

Officer Report On Planning Application: 17/04485/OUT

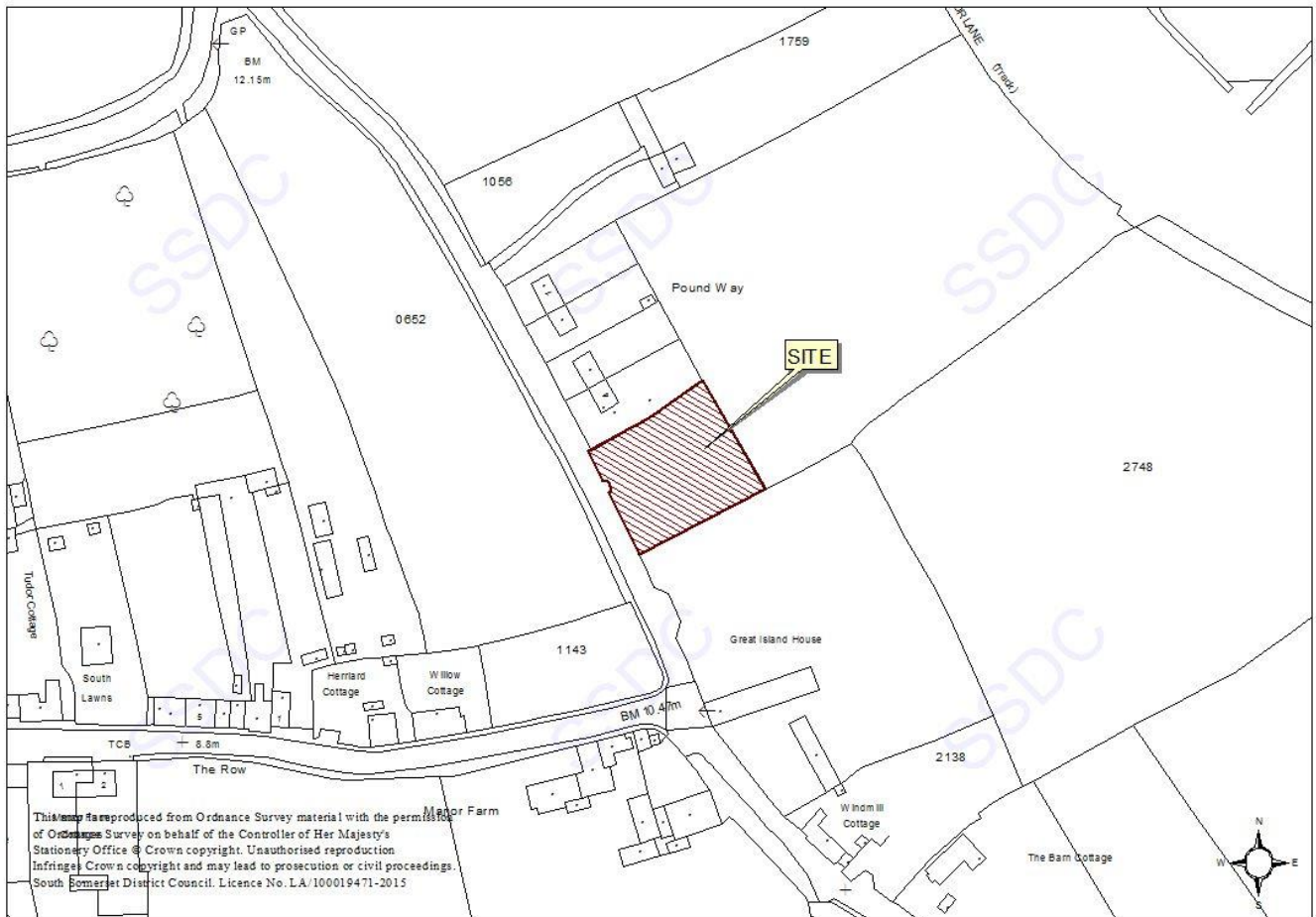
Proposal :	Outline application for the erection of 2 No. new dwelling houses.
Site Address:	Land Os 1854 Part, Poundway, Muchelney.
Parish:	Muchelney
BURROW HILL Ward (SSDC Member)	Cllr Derek Yeomans
Recommending Case Officer:	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
Target date :	9th January 2018
Applicant :	Mr And Mrs Garry Edmunds
Agent: (no agent if blank)	
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

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

SITE DESCRIPTION AND PROPOSAL





The site is located to the north east of the developed core of the village of Muchelney, on the east side of Poundway. It is a small square shaped plot to the south of two pairs of modern semi-detached dwellings. There are some grade II listed buildings further to the south, and the Grade I listed church and abbey are sited at distance to the north west. The site also adjoins the local conservation area.

The application is made for outline planning permission for the erection of two houses. The application was submitted with all matters reserved, however additional details have been submitted seeking to demonstrate that acceptable access can be provided.

HISTORY

921824: Erection of a dwellinghouse and bungalow (outline) - Refused and subsequent appeal dismissed.

8923276: Outline - Dwelling and garage - Refused.

870774: Outline - The erection of a pair of semi-detached dwellings with garages - Refused.

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
TA5 - Transport Impact of New Development
EQ2 - General Development
EQ3 - Historic Environment
EQ4 - Biodiversity

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 Meeting: No comments received. Unable to contact to confirm, however as a Parish Meeting, no comments are expected.

SCC Highway Authority: Standing Advice applies.

SSDC Highway Consultant: This is an outline application with all matters reserved. It would be preferable for the applicant to show the proposed means of access at this stage. While I have no doubt that on-site parking and turning facilities can be provided for each dwelling, it would need to be demonstrated that appropriate visibility splays commensurate with vehicle speeds can be achieved. I would suggest a centrally located point of access. Other points of detail in terms of surfacing, drainage, etc., can be secured.

Following the submission of additional access details, the following comments were made:

The agent has subsequently submitted an amended plan (drawing:213 Highways.01) indicating an illustrative access arrangement located slightly north of the centre point of the site frontage, providing a visibility splay of 2.4m x 69m in the northerly direction and 2.4m x 45m in the southerly direction. While the plan appears to show the southerly splay clipping third party land I am not sure that would be the case on the ground as the frontage wall to the site and the adjoining property to the south appears straight rather than stepped (as shown on the submitted plan). I would recommend that there is no

obstruction to visibility within a 2.4m back and parallel splay across the whole site frontage (no obstruction greater than 900mm above adjoining road level) rather than the splays shown on the submitted plan to maximise and safeguard visibility in both directions. This could be conditioned.

The width of the access may need to be widened if serving two dwellings in line with the SCC Highways Development Control Standing Advice document and details will need to be submitted in respect of the surfacing, drainage, and on-site parking and turning, but these elements can be submitted for approval at Reserved Matters stage.

In summary, in the event that planning permission is granted, I recommend two conditions are imposed - (a) the provision of the aforementioned 2.4m back and parallel splay across the whole site frontage with no obstruction greater than 900mm above adjoining road level, and (b) the submission of details in respect of the means of access, and on-site parking and turning at the Reserved Matters or Full application stage. There will also be a need to apply for a S184 licence from SCC.

SW Heritage Trust: No objection on archaeological grounds.

SSDC Ecologist: I've considered this application, including viewing the site from the road (after site clearance), and I don't have any comments nor recommendations to make.

SSDC Environmental Protection Officer: No comments.

SSDC Landscape Architect: Muchelney is a dispersed settlement, with the main residential area comprising the dwellings aligning Manor Lane and Silver Street, whilst the open ground of the former monastic precinct and small area of medieval field pattern separates this main village area from the abbey site. The application site lays to the northeast of Manor Lane, at the village periphery, but alongside two semi-detached dwellings to the north, and the larger grounds associated with Great Island House to the south. It lays outside the medieval core of the village, but is clearly defined by both hedge and housing boundaries to the sides, with a stone wall road frontage, to thus be viewed as a credible 'infill' plot. Whilst this is a rough pasture plot, it has a credible relationship with adjacent built form, and does not impose upon the historic open ground of the village. Consequently I consider it capable of accommodating a paired dwelling.

REPRESENTATIONS

Four letters of have been received, three in support and one making a general observation. The following main points are raised:

- The proposal does not include detailed plans, and the site has been cleared. Should this have waited until planning has been approved?
- The proposal will support a modest growth in the population of Muchelney that will assist in supporting the existing services such as the church and farm shop.
- The site is ideal for new housing. It would also tidy up the site, which has become a bit an eyesore.
- This type of development is what is required in villages and hamlets around Langport to support the local economy.

CONSIDERATIONS

The main considerations concern the principle of development, impact on the character and appearance of the area and highway safety.

Principle of Development

The application site is located to the edge of the village core, in an undeveloped gap within the local conservation area.

In policy context, national guidance contained within the National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development, advising that "local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances." Paragraph 49 of the NPPF also states housing applications should be considered in the context of the presumption in favour of sustainable development, as does policy SD1 of the South Somerset Local Plan (2006-2028).

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 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)."

The applicant seeks to justify the proposal on the basis that the village has a church, a Parish Assembly, a shop, holiday cottages and a large caravan site, however only the church meets the criteria set out in policy SS2. While reference is made to a shop, this is a small farm shop, which does not qualify as a 'local convenience store'. On this basis, the site is located within a rural settlement that does not have access to two or more key services, as identified in the Local Plan. On this basis, the site is considered to be an unsustainable location remote from key local services. The proposed development therefore fails to meet the aims of sustainable development enshrined within the NPPF, and the South Somerset Local Plan.

It is also noted that there have been three previous refusals for the development of this site, the latest being in 1992, finding that the site would lead to '*undesirable consolidation of development outside of development limits for which no essential local need has been substantiated*'. This latest decision was appealed and subsequently dismissed. The Inspector agreed with refusal on these grounds, also raising concerns about the impact of residential development on the character and appearance of the conservation area. It is acknowledged that there has been significant change in recent years, particularly in how development outside of designated development areas is considered, however there has been no change to either national or local policy approach for the provision of new residential development in unsustainable rural locations that do not have access to essential local services.

Scale, Appearance and Heritage Context

As only access is proposed to be considered at outline stage, the final appearance of the dwellings, and landscaping, would be addressed at reserved matters stage. Notwithstanding the comments of the Inspector in considering the 1992 appeal, it is considered that the site could reasonably accommodate the proposed development without adversely impacting on the character and appearance of the conservation area or the general appearance of the locality. A development of a similar scale to the existing semi-detached houses to the north is considered to be feasible subject to final detail.

Highway Safety

The proposed development is to be served from an improved access to the front, with plans submitted indicating visibility to the north of 69m, and to the south of 45m. The Council's Highway Consultant has suggested that the southerly splay may not be feasible as it crosses third party land, however does consider that visibility splays 2.4m back and parallel to the site frontage should be adequate to avoid harm to highway safety. The access width may need widening to serve two dwellings, however all other requirements of the County Highway Standing Advice, such as provision of properly consolidated access, drainage and parking, can be met in considering detailed design. As such, the proposal is not considered to have any detrimental impact on highway safety.

Residential Amenity

There are neighbouring properties to the north and south, however the proposed development is located at sufficient distance to avoid any unacceptable impact on residential amenity, subject to the final design details.

Other Issues

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.

Conclusion

The site is located within a rural settlement that does not include sufficient key services to justify additional residential development in line with Local Plan policy SS2. As such, the site is poorly related to key local services, by virtue of distance to these services, and the development fails to provide for an essential need. The development proposal is therefore considered to be unacceptable and fails to meet the aims of sustainable development.

RECOMMENDATION

Refuse permission

FOR THE FOLLOWING REASON(S):

01. The proposed development is unacceptable by virtue that it would represent new residential development in a rural settlement that does not have access to sufficient key local services to comply with Local Plan policy SS2. The proposal therefore represents unacceptable residential development, for which an overriding essential need has not been appropriately justified, contrary

to policies SD1 and SS1 of the South Somerset Local Plan (2006-2028) and to the aims and objectives of the National Planning Policy Framework.

Informatives:

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.

02. Please be advised that any subsequent approval of this application by appeal will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice.

In the event of an approval at appeal, you would be required to complete and return Form 1 Assumption of Liability as soon as possible after the grant of permission and to avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place. Please complete and return Form 6 Commencement Notice.

You are advised to visit our website for further details <https://www.southsomerset.gov.uk/cil> or email cil@southsomerset.gov.uk.
