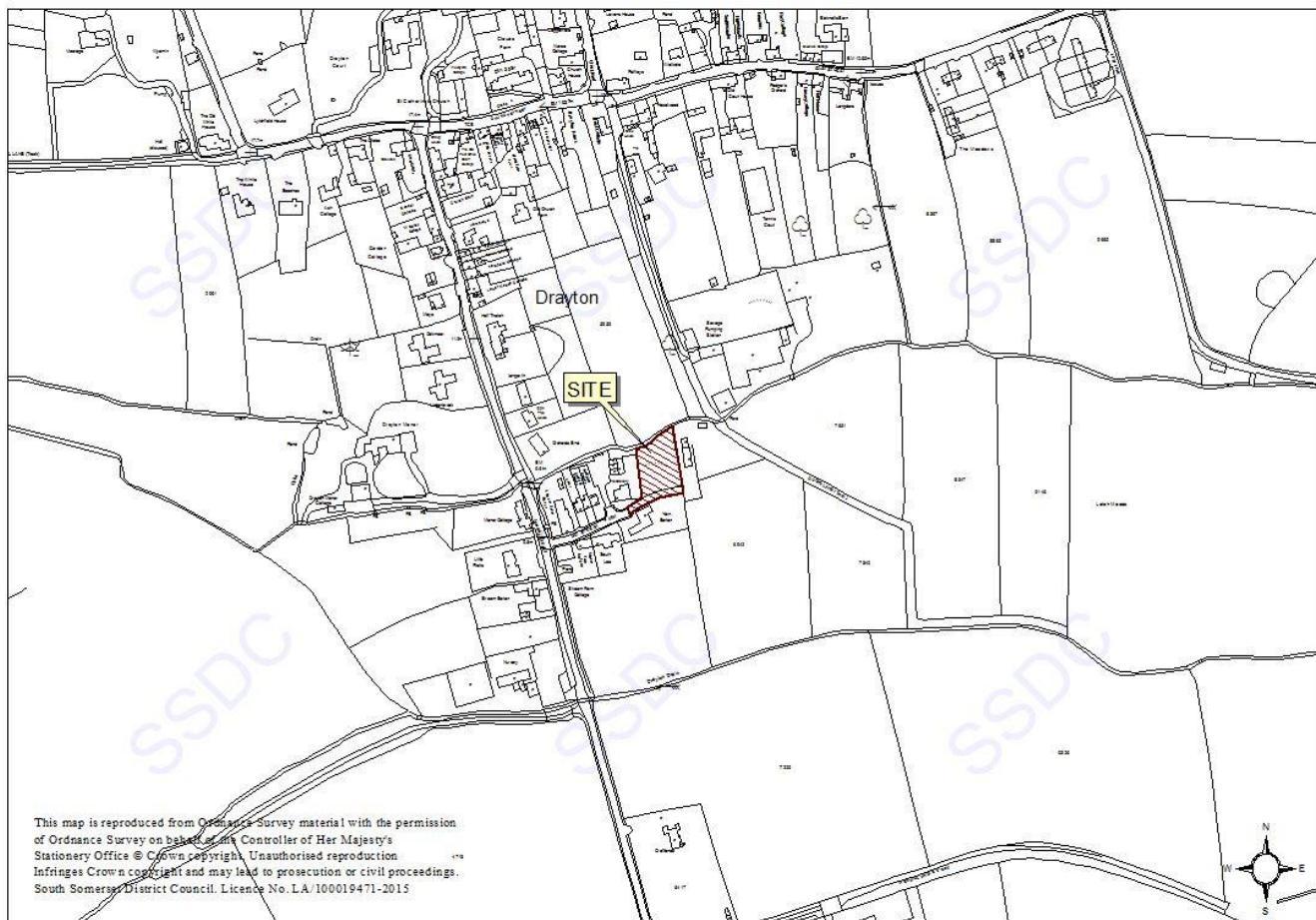


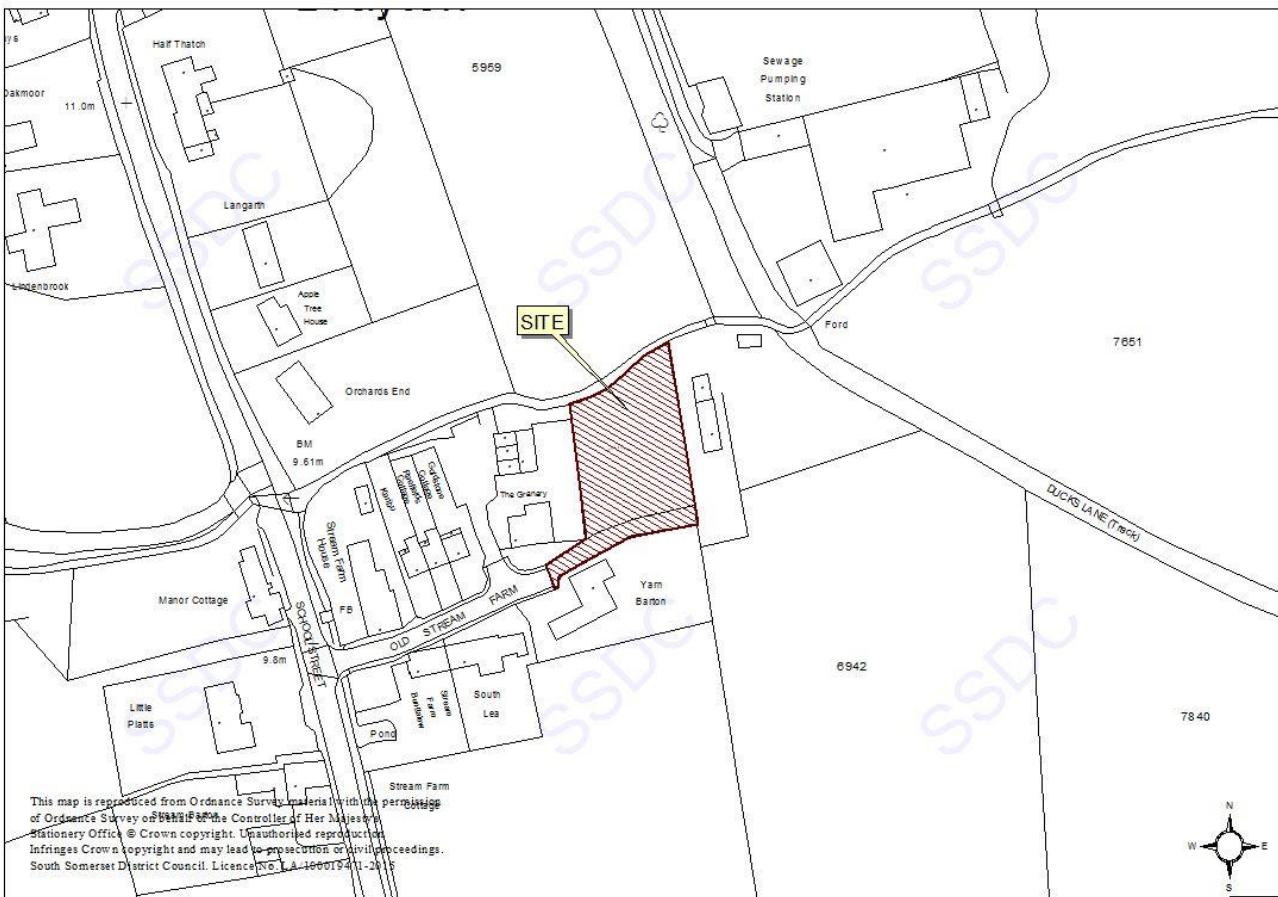
Officer Report On Planning Application: 17/03951/FUL

Proposal :	The erection of a new single storey dwelling and garage.
Site Address:	Land Adjoining The Granary, Old Stream Farm, School Street, Drayton.
Parish:	Drayton
CURRY RIVEL Ward (SSDC Member)	Cllr Tiffany Osborne
Recommending Case Officer:	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
Target date :	24th November 2017
Applicant :	Roche
Agent: (no agent if blank)	Mrs Lydia Dunne, Clive Miller & Associates Ltd, Sanderley Studio, Kennel Lane, Langport TA10 9SB
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 Member with the agreement of the Area Chair to enable the issues raised to be fully debated by Members.





SITE DESCRIPTION AND PROPOSAL

This application relates to a parcel of agricultural land to the east of Old Stream Farm, a cul-de-sac off School Street. Old Stream Farm is a former farm site, containing seven dwellinghouses, converted from former agricultural buildings. A small stable block is positioned in the field to the east. The application site extends into open farmland within a predominantly open corridor that runs from north to south from The Drayton Crown pub, and neighbouring properties on Church Street, into open countryside beyond the village edge. A public footpath runs directly to the south of the site, linking School Street to a public footpath network running in all directions in and out of the village. The village conservation area extends along School Street as far as the entrance to Old Stream Farm.

The proposal is made to erect a two bedroom single storey dwelling with detached garage. Access would be gained from the end of the cul-de-sac along the footpath to an existing field gate. The dwelling is proposed to be constructed from a mix natural stone and timber cladding with slate roof.

HISTORY

96/02280/OUT: Erection of a dwelling - Refused. Subsequent appeal dismissed.

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
- SS2 - Development in Rural Settlements
- SS4 - District Wide Housing Provision
- SS5 - Delivering New Housing Growth
- HG4 - Provision of Affordable Housing
- HG5 - Achieving a Mix of Market Housing
- TA5 - Transport Impact of New Development
- TA6 - Parking Standards
- EQ1 - Addressing Climate Change in South Somerset
- EQ2 - General Development
- EQ3 - Historic Environment
- EQ4 - Biodiversity
- EQ5 - Green Infrastructure

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 8 - Promoting Healthy Communities
- 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

- Conserving and Enhancing the Historic Environment
- Design
- Planning Obligations

Policy-related Material Considerations

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

CONSULTATIONS

Parish Council: All Councillors are in support of this application. Drayton Parish Council welcome members of the community staying in the village and is happy with the style, size and location of the proposed property.

County Highway Authority: Standing Advice applies.

SSDC Highway Consultant: The junction of Old Stream Farm with School Street appears reasonable and any vegetation overhanging the highway verges which may partially impede visibility splays at the junction could legitimately be trimmed back under the Highways Act. I recommend at least the first 6m of access from the end of Old Stream Farm is properly consolidated and surfaced (not loose stone/gravel).

Any change in surface would need to be agreed with SCC's PROW section. The level of on-site parking provision and the proposed turning facilities are acceptable.

County Rights of Way: there is a public right of way (PROW) recorded on the Definitive Map that forms the access to the site at the present time (public footpath L 10/5). I have attached a plan for your information.

We have no objections to the proposal, but the following should be noted:

1. Specific Comments

- The local planning authority needs to be confident that the applicant can demonstrate that they have an all-purpose vehicular right to the property along path L 10/5. If they are unable to and permission is granted, then the local planning authority could potentially be encouraging criminal activity through permitting driving on a public path without lawful authority.
- Any proposed surfacing improvements on the PROW for access to the site will require authorisation from SCC Rights of Way Group.

2. General Comments

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

The health and safety of the public using the PROW must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of a PROW, but only to a standard suitable for the public use. SCC will not be responsible for putting right any damage occurring to the surface of a PROW 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, public bridleway or restricted byway unless the driver has lawful authority (private rights) to do so.

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 Somerset County Council 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. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure:

<http://www.somerset.gov.uk/environment-and-planning/rights-of-way/apply-for-a-temporary-closure-of-a-right-of-way/> .

SSDC Landscape Architect: I have reviewed the application detail seeking a single-storey dwelling, and have now had opportunity to visit the site. I note that it is bounded to the west by timber fencing delineating the curtilage of the adjacent residential property - The Granary; and to the north by a brook course with its associated woody vegetation, beyond which is a meadow that runs north to the village centre. To the east is farmland, with a small stable block close to the plot boundary, and open fields

beyond; whilst to the south is a garden plot, defined by hedging, and again farmland lays beyond. Consequently, the greater part of this site's surround is of a countryside character, and free of residential form. A well-used public footpath runs to the south of the application plot, continuing east to link School Street with Ducks Lane, from which the site is clear to view. The development of this cul-de-sac (associated with Old Stream Farm) is noted to project east beyond the general development grain of School Street.

Whilst the site lays outside the Drayton village conservation area (CA) and alongside an established development parcel, it is noted that the plot is also a part of the non-developed and generally open land corridor that runs alongside and east of School Street; and north toward Church Street and the village centre; to contribute toward the village conservation area's open ground/countryside setting, which also helps to reinforce the village's axial settlement pattern, to thus be an integral element of the CA's setting. Viewed in this context, I see the projection of built form further east of the current development extent - which would be the outcome of this application - into the predominantly open land corridor that characterises both the conservation area setting, and the settlement pattern, as being at variance with local character, and an erosion of the setting of the conservation area. I have also observed that this eastward projection, and its consequent incongruity, would be clearly apparent when viewed from the public footpath to the east, whilst it would also intercede in views toward the village centre and the tower of the grade 1 listed church of St Catherine's when looking north from alongside the plot. In turn, development of the site will also be seen as a projection of built form into the open corridor south of the village, when viewed from the village centre, notably from alongside the grade 2 listed Drayton Arms. Such visibility becomes an issue where a proposal is assessed as likely to generate adverse landscape character effects - as I have set out above - and those effects are apparent to public perception, and this consolidates the case against development. In short, I consider the application proposal to fail to enhance local character and distinctiveness, contrary to LP policy EQ2.

REPRESENTATIONS

One letter has been received from the owner of Old Stream Farm House, and land to the end of the access track. They confirm their support for the proposal but ask for clarification on the management of a stream adjoining the plot, and maintenance of the existing track and footpath. They also refer to statement within the submitted design and access statement, advising that the owner of the access track is unknown and that there is a statutory declaration from the contributor advising that they do not own it or know who owns it. The contributor advises that they do not recall providing a such a statutory declaration, advising that they use the track to access the field and have an established right of access.

CONSIDERATIONS

Principle of Development

The proposal is made for the erection of a new dwellinghouse within Drayton. Policy SS1 (Settlement Strategy) of the Local Plan 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 Aller, 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, in the current policy context, Drayton is a settlement that despite the limited key services available, does contain at least two of the key services listed in paragraph 5.41 of the Local Plan and therefore is considered to be a generally sustainable location, in terms of policy SS2. Specifically there is a church, village hall and public house.

Taking into account the considerations above, including the lack of 5 year land supply, it is considered that the development of this site for residential purposes could now 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 areas of consideration will be impact of the development on local character, residential amenity and highway safety.

Scale, Design, Appearance and Heritage Context

Local Plan policy EQ2 states that "development will be designed to achieve a high quality, which promotes South Somerset's local distinctiveness and preserves or enhances the character and appearance of the district. Furthermore, development proposals...will be considered against (among other things):

- Creation of quality places
- Conserving and enhancing the landscape character of the area
- Reinforcing local distinctiveness and respect local context
- Local area character
- Site specific considerations

This policy broadly accords with the NPPF's core planning principles relating to high quality design and the emphasis to be given to the different roles and character of different areas, and the conservation and enhancement of the natural environment.

In this location, the general pattern of development is predominantly characterised by linear development along School Street, with Old Stream Farm forming a unique cul-de-sac. Notwithstanding this change in the general development character, the cul-de-sac comprises converted agricultural

buildings from a former farm site. The two properties at the eastern end of the road, The Granary and Yarn Barton, act to define the developed edge of the village at this point. To the east is farmland with a small stable, leading into wider open countryside. The proposal invoices encroachment into green space at the village edge, which forms part of a green corridor starting to the north and spreading southwards. The site is considered to be part of this important edge of village green space. The Council's Landscape Architect has considered the proposal and has raised objections in respect to this eastwards encroachment. He also notes that while not within the conservation area, the site contributes to the conservation areas open ground/countryside setting. The site is evident from the public footpath passing the site, other public footpaths to the east, as well as from public views along Church Street to the north, particularly from the public house to the north. The Landscape Architect therefore highlights the erosion of this predominantly open land corridor that characterises both the setting of the conservation area and settlement pattern. It is considered that on this basis the application fails to enhance local character and distinctiveness, thereby being contrary to Local Plan policy EQ2. It is noted that the applicant carried out pre-application discussions with officers, in which it was advised that development of the site was not considered to be acceptable for the reasons given above.

Notwithstanding the above concerns, it is also noted that a planning application for the development of this site was refused in 1996. While this was primarily due to a matter of the principle of planning, as the site was outside of defined development area, it was argued that this site was an infill plot, thereby being an exception under past Planning Practice Guidance 7 (PPG7). In considering the character of the area, the Inspector referred to the site, including comment about the stable building to the east. He commented as follows:

"The appeal site lies beyond the end of the existing cul-de-sac, to the east of the group comprising the existing bungalow, barns and dwellings. Although there is a small stable block further to the east, it is some way from the existing group and separated from it by mature hedgerow. To my mind this building does not form part of the group. It follows, therefore that the client's site is not an infill plot in the generally accepted meaning of that term, which is a small gap within a group of houses... The site was, at the time of my inspection, heavily overgrown. Although unkempt in appearance, it nonetheless provides a green undeveloped space which compliments the generally loose knot character of development in the area, particularly when seen for the cul-de-sac and from the footpath running along the southern boundary of the site. In my opinion any house on the site would unacceptably consolidate development in the area and close off glimpses of countryside. It would not, therefore, be an acceptable extension to the existing group."

While the site is now cleared and there is increased growth in vegetation along the northern boundary of the site, which will reduce visibility of the site, nothing has changed in respect to the prevailing development pattern and the status of the site as an undeveloped space beyond the developed edge of the village. The Inspector's comment is considered to reinforce the views of officers in recommending refusal for this proposed development.

Residential Amenity

The proposed dwelling is located beyond the existing dwelling, The Granary, and faces towards the rear garden of Yarn Barn. Notwithstanding this, the proposed dwelling is single storey and of sufficient distance from these properties to avoid overshadowing or causing a general overbearing impact. The orientation and design also restricts direct views of the windows and private amenity space of these nearby properties.

Overall, having assessed the scheme, it is considered that there is no adverse impact on the residential amenity of local residents.

Highway Safety

The site is proposed to be accessed from the existing footpath off Old Stream Farm. In considering the highway safety issues, the County Council Highway Authority has referred to their Standing Advice. The Council's Highway Consultant has raised no objections, advising that the existing access from School Street into Old Stream Farm is reasonable. It is suggested that the first 6m of access from Old Stream Farm is properly consolidated and surfaced, works that will need to be agreed with County Rights of Way. Considering the existing use of Old Stream Farm, one further dwelling is not considered to lead to such an increase in usage that would warrant refusal on highway safety grounds. The proposed access arrangements are considered to be broadly acceptable, with the ability sufficient space to provide the appropriate level of parking and turning on site

Overall, it is considered that the proposal is generally in accordance with Standing Advice, and that there is no highway safety reason for refusal of the application.

Planning Obligations

As of 3rd April 2017, the Council adopted CIL (Community Infrastructure Levy), which is payable on all new residential development (exceptions apply). Should permission be granted, an appropriate informative will be added, advising the applicant of their obligations in this respect.

Policies HG3 and HG4 of the adopted South Somerset Local Plan requires either on site provision of affordable housing (schemes of 6 or more units) or a financial contribution towards the provision of affordable housing elsewhere in the district. In May 2016 the Court of Appeal made a decision (SoS CLG vs West Berks/Reading) that clarifies that Local Authorities should not be seeking contributions from schemes of 10 units or less. It is considered that whilst policies HG3 and HG4 are valid, the most recent legal ruling must be given significant weight and therefore the Local Planning Authority are not seeking an affordable housing obligation from this development.

Other Issues

The County Rights of Way Team have raised no objection, however have advised that the applicant's rights to all-vehicular access should be established to avoid the Local Planning Authority encouraging a criminal activity by permitting driving on a public path without lawful authority. While this is acknowledged, it is noted that the grant of planning permission does not override the requirement for developers to comply with other non-planning legislation and legal requirements. It is not considered reasonable to refuse on these grounds, however the Rights of Way concerns would be added as an informative in the event of planning permission being granted.

The owner of the land beyond the application site raised concerns about access to their site, however it is confirmed that the proposal would not impede ongoing access that would remain available.

Comments were also raised about the maintenance of existing boundary ditches, with it confirmed that the ongoing maintenance would be continued by future occupiers.

None of the above issues are considered such to be constraint to development.

Conclusion

While the general principle of providing residential development in Drayton is acceptable, and the proposal is supported by the Parish Council, it proposal is considered to be unacceptable due to its unacceptable intrusion into undeveloped land adjoining the village edge, thereby having an unacceptable impact on the character, appearance and the rural context of the locality, which also contributes to the setting of the nearby conservation area.

RECOMMENDATION

Refuse.

FOR THE FOLLOWING REASON(S)

01. The proposal, as a result of its siting and built footprint, introduces an unacceptable consolidation of residential development at variance with the local pattern of development, which also intrudes into open countryside at the village edge, eroding the existing green corridor that characterises both the conservation area setting and settlement pattern. The proposal therefore has an unacceptable impact on the character, appearance and the rural context of the locality, and the setting of the village conservation area. The proposal is therefore contrary to policies EQ2 and EQ3 of the South Somerset Local Plan (2006-28) and provisions of chapters 7, 11, 12 and the core planning principles of the National Planning Policy Framework.

Informatics:

01. In accordance with paragraphs 186 and 187 of the NPPF the council, as local planning authority, takes a positive and proactive approach to development proposals focused on solutions. The council works with applicants/agents in a positive and proactive manner by;
 - offering a pre-application advice service, and
 - as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

In this case, the applicant did enter into pre-application discussions; however the submission did not deal with the fundamental in-principle concerns of developing the application site. There were no minor or obvious solutions to overcome the significant concerns caused by the proposals.
