is considered that due to the intervening distance between the existing cottages and the site opposite there is no reason why a proposal could not be designed at reserved matters stage in such a manner that avoids any significant loss of light to these properties.

With regards to privacy issues, there is a public highway that passes between the application site and the neighbouring properties to the east and the resulting relationship of two properties facing each other across a road is a common one and is considered to be an acceptable relationship.

In all other respects the proposal is considered to be acceptable from a neighbour amenity point of view.

Highway safety

The neighbours' have also objected on the basis of highway safety with regard to the position of the proposed access and indeed the Council's Highway Consultant has raised concerns in respect of the proposed position of the access.

The application however is outline only with all matters reserved including detailed matters relating to access. Whilst it is accepted that the point of access set out on the indicative layout plan would be of concern due to the poor visibility to the south where the visibility splay crosses over neighbour's land. However, it is considered that an appropriate level of the visibility in both directions could be achieved if the access were moved a short distance to the north away from the neighbour's boundary. It is therefore considered that provided any consent includes a condition to secure visibility splays as required by the Highway Authority's standing advice, i.e. measured 2.4m back from the carriageway edge and 43m in either direction to the nearside carriageway edge, that the proposal will be served by a safe and suitable means of access. On this basis the proposal is not considered to give rise to any significant highway safety concerns.

Other matters

- The Ecologist has raised the possibility that the pear tree on site, which is likely to be lost as a result of this proposal could provide potential roost features for bats, he has therefore requested that a full bat survey including any mitigation measures be undertaken before the tree is felled.
- The neighbour has stated that there is a spring at the point of the proposed vehicular access. There was no sign of a spring at the time of carrying out the site visit and in any case, as mentioned above, the access will need to be in a different position to that indicated for highway safety reasons and so there is no reason why the access should disturb the spring.

Conclusion

For the reasons set out above the proposed development raises no substantive concerns, is considered to constitute a sustainable form of development that accords with the requirements of local plan policies TA5, EQ2, EQ3, EQ4 and EQ5 and as such is recommended for approval.

RECOMMENDATION

Grant consent for the following reasons:

The proposed development, due to its location, scale and nature, constitutes a sustainable form of development that makes efficient use of land and respects the setting of the adjacent listed buildings without causing any demonstrable harm to visual amenity, residential amenity, highway safety, ecology or the environment in accordance with the aims and objectives of policies SS2, TA6, EQ2, EQ3, EQ4 and EQ5 of the South Somerset Local Plan as well as the provisions of the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

02. All reserved matters shall be submitted in the form of one application to show a comprehensive and coherent scheme with respect to scale, layout, access, appearance and landscaping to the local planning authority before the expiration of three years from the date of this permission, and before any development is commenced on site.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

03. The development hereby permitted shall be carried out in accordance with the site location plan received 28/07/2017

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

04. There shall be no obstruction to visibility greater than 900 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43 metres either side of the access. Such visibility splays shall be fully provided before the dwelling hereby approved is first occupied and shall thereafter be maintained at all times.

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

05. No works shall be undertaken unless there has been submitted to and approved in writing by the Local Planning Authority, a scheme of tree and shrub planting. Such a scheme shall include planting locations, numbers of individual species, sizes at the time of planting, details of their root-types and the date of planting. The installation details regarding ground preparation, weed suppression, staking, tying, guarding and mulching shall also be included in the scheme. All planting comprised in the approved details shall be carried out within the dormant planting season (November - February inclusively) following the commencement of any aspect of the development hereby approved; and if any trees or shrubs which within a period of five years from the completion of the development die, are removed or in the opinion of the Council, become seriously damaged or diseased, they shall be replaced by the landowner in the next planting season with trees/shrubs

of the same approved specification, in the same location; unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the planting of new trees and shrubs in accordance with the Council's statutory duties relating to The Town & Country Planning Act, 1990 (as amended)[1] and the following policies of The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

06. Prior to any removal of the mature pear tree, a bat roost assessment shall be undertaken by an appropriately qualified person (a licenced bat consultant and/or tree climber qualified to inspect for potential bat roost features), and submitted for approval in writing by the local planning authority. The assessment may need to be supplemented by a bat emergence survey undertaken in the period of May to September. Any mitigation or precautionary measures recommended by the consultant, and deemed necessary for the avoidance of harm, mitigation or compensation, and necessary for compliance with the relevant wildlife legislation, shall be implemented.

Reason: To protect legally protected species of recognised nature conservation importance in accordance with Policy EQ4 of the South Somerset Local Plan, The Habitats Regulations 2010, and The Wildlife and Countryside Act 1981 (as amended).

Informatives:

01. The applicant's attention is drawn to the traditional character of the surrounding character and the need to respond positively to this in the detailed design of the proposed dwelling.