

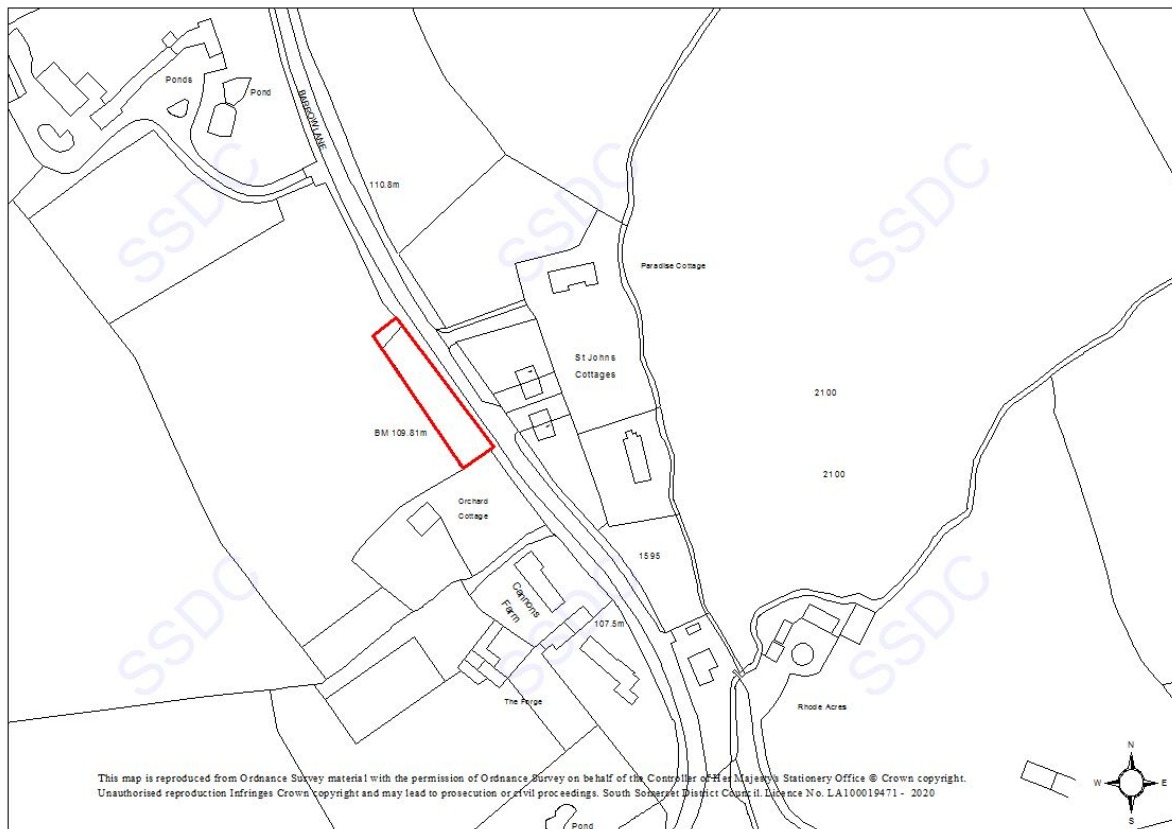
Officer Report on Planning Application: 19/01976/FUL

Proposal:	Erection of a dwellinghouse with new access
Site Address:	Land Os 0700 Part Barrow Lane, Charlton Musgrove
Parish:	Charlton Musgrove
TOWER Ward (SSDC Member)	Cllr R Bastable
Recommending Case Officer:	Stephen Baimbridge Tel: (01935) 462497 Email: stephen.baimbridge@southsomerset.gov.uk
Target date:	11th September 2019
Applicant:	Mr G Crabb
Agent: (no agent if blank)	Mr Barry Lewis 2 Market House Market Place Sturminster Newton DT10 1AR
Application Type:	Minor Dwellings 1-9 site less than 1ha

Reason for Referral to Committee

The application is referred to the Area East Committee at the request of the Area Chair following the Council's Scheme of Delegation.





SITE DESCRIPTION AND PROPOSAL

The application seeks permission for the erection of a dwellinghouse with a new access. The proposed dwelling would consist of a 2-storey dwelling constructed with a mix of natural stone and brick under a tile or slate pitched roof. A gravel parking and turning area would be provided to the side of the dwelling accessed by 5m of tarmac driveway from the public highway.

The site is an area of approximately 0.07ha on the western side of Barrow Lane adjacent to the hamlet of Barrow. There is a large oak tree at the southern end of the site, which is subject to a Tree Preservation Order.

The applicant states that there was a dwelling on the site in the past but has not provided evidence to support this claim. Charlton Musgrove Parish Council have supplied a photograph from 1964 that shows a small metal structure at the northern end of the site.

HISTORY

No Relevant history

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).

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
TA1 - Low Carbon Travel
TA5 - Transport Impact of New Development
TA6 - Parking Standards
EQ2 - General Development
EQ4 - Biodiversity
EQ5 - Green Infrastructure
EQ7 - Pollution Control

National Planning Policy Framework - March 2019

2. Achieving sustainable development
6. Building a strong, competitive economy
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
16. Conserving and enhancing the historic environment

Other

Somerset County Council Parking Strategy (September 2013)
Somerset County Council Highways Development Control - Standing Advice (June 2017)
National Design Guide (2019)

CONSULTATIONS

Charlton Musgrove Parish Council

The Parish Council objects to the application on the grounds that:

- a) the development would cause harm to a tree subject to a TPO;
- b) the original structure was significantly smaller and located in a different part of the site
- c) the proposed dwelling does not meet any of the criteria outlined in the National Planning Policy Framework.

County Highways

Highways refer to standing advice.

Highway Consultant

Consider the sustainability of the site in terms of accessibility and connectivity to local services by sustainable modes of travel. The details on the submitted plan in respect of visibility splays (2.4m x 78m - no obstruction greater than 900mm), access surfacing, etc., are acceptable. Drainage measures would be required to ensure surface water does not discharge onto the public highway. The proposed parking provision is fine for a two-bedroomed dwelling.

Tree Officer

The officer considered it feasible that load-bearing soakaways and services could be accommodated 5 metres distant from the dwelling directly beneath the driveway area and that the submitted Tree Protection Plan helps to demonstrate the point by including the radial measurements.

He highlighted that the effectiveness of tree protection measures is highly dependent upon their installation prior to any site clearance, groundworks, commencement etc. and explained that some Groundworkers and Construction Site Managers are often un-aware or choose to ignore the requirements of pre-commencement planning conditions. As such, he therefore suggested, a pre-commencement condition requiring positive commitment to arboricultural supervision of the installation of tree protection measures as well as confirming their satisfactory installation in writing to the Local Planning Authority.

He suggested that the necessary protection measures have not been submitted in sufficient detail so the Applicant would need to agree to any pre-commencement conditions being imposed to add minor yet important strengthening and clarification of the intended pre-commencement installation of the tree protection measures. He deemed this to be reasonable and would allow us the confidence of imposing an effective condition. [A pre-commencement tree protection condition was proposed and has been imposed].

He raised caution over landscaping measures post-construction, which can harm trees if not carried out properly. For example, the adding of soil-grade to the existing soil-profile within the Root Protection Area. [An informative has been added to this effect].

He requested the removal of the usual Permitted Development rights associated with property to make it clear in the long term to future occupiers that they will need to obtain prior planning consent for any construction activities potentially damaging to the protected Oak tree, e.g. extending the driveway and parking area. [A condition has been imposed to remove Permitted Development Rights to lay hard surfaces or erect/site/install outbuildings or means of enclosures within the site].

The officer also sought that a scheme of landscaping details to further safeguard the retained trees from the likelihood of damage post-construction would be positive and suggested a condition to that effect [which has been imposed].

REPRESENTATIONS

Nine representations have been received objecting to the proposed development on grounds of:

- The proposal fails to meet the requirements of Local Plan Policy SS2;
- the proposed structure is unsympathetic to the local vernacular;
- damage to the oak tree subject to a TPO;
- there never was a house on this site;
- the development represents "ribbon" development.

CONSIDERATIONS

Principle of Development

When considering development proposals, the Council will take a proactive approach to reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework 2019 and seek to secure development that improves the economic, social and environmental conditions within the District.

The Council's lack of a five-year housing land supply lends significant weight when considering the planning balance. In line with paragraph 11 of the NPPF, the application should only be refused if the harm of approving the development would significantly and demonstrably outweigh the benefits, and the policies that are most important for determining this housing application must be considered out-of-date.

Having regard to the above, the planning merits of the proposal are considered against the Local Plan and the aims of the NPPF, and these considerations are set out below:

Sustainability of the Settlement

Development can be considered sustainable where there is adequate connectivity to at least two local services. Barrow has a church, a pub, a village hall and a bus service. It is considered that the development would be acceptably located in relation to facilities and furthermore would be likely to provide additional support for facilities through increased patronage.

Having regard to the above it is considered that the development would comply with the relevant sections of the NPPF in respect to locating housing within existing communities where existing services and facilities would be maintained and enhanced.

Policy SS2 - Development in Rural Settlements

Policy SS2 is a policy which seeks to restrict new housing development in Rural Settlements tier of the settlement hierarchy. The policy requires new housing in Rural Settlements, in which this site is located, to increase the sustainability of the settlement through the provision of employment opportunities appropriate to the scale of the settlement; and/or creation or enhancement community facilities and services to serve the settlement; and/or meeting identified housing need, particularly for affordable housing.

This proposal is not compliant with policy SS2 but as a policy to restrict housing growth it should be afforded limited weight in accordance with the NPPF.

Trees

There is a mature oak tree on the site which is subject to a Tree Protection Order (TPO CHMU 56). The proposed dwelling would sit approximately 25m from the trunk of the tree. In accordance with the Tree Officer, there is no reason to assume that the soakaway or other utilities would result in harm to the protected tree.

Pre-commencement conditions have been imposed to secure tree protection measures prior to commencement of the development and to secure a landscaping scheme that pays regard to the radial tree protection area.

It is considered to be unreasonable in planning terms to refuse the application on the basis that the owner/occupier of the dwelling once built would harm the protected tree. Nevertheless, an informative has been placed on the decision notice to remind the applicant of the dangers of carrying out landscaping within the tree protection area.

A report has been submitted by a neighbour to suggest that the application should be refused on the basis of harm to the tree. However, it is not certain whether the objector's Arboriculturalist benefitted from the amended site layout plan, which shows the proposed dwelling 20 metres away from the Tree.

The maximum radial Root Protection Area for any tree is capped at 15 metres and the amended plan shows the proposed dwelling to be well in excess of that. The parking area is in excess of 15 metres from the trunk and the protective fencing proposed would also be 16 metres from the tree. The increased separation between the tree and proposed dwelling also reduces the degree to which there would be shading of the dwelling to an acceptable level.

As such the application complies with policies EQ2, EQ4, and EQ5 of the South Somerset Local Plan (2006-2028).

Landscape & Visual Impact

The site is not considered to be isolated; there is a dwelling immediately to the south, and there are dwellings opposite. The development would represent a continuation of the built form of Barrow.

The proposal is for a single two-storey dwelling adjacent to similar dwellings in the immediate vicinity, being constructed of a mix of natural stone and brick under a tile or slate pitched roof. The proposed scale of the dwelling would not be dominant in the landscape and the applicant would accept a planning condition for a landscaping scheme to be agreed with the Authority in order to frame the proposed dwelling to include new native trees and provide a natural setting.

As such the application complies with policies EQ2, EQ4, and EQ6 of the South Somerset Local Plan (2006-2028).

Residential Amenity

The dwelling would be positioned 30m from the nearest neighbours' residential windows (no. 4 St Johns Cottages). This distance ensures no demonstrable harm to residential amenity by means of overlooking or loss of privacy.

A condition will be imposed to ensure no external lighting is installed/fixed etc. without prior agreement of the Local Planning Authority.

The application is considered to comply with policies EQ2 and EQ7 of the South Somerset Local Plan (2006-2028).

Highways

Access to the site is via Barrow Lane, an unnumbered rural lane bordered by trees and hedgerows. At this location, the road is of adequate width for two vehicles to pass safely and there are no reported concerns regarding visibility. The SSDC Highways Officer considers that the proposal meets the requisite parking standards.

There are a number of local amenities within a reasonable walking distance but it is acknowledged that there will be a likely reliance on car journeys nonetheless as is the norm for the district's rural areas. There is a bus stop (The Smithy) 700m from the site on the B3081 which is served by bus route 667 (Wincanton-Street).

As a single dwelling, the development is not anticipated to result in a significant number of additional vehicle movements and on this basis would not adversely affect highway safety in compliance with Policies TA5 and TA6 of the South Somerset Local Plan (2006-2028).

CONCLUSIONS

The Council's lack of a five year housing land supply lends significant weight when considering the planning balance. In this case, the site is located in a broadly sustainable location with access to a range of services and facilities.

For the reasons set out above, and notwithstanding the objection received, the proposed development is considered to represent a sustainable form of development that would not result in any demonstrable harm to visual amenity, residential amenity, highway safety, heritage assets or other environmental concern. The proposal therefore accords with Policies SD1, SS2, TA1, TA5, TA6, EQ2, EQ4, EQ5 and EQ7 of the South Somerset Local Plan (2006-2028) and the aims and provisions of the National Planning Policy Framework (2019) and is recommended for approval.

01. The Council's lack of a five year housing land supply lends significant weight when considering the planning balance. In this case, the site is located in a sustainable location with

access to a range of services and facilities.

For the reasons set out above, the proposed development is considered to represent a sustainable form of development which would not result in any demonstrable harm to visual amenity, residential amenity, highway safety, heritage assets or other environmental concern. The proposal therefore accords with Policies SD1, SS2, TA1, TA5, TA6, EQ2, EQ4, EQ5 and EQ7 of the South Somerset Local Plan (2006-2028) and the aims and provisions of the National Planning Policy Framework 2019 and is accordingly recommended for approval.

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: 2890-01B received 6th August 2019.

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

03. The materials to be used in the construction of the external surfaces of the dwelling hereby permitted shall match those detailed in drawing no. 2890_01B received 6th August 2019, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity to accord with Policy EQ2 of the South Somerset Local Plan (2006-2028) and the aims and provisions of the National Planning Policy Framework 2019.

04. Prior to commencement of the development, site vegetative clearance, demolition of existing structures, ground-works, heavy machinery entering site or the on-site storage of materials, the submitted scheme of tree and hedgerow protection measures (Arboricultural Impact Assessment & Tree Protection Plan - 16 January 2020) shall be installed in their entirety and made ready for inspection by an appropriately experienced and qualified Arboricultural Consultant who shall confirm in-writing to the Council (please contact us at planning@southsomerset.gov.uk) that the installation of the approved tree and hedgerow protection measures has been carried out to a satisfactory standard. The approved tree and hedgerow protection measures shall remain implemented in their entirety for the duration of the construction of the development and may only be moved, removed or dismantled with the prior consent of the Council in-writing.

Reason: To preserve existing landscape features (trees and hedgerows) in accordance with the Council's policies as stated within The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

05. No works shall be undertaken until there has been submitted to and approved in writing by the Local Planning Authority, a scheme of hard and soft landscaping measures. The submitted scheme shall clearly confirm the installation details, materials and dimensions of any intended tree or shrub planting, earth-moulding, boundary treatments (e.g. hedgerows, fences & walls), seeding, turfing and the installation of hard surfaces, pathways, driveways and parking spaces - whilst paying appropriate regard to the presence of the adjoining protected Oak tree (subject to The SSDC [Charlton Musgrove No 1] 1987 Tree Preservation Order). All intended planting stock shall be specified as UK-grown, and details shall be provided in regards to their 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) upon or prior to the first occupation of the development hereby approved; and 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.

06. Prior to first occupation of the dwelling hereby permitted, an electric charging point (of a minimum 16amps) for electric vehicles shall be provided adjacent to the designated parking spaces or garages shown on the approved plan. Once installed such parking 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.

07. No vegetation removal works around the site shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of any trees, shrubs and scrub and tall vegetation to be cleared for active birds' nests immediately before works proceed and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: For the protection of nesting birds as required by the Wildlife and Countryside Act 1981 (as amended) and in accordance with Policy EQ4 of the South Somerset Local Plan (2006-2028) and the aims and provisions of the National Planning Policy Framework 2019.

08. Prior to the first occupation of the dwelling hereby permitted the following biodiversity enhancement and compensation measures shall be installed and thereafter maintained in perpetuity, unless otherwise agreed in writing by the local planning authority:
- 2 x RSPB standard nest boxes, or similar, will be fitted to trees within the site at a height between 3-5m above ground level, facing north or east
 - 1 x Kent style bat boxes, or similar will be fitted to trees along the site boundary within the site at a height between 4-5m above ground level, facing south or west
 - 1 x bee boxes to the southern or western elevation of each either dwellings or trees.

Reason: To ensure the proposal meets the requirement requiring the development to contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, in accordance with Policy EQ4 of the South Somerset Local Plan (2006-2028) and the aims and provisions of the National Planning Policy Framework 2019.

09. There shall be no external lighting installed at the site without the prior written consent of the Local Planning Authority. Prior to the erection, installation, fixing, placement and/or operation of any external lighting on the site (including on any of the buildings themselves), details of such external lighting shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the equipment and supporting structures, positions, sizes, heights, type, luminance/light intensity, direction and cowl of all external lights to the buildings and any other parts of the application site edged red (as indicated on the approved Site Location Plan) and the hours at which such lighting is to be operated.

The external lighting shall thereafter be carried out in accordance with the approved details (unless the Local Planning Authority gives prior written approval to any subsequent variations), and shall thereafter be retained in that form.

Reason: To safeguard the rural character and appearance of the locality; to safeguard the residential amenities of owners/occupiers of the existing neighbouring property; to safeguard any biodiversity interests; and in the interests of public safety and convenience, having regard to Policies EQ2, EQ4 and TA5 of the South Somerset Local Plan and relevant guidance within the NPPF.

10. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking, re-enacting or modifying that Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express grant of planning permission, other than that expressly authorised by this permission:

- (a) Part 1, Class E (incidental buildings, enclosures, swimming or other pools)
- (b) Part 1, Class F (hard surfaces incidental to the enjoyment of a dwellinghouse)
- (c) Part 2, Class A (gates, fences, walls or other means of enclosure)

Reason: To safeguard the protected tree, in accordance with policy EQ5 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

Informatives:

01. The applicant is reminded to take caution with post-construction landscaping works such as rotavating and the addition of soil-grade to the existing soil-profile within the Root Protection Area, which may cause harm to the protected oak tree.
02. 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