

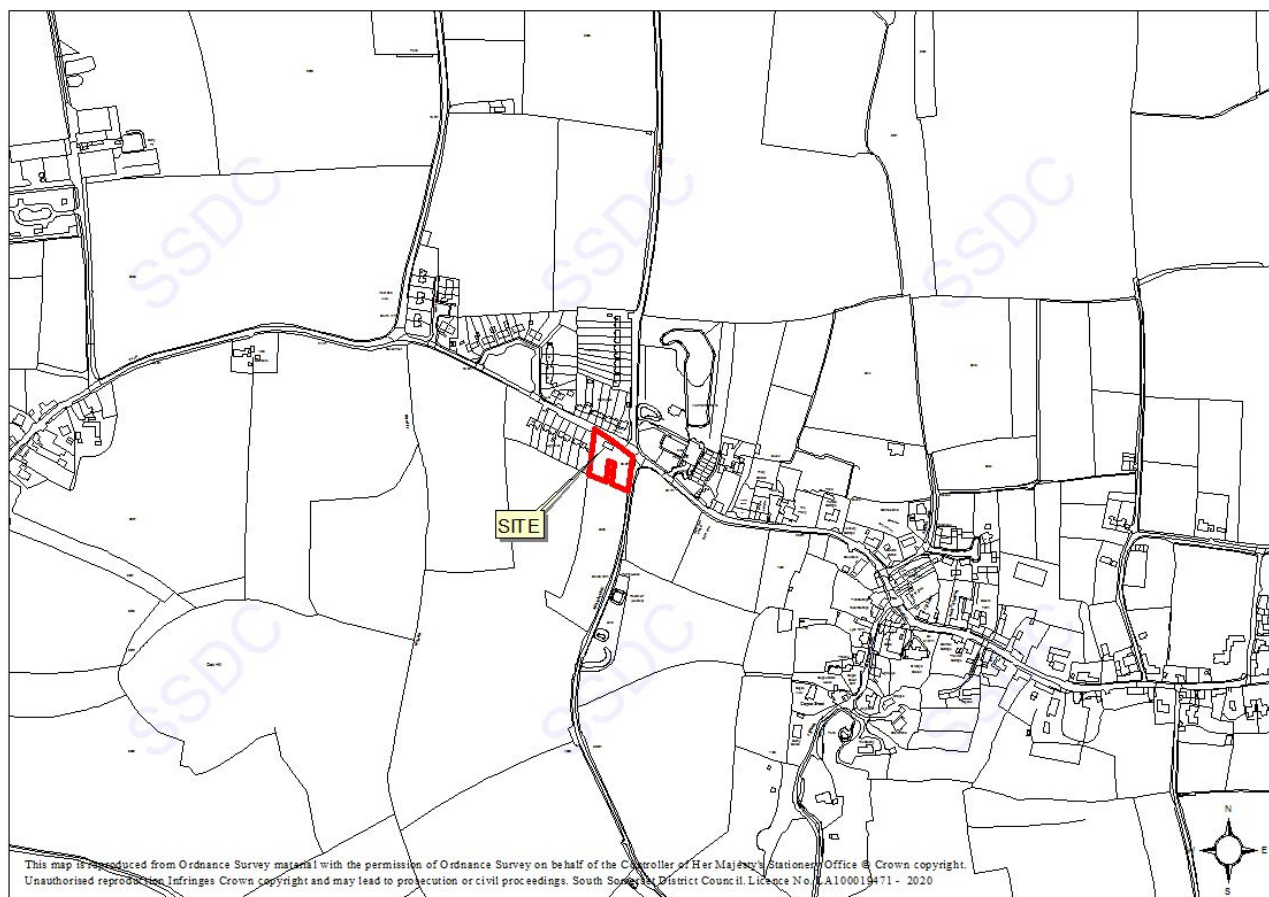
Officer Report On Planning Application: 19/03510/FUL

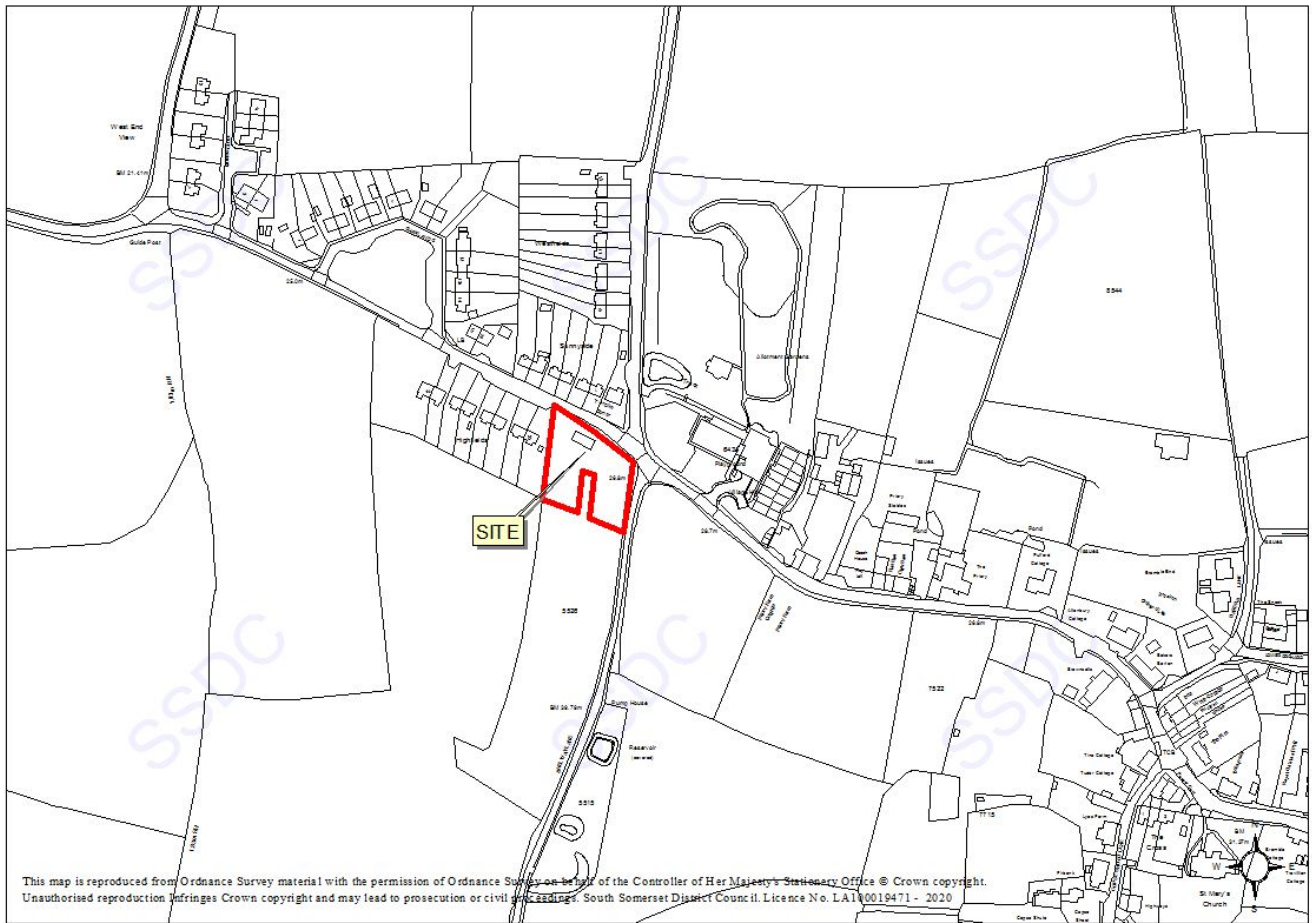
Proposal :	Change of use of land, the formation of a new vehicular access and the erection of one detached dwellinghouse with an attached garage and the erection of one pair of semi-detached dwellinghouses and associated parking (Re-Submission of Planning Application 19/01390/FUL)
Site Address:	Land East Of 23 Highfields, Main Street, Barrington TA19 0JJ
Parish:	Barrington
BURROW HILL Ward (SSDC Member)	Cllr M Stanton
Recommending Case Officer:	Colin Arnold
Target date :	14th February 2020
Applicant :	Mr & Mrs P Miller
Agent: (no agent if blank)	Mr Paul Rowe, Paul Rowe Architectural Services, CAPARO, 11 Mervyn Ball Close, CHARD TA20 1EJ
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

This application is called to Area North Committee to debate storm water runoff issues raised.

SITE DESCRIPTION AND PROPOSAL





The application site comprises a field, enclosed to the north and east by an established hedge, in an elevated position above the Main Road through Barrington. Access into the field is at the junction of Main Road and Shelway Lane through a metal bar gate.

This is a full application for the erection of 3 dwellings in the form of 1 detached and 1 pair of semi-detached dwellings. The proposal will continue the linear form of development that runs from the west with dedicated parking and cycle storage along the northern boundary adjacent to the Main Street through Barrington. A new access will be created through the northern existing boundary hedge. The dwellings will be finished in a light coloured render with horizontal timber detailing under a Double Roman tiled roof.

HISTORY

06/00944/FUL - For the erection of three stables in one block and change of use to equestrian land @ Priory Farm Main Street - Application permitted with conditions - 22.05.2006

15/04884/FUL - For the proposed erection of 2no. dwellings on land adjacent to existing dwelling @ 30 Highfields Main Street - Application permitted with conditions - 27.05.2016

19/01930/FUL - Change of use of land, the formation of a new vehicular access and the erection of one detached dwelling with attached double garage and a pair of semi-detached dwellings with associated parking - Withdrawn 17.09.2019

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, and 12 of the NPPF indicate it is a matter of law that applications are 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
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
EQ1 Addressing Climate Change in South Somerset
EQ2 General Development
EQ4 Biodiversity
EQ5 Green Infrastructure

National Planning Policy Framework

Chapter 2 - Achieving Sustainable Development
Chapter 5 - Delivering a Sufficient Supply of Homes
Chapter 12 - Achieving Well-Designed Places

Planning Policy Guidance

Climate change
Design

Somerset County Council Parking Strategy (SPS) (Sep 2013) and Standing Advice (June 2017)

(Note: The Council is currently unable to demonstrate that it has a 5 year supply of deliverable housing land as required by paragraph 73 of the NPPF. In such circumstances paragraph 11 d) In relation to decision taking is engaged, this states:-

"where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

Footnote 7 to Paragraph 11 explains that:

"This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.")

CONSULTATIONS

Barrington Parish Council:

Whilst the PC is not against developments of this nature, it is felt that the land on the 'top-side' of the road is unsuitable for development due to the presence of natural springs, increasing the flood risk to the properties that lie along the opposite side of the road. This is a significant ongoing problem in this area, with flash flooding regularly occurring. The development is seen to further exasperate existing worries and problems for resident's living opposite. Also, due to the amount of water that runs out of the field all year round, ice sheets form on the road when temperatures drop.

It's also to be noted that the previous site which was developed on this side of the road, 15/04884/FUL - land adjacent to 30 Highlands, had hedging & storm drain conditions placed on it however they have not been implemented.

The entrance to the development is viewed as dangerous to pedestrians and vehicles travelling along the road as there is no footpath and the road is narrow. The driveway access point is just off the apex of a bend, offering reduced visibility for vehicles exiting the new development.

The removal of established hedgerows, which provide further flood barriers, screening and are a valuable wildlife habitat, is disappointing. Then there is the obvious overlooking and bearing down on the properties opposite due to the elevation of the land.

It was agreed unanimously to object to the application.

SWHT:

No response and outside archaeological area

County Highway Authority:

Standing advice applies.

SSDC Highway Consultant:

The proposed access would be a new entrance onto the public highway. The SCC Standing Advice guidance requires new accesses and junctions to incorporate visibility splays as set out in Manual for Streets. The proposed visibility splays of 2.4m x 21m to the east and 2.4m x 30m to the west are significantly below the normal standard of 2.4m x 43m. The Highway Consultant states a reduction may be acceptable however a speed survey would need to be provided to demonstrate that the 85%ile vehicle speeds from the west are no greater than 25mph for the proposed 33m sightline to be acceptable. If the appropriate evidence (speed survey) can be provided, it would be more prudent to provide a 2.4m back and parallel visibility splay (no obstruction greater than 600mm) across the whole site frontage, rather than tapered visibility splays, as this would then maximise visibility in both directions but also significantly improve visibility from the adjoining lane to the east onto Main Street.

The Highway Consultant also encouraged a minimum width of the carriageway across the north western part of the front to be no narrower than the current width in the North West corner. This proposed width should be annotated at the centreline of the proposed new junction. The Highway Consultant states that details with the site (i.e. the geometry of the access, its surface (assuming a bitmac construction), the gradient, on-site parking (car and cycle), provision of EVCPs and on-site turning) all appear acceptable. The Highway Consultant recommends appropriate conditions are added to the decision in the event of approval regarding drainage, surface water and hardstanding. Further consideration should be given for the collection of waste and recycling.

REPRESENTATIONS

11 representations received objecting to the application on the grounds of traffic impact, loss of rural character, biodiversity impact/removal of hedging, drainage and flooding, overlooking/overshadowing and disruption from construction traffic.

CONSIDERATIONS

Principle of Development

Barrington is defined in the local plan as a Rural Settlement, where development will be strictly controlled. The starting point for considering development in Rural Settlements is Policy SS2 of the South Somerset Local Plan. The proposal is contrary to that policy, as it does not provide employment opportunities, create or enhance community facilities and services, or meet an identified housing need.

However, as SSDC cannot currently demonstrate a five year supply of housing land, elements of that policy must be considered out of date. As such, it is considered that the LPA cannot rely on the prescriptions of that policy in regard to what the development must provide, but must accept that the settlement is broadly sustainable and capable of supporting some residential development. As such, although the proposal is contrary to Policy SS2 of the local plan, only limited weight can be applied to this adverse impact in the planning balance.

Overall, it is considered that the proposed dwellings would result in an addition to housing stock in an area with an acknowledged lack of provision. Furthermore the housing would be in a location which is relatively accessible by rural standards. There would also be economic and social benefits in supporting employment during construction, and as future occupants would bring trade to nearby services and facilities. As such, it is considered that the proposal can be supported in principle.

Scale and appearance of proposed dwellings

The proposed dwellings are considered to be of an appropriate scale for the site and, once constructed, will not appear as an incongruous form of development. Furthermore, the proposed materials are considered to reflect those used in the adjoining dwellings which will further assist in the integration of the new dwellings into the street scene.

Impact on character of area

It is considered that, given the suitable scale and design of the proposed dwellings, the development will not be harmful to the character of the area. The nearest heritage asset is the Conservation Area approximately 70 metres to the east of the site. Given that the proposed dwellings are in-keeping with their local character, it is not considered that they would have a demonstrably adverse impact on the historic environment.

Based on the submitted site plan MBS3DHSP14(004) the development includes parking to be provided to the front of the development site with a new access to be punctuated within the existing hedge. The width of the new access is annotated to be approximately 8 metres at the front entrance with an element of re-alignment of the hedge to the west to achieve the necessary sight lines. This is considered to be an acceptable level of intervention to provide access and the necessary sight lines whilst retaining the verdant character of the boundary. It is considered that the level of hardstanding is acceptable as it will be screened behind the well-established hedge and therefore will not be materially harmful to the existing street scene. The proposed hedging will be ensured by condition.

Residential Amenity

The distance between the front facing elevations of the proposed dwellings and the existing dwellings to the north on the opposite side of the road will be in excess of 30 metres with a distance of approximately 10 metres between side elevations to the east. It is considered that, even though the dwellings will be elevated above the dwellings to the north, a suitable degree of separation will exist so as not to give rise to any demonstrable harm to living condition through overshadowing, overlooking or loss of privacy issues. The proposal is not considered to result in undue harm to residential amenity.

Biodiversity

The site comprises an open field where the ecological impact of the proposal is considered to be relatively low. Notwithstanding this, the surrounding hedgerow is considered to have the potential to provide an important habitat for wildlife. An ecology survey was carried out on the 23rd of November 2019 which concludes that the proposal would cause no harm to the biodiversity of the site subject to relevant conditions to protect and preserve the biodiversity as best possible.

Highways and parking

Following the Highway Consultant's comments, the agent submitted a speed survey which the agent confirmed the proposed extent of visibility splays was now acceptable. The Highway Consultant also requested that the site plan show a minimum width of the carriageway across the north-western part of the frontage no narrower than the current width in the north-west corner and that the width of the carriageway at the centreline of the proposed new junction should also be annotated. The agent submitted an amended proposed highways plan (MBS3DHSP14(006)) including the aforementioned annotations which now satisfies the Highway Consultant. With regard to parking, the proposal includes parking provision that accords with the parking standards and is therefore considered acceptable in this regard.

Taking into account the consultation response from The County Highway Authority and the SSDC Highway consultant, it is considered that, on balance and subject to the imposition of relative highway conditions, the proposal is acceptable from a highway perspective.

Drainage and Flooding

The site itself lies within Flood Zone 1 and the road to the east of the site (Shelway Lane) has been identified as having a 1 in 30 chance of risk of flooding from surface water. Concern has been raised by neighbours regarding this matter. As the site itself is within Flood Zone 1, this is considered to be at low risk of flooding as defined by The Environment Agency and therefore suitable for residential development. With regard to the surface water matter, a condition could be imposed requiring details of how on-site surface water will be dealt with so as not to exacerbate current localised surface water concerns.

Parish Council Response

The Parish Council has raised concerns regarding potential flood risk, implementation of conditions, loss of wildlife habitats and reduced visibility for vehicles that may be dangerous to both pedestrians and vehicles travelling along the road. Given the concerns raised the Parish Council, they agreed to unanimously object to the application. The concerns raised have been taken into account during the assessment of the application, however as discussed above, amended plans and a speed survey has been submitted to support the proposed visibility splays which the Highway Consultant agrees to be acceptable. The proposed location of the site in Flood Zone 1 is considered to be low risk and found acceptable. The proposed additional hedging to the entrance of the site is considered to provide sufficient habitat opportunity for wildlife therefore does not warrant refusal. It is acknowledged that the

Parish Council have raised concerns regarding the implementation of planning conditions under application 15/04884/FUL however given that this application has been assessed under its own merit, this would also not warrant reason for refusal.

Conclusions and Planning Balance

With no five year supply of housing land in South Somerset, paragraph 11 of the NPPF is triggered. This states that "For decision-taking this means...where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

In this case there are no specific policies in the NPPF that indicate development should be restricted, so an assessment must be made as to whether the adverse impacts of the development significantly and demonstrably outweigh the benefits.

The proposal would contribute to the shortfall of housing land supply in South Somerset, which is a benefit that must be afforded significant weight. No harm has been identified that would significantly and demonstrably outweigh the benefits of the scheme. Therefore, planning permission is recommended for approval.

RECOMMENDATION

Permitted with conditions

01. The proposed development is considered to be acceptable in principle, contributing towards identified local and district-wide housing need, without significantly and demonstrably harming the character of the surrounding area, residential amenity or highway safety. The proposal is considered to accord with policies SD1, SS1, SS4, TA5, TA6 AND EQ2 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved plans:

MBS3DHSP14(001)
MBS3DHSP14(002)
MBS3DHSP14(003)
MBS3DHSP14(004)
MBS3DHSP14(005)

MBS3DHSP14(006)

MBSRSP1

MBSRSP2

MBSRSP3

MBSRSP4

MBSRSP5

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

03. There shall be no obstruction to visibility greater than 600 millimetres. Such visibility shall be fully provided before the development hereby permitted is 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(2006-2028).

04. The areas allocated for parking and turning on the approved plans shall be fully provided prior to the dwelling hereby permitted being first occupied. Thereafter these areas shall kept clear of obstruction and not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety, in accordance with policies TA5 and TA6 of the South Somerset Local Plan and the aims and objectives of the National Planning Policy Framework.

05. Prior to first occupation of the development hereby permitted the proposed access over at least the first 5 metres of its length, as measured from the edge of the highway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety to accord with policy TA5 of the South Somerset Local Plan (2006-2028).

06. The use hereby permitted shall not commence until the existing access (field entrance gate) has been permanently closed in accordance with the approved plans.

Reason: In the interests of highway safety to accord with policy TA5 of the South Somerset Local Plan (2006-2028).

07. Prior to the commencement of any works hereby approved, the proposed widening of the carriageway and width and geometric layout of the proposed access shall be constructed in accordance with the details shown on drawing MBS3DHSP14(006)

Reason: In the interests of highway safety to accord with policy TA5 of the South Somerset Local Plan (2006-2028).

08. Prior to first occupation of the dwellings hereby permitted, a 16amp electric charging point, for electric vehicles, shall be provided adjacent to the area allocated for parking on the approved plans. Once installed such electric charging points shall be retained and maintained in working order, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development is resilient and sustainable in accordance with Policy TA1 (Low Carbon Travel) of the adopted South Somerset Local Plan and the provisions of the NPPF.

09. The dwellings shall not be occupied until the proposed cycle parking provision has been constructed in accordance with approved plan MBS3DHSP14(006).

Reason: In the interests of highway safety, in accordance with policies TA5 and TA6 of the South Somerset Local Plan and the aims and objectives of the National Planning Policy Framework.

10. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before first occupation and thereafter maintained at all times.

Reason: In the interests of highway safety to accord with policy TA5 of the South Somerset Local Plan (2006-2028).

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) (with or without modification) there shall be no external alterations or extensions undertaken to the dwelling hereby permitted without the prior express consent of the local planning authority.

Reason: To safeguard local character and residential amenity, in accordance with policy EQ2 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

12. The development hereby permitted shall not be first occupied until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The submitted scheme shall clearly confirm the details and dimensions of any intended tree or shrub planting, earth-moulding, seeding, turfing, surfacing, and hard landscaping. All planting stock shall be confirmed as UK-grown, and details shall be provided in regards to the planting locations, numbers of individual species, sizes, forms, root-types/root volumes and the intended timing of planting. The installation details regarding ground-preparation, weed suppression, staking/supporting, tying, guarding, strimmer-guarding and mulching shall also be included within the submitted scheme. All planting comprised in the approved scheme shall be carried out within the dormant planting season (November to February inclusively) following the commencement of any aspect of the development hereby approved; all other elements of the landscaping shall be fully implemented in accordance with the agreed details prior to first use or in accordance with a phasing plan submitted as part of the landscaping details. If any trees or shrubs which within a period of ten 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.

13. No work shall be carried out above damp-proof course level or, for boundary treatments or hardstandings, no works to erect boundary walls or fencing or lay hardstandings, on site until particulars of the following have been submitted to and approved in writing by the Local Planning Authority:

a) details of materials (including the provision of samples where appropriate) to be used for the external walls and roofs;

- b) details of the recessing, materials and finish (including the provision of samples where appropriate) to be used for all new windows (including any rooflights) and doors;
- c) details of all hardstanding and boundaries
- d) details of the rainwater goods and eaves and fascia details and treatment.

Subject to particulars being agreed for each part (a-d) that aspect of the development may be laid, erected, or installed (as relevant).

Once approved such details shall be fully implemented unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to comply with Policies EQ2 of the South Somerset Local Plan.

14. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

15. All ecological measures and/or works shall be carried out in accordance with the details contained in the Ecology Report as already submitted with the planning application 08/01/2020 (survey completed 23/10/2019) and agreed in principle with the Local Planning Authority prior to determination.

Reason: In the interests of [European and UK protected species. UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with policy EQ4 of the South Somerset Local Plan Core Strategy

Informatives:

01. Please be advised that approval of this application by South Somerset District Council 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.

You are required to complete and return Form 1 Assumption of Liability as soon as possible 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

02. The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the unlikely event that bats are encountered during implementation of this permission it is recommended that works stop and advice is sought from a suitably qualified, licensed and

experienced ecologist at the earliest possible opportunity.

03. The developers are reminded of the legal protection afforded to reptiles under the Wildlife and Countryside Act 1981 (as amended). In the unlikely event that reptiles are encountered during implementation of this permission it is recommended that works and advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.
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