

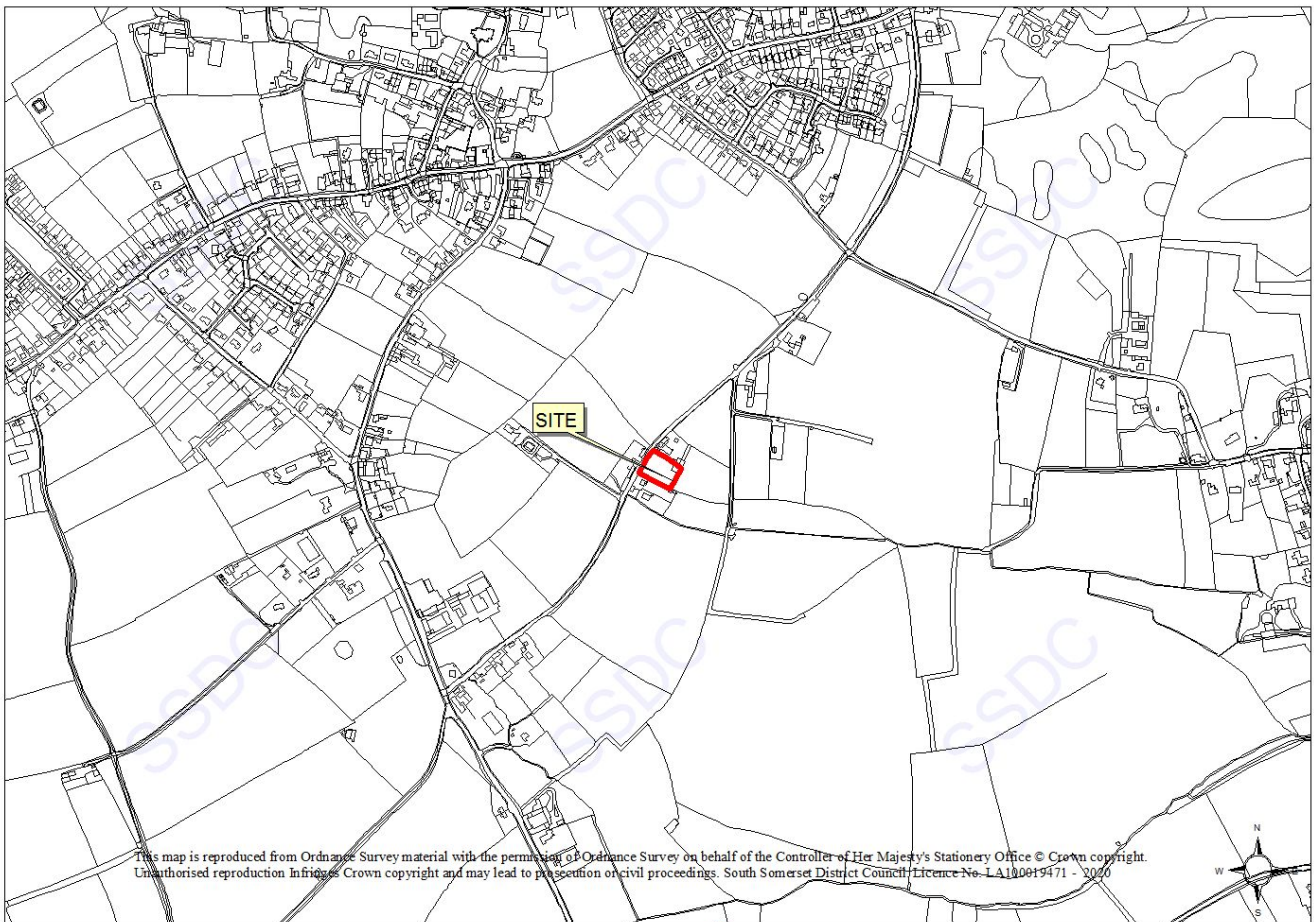
## Officer Report On Planning Application: 20/01169/FUL

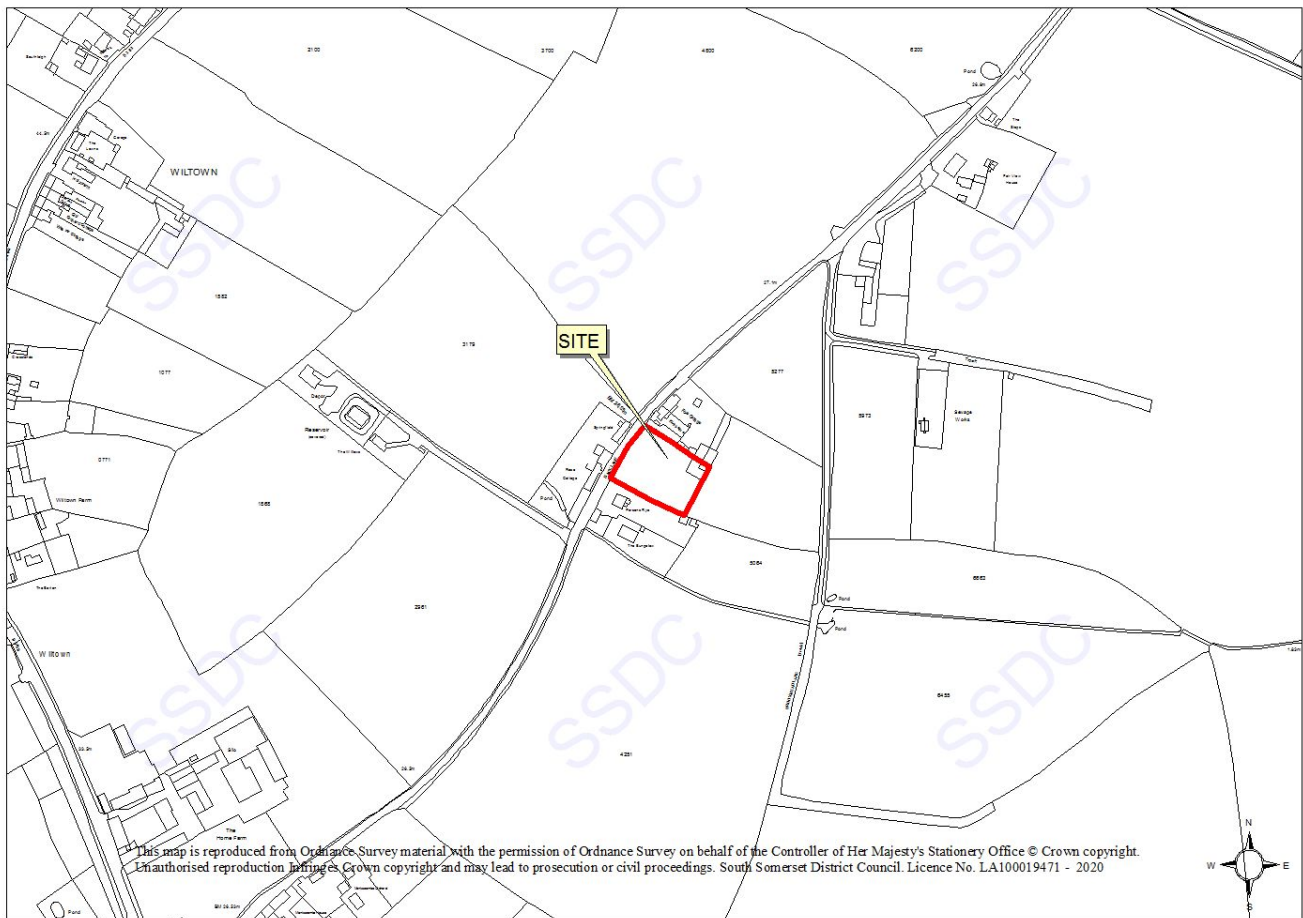
<b>Proposal :</b>	The erection of 2 dwellings with garages and new vehicular access.
<b>Site Address:</b>	Land Adjoining Kirkholme, Back Lane, Curry Rivel TA10 0NY.
<b>Parish:</b>	Curry Rivel
<b>CURRY RIVEL, HUISH &amp; LANGPORT Ward (SSDC Members)</b>	Cllr T Osborne Cllr C Paul
<b>Recommending Case Officer:</b>	Colin Arnold
<b>Target date :</b>	19th June 2020
<b>Applicant :</b>	Mrs W Allerton
<b>Agent: (no agent if blank)</b>	Paul Dance, 11 North Street, Stoke Sub Hamdon TA14 6QQ
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL TO COMMITTEE

In order for Members to discuss the highway matters associated with this application.

### SITE DESCRIPTION AND PROPOSAL





This is an application for the erection of 2 dwellings with garages and new vehicular access at land adjacent to Kirkholme, Back Lane, Curry River.

The plot of land is situated between two dwellings namely Kirkholme and Parsons Rye. It is fairly isolated but within 500 metres (as the crow flies) of the nearest facility (public house).

The two dwellings are arranged in a semi-detached arrangement whereas the neighbours are detached properties set in fairly large gardens.

Back Lane is subject to the national speed limit although it is accepted that the actual average speeds may be below this.

## HISTORY

18/03299/FUL - The erection of two dwellings with garages and new vehicular access. Withdrawn

19/01861/FUL - The erection of two dwellings with garages and new vehicular access. Withdrawn.

## 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, SS1, SS2, SS4, SS5, TA1, TA5, TA6, EQ1, EQ2, EQ4

National Planning Policy Framework  
Chapters 2, 4, 5, 8, 9, 11, 12, 14, 15,

National Planning Practice Guidance  
Design, Natural Environment, Rural Housing, Planning Obligations

Policy-related Material Considerations  
Somerset County Council Parking Strategy (September 2013)  
Somerset County Council Highways Development Control - Standing Advice (June 2017)

## **CONSULTATIONS**

**Parish Council:** Unanimous objection. Full objection available on website:

- Inappropriate for site being too high and overpowering
- Clashes with local vernacular in design siting and materials
- Access and egress onto Back Lane an issue as its used as a 'rat run'
- These two dwellings are likely to have six vehicles which is contrary to NPPF guidance which is against the low carbon agenda
- Septic tank not appropriate given change in regulations in April
- If Old Oak Farm Entertainment Centre survives the Covid pandemic this will create an extra 40 events a year adding to traffic on road

**SCC Highway Authority:** Standing Advice Applies

**SDDC Highway Consultant:**

On the assumption that the proposed access arrangement, layout, position, visibility splays, surfacing, drainage, parking and turning provision is no different to that which was eventually recommended for approval under planning application number 19/01861/FUL, no objection is raised to the current scheme subject to the same highways-related conditions being imposed.

**SDDC Environmental Protection Unit:**

I have reviewed this application and considered my colleague's earlier view that;  
"the proposed development site is located in very close proximity to Old Oak Farm Wedding Venue. This site has been granted planning permission (reference 15/00455/COU) for up to 15 weddings per calendar year. My concern is that occupiers will be significantly adversely affected by live and amplified music especially at weekends when wedding events are most likely. This close proximity increases the possibility of a statutory nuisance occurring.  
As such I do not consider this site a suitable location of residential development and I recommend planning permission is refused on this basis."

Since that application the Wedding Venue has itself been granted a variation to its planning permission, ref 19/02531/S73. I have attached the decision notice for your ease of reference. This variation allows for 40 events to be held per calendar year, 25 using unamplified music with 15 permitted to use amplified music. The marquee hereby approved shall only be erected on site, and used in conjunction with the use of the subject land as a wedding and events venue, between 1st May and 30th September in any one calendar year.

As part of the application the Wedding venue submitted a noise impact assessment, ref IMP5629-1, which I have also attached. This assessment states that "It was found that in order to meet criterion on noise a maximum working limit of 80dB LAeq, 15min should be set at the dance floor centre. Additionally, acoustic screening should be installed around and within the marquee." In my experience I believe that should this measure be effectively implemented this would significantly reduce the likelihood of loss of amenity and nuisance. However this was NOT conditioned neither in the S73 planning permission (since in that context it would be unenforceable) nor the operators premises licence; so this remains a recommendation which would only become relevant from an enforcement standpoint where a nuisance was to be determined under Section 80 of the Environmental Protection Act 1990. However in my view, this document represents "Best Practicable Means" and should any enforcement under the EPA 1990 be required the Council can refer back to this measure and insist that it is implemented.

The conditions applied to 19/02531/S73 have been put in place in order to protect local amenity. Given that there are existing dwellings adjacent to the proposed development it would be inconsistent to recommend refusal of this application and in my judgement not a position the Council could defend at any Appeal.

Therefore I have no objection on noise grounds.

**SCC Archaeologist:**

Thank you for consulting us on this application.

The site lies in an area of archaeological potential. Investigations at Oak Farm found evidence for early Roman activity. The Roman villa at Drayton; a Scheduled Monument, is a further indication of the level Roman occupation in the vicinity. The application site is therefore considered to have potential for activity associated with Romano British (and possibly earlier) settlement activity.

For this reason I recommend that the developer be required to carry out trial trench investigation and provide a report on any discoveries made as indicated in the National Planning Policy Framework (Paragraph 199). This should be secured by the use of the following conditions attached to any permission granted.

"Programme of Works in Accordance with a Written Scheme of Investigation (POW)

Before the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Planning Authority. The WSI shall include details of the archaeological excavation, the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme."

Please get in touch if you require any further information.

## REPRESENTATIONS

### 2 letters of support:

- I support this application as I feel they will be a great addition to Curry Rivel. The applicants look like they have been very particular with this planning to make the road entrance access suitable.

### 7 letters of objection:

- Previous application was withdrawn because of the officers concern regarding noise from the nearby wedding venue
- Traffic issues - I don't feel an adequate survey has been done
- Proposed properties to large and out of keeping
- Danger to horse riders and walkers
- Hedge is a habitat to birds and animals and should not be removed.
- Loss of light caused to our property
- Urban design out of keeping in this rural area
- Site lies in an area of geographical roman activity (Case officer - noted and the archaeologist consulted and recommends a condition as above which is duly supported and recommended below)
- Noise issues

## CONSIDERATIONS

### Principle of Development

Usually housing 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. 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, it is advised that planning permission should be granted unless *1) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or 2) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.*

In this instance the site is within easy walking distance of Curry Rivel which has every facility available except a health centre - therefore the site is a sustainable location and the 'titled balance' of the NPPF as stated above applies and limited residential development is considered acceptable - subject to material considerations which are explored below:

### Scale and Appearance

The proposed dwellings are arranged in a semi-detached manner which is not common in this part of Back Lane however, this in itself is not considered to be an issue to withhold consent. The design is fairly repetitive and there is no real variation between the two dwellings (although it is noted that the design does have porches and a setback to add a little interest to the proposed design)

However with no real discernible street scene and with no great objection to the proposed design as a whole it is considered that the proposal is acceptable in terms of their scale and appearance.

It is not agreed with the objectors or the Parish Council that the dwellings would be over dominant in the street scene. It will have a similar length frontage to the semi-detached properties to the north for instance.

In terms of materials the application just states local natural stone as one of the proposed finishes and to ensure that the appropriate stone and method of construction using that stone is utilised a condition is proposed asking for further details prior to commencement.

### **Residential Amenity**

There are no objections in terms of adverse impact on residential amenity (notwithstanding noise which is discussed below)

Some of the objections relate to potential overlooking from the proposed dwellings - this is not agreed because the windows on the side elevations (the ones which could potentially be an issue) are all on ground floor level and only an ensuite is at first floor level which is proposed to be obscure glazed. The ground floor level windows can be prevented via appropriate boundary treatments between the proposed dwellings and the existing neighbours. It is accepted that oblique overlooking will occur from the first floor rear windows but this is to be accepted with new development in a cheek by jowl situation (and is replicated throughout the country).

### **Highway Safety**

The SSDC Highways Consultant has raised no objections to the scheme providing adequate conditions are proposed which are recommended below. So whilst the objectors and Parish Councils concerns are duly noted it is considered that this proposal would not severely impact on highway safety in this area and as such a reason for refusal on highway grounds without proper coherent evidence that the accesses are dangerous etc. and without the support of the Highway Consultant would not be sustainable at appeal.

### **Noise**

The objectors are entirely correct when they state that the previous application was withdrawn due to noise issues being raised via the Environmental Protection Unit (EPU) due to a nearby entertainment venue at Oak Tree Farm. The EPU at the time raised objection to the proposal based on the fact that it would be bad planning contrary to Policy EQ2 to place new dwellings in an area where the occupants could be affected by undue noise and disturbance from the venue and may lead to complaints from the occupants etc.

In response to this application the EPU recognise that there has been a change of circumstances (outlined above - noise impact assessment submitted as part of a recent application) which means that the noise is more controlled and they can revise their original objection to that of 'no objection'. They no longer consider that the matter can be defended at appeal and this is agreed.

### **Other matters**

The Parish Council raise concerns about the use of a Septic tank but this would be a building control matter. Notwithstanding this a condition relating to foul and surface water drainage is proposed to ensure that this matter is adequately covered and approved in accordance with the requirements of building regulations in this regard.

The objectors points about the roadside hedge are duly noted and a condition is proposed to ensure that this is removed at the appropriate time outside of nesting periods etc.

### **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.

## **Conclusion**

The proposal by reason of size, scale and materials, is acceptable as it respects the character of the site and its surroundings, and has no detrimental impact on local ecology, residential amenity or highway safety. The noise issue has been addressed and the proposed new occupants won't be subjected to undue noise and disturbance and the addition of two new dwellings will assist with the lack of a five year housing supply that the Council currently has in a sustainable location. As such, the proposed development is considered to accord with the aims and objectives of policies SD1, TA1, TA5, TA6, EQ2 and EQ4 of the South Somerset Local Plan and the aims and objectives of the NPPF.

## **RECOMMENDATION**

To grant permission subject to appropriate conditions.

01. The proposal by reason of size, scale and materials, is acceptable as it respects the character of the site and its surroundings, and has no detrimental impact on local ecology, residential amenity or highway safety. The noise issue has been addressed and the proposed new occupants won't be subjected to undue noise and disturbance and the addition of two new dwellings will assist with the lack of a five year housing supply that the Council currently has in a sustainable location. As such, the proposed development is considered to accord with the aims and objectives of policies SD1, TA1, TA5, TA6, EQ2 and EQ4 of the South Somerset Local Plan and the aims and objectives 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:

DP1055/29 Location and Site Plan  
DP1055/25 Ground and First Floor Plans  
DP1055/27 Block Plan  
DP1055/26 Elevations  
Footpath Plan  
Highway Report by LbW Highways Ltd  
Acoustic report by Impact Acoustics

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

03. The development hereby permitted shall not be commenced until particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and in accordance with Policy EQ2 of the South Somerset District Local Plan.

04. Before the development hereby permitted is commenced, foul and surface water drainage details to serve the development, shall be submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: In the interests of the proper drainage of the site and in accordance with Policy EQ2 of the South Somerset District Local Plan.

05. The area allocated for parking and turning on the submitted plan number DP1055/27 Block Plan shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety and in accordance with policies TA5 and TA6 of the South Somerset District Local Plan 2006-2028

06. There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the vehicular access and extending to points on the nearside carriageway edge 43 metres to the east and 43.5 metres to the west. Such visibility shall be fully provided before the development hereby permitted is brought into use and shall thereafter be maintained at all times.

Reason: In the interests of highway safety and in accordance with policies TA5 and TA6 of the South Somerset District Local Plan 2006-2028

07. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared 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 by the ecologist

Reason: In the interests of nesting wild birds and in accordance with policy EQ4 of the South Somerset Local Plan.

08. Before the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Planning Authority. The WSI shall include details of the archaeological excavation, the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme.

Reason: In the interests of archaeology and in accordance with Policy EQ3 of the South Somerset District Local Plan.

09. Prior to occupation of the each dwelling of the dwellings hereby permitted, they shall be fitted with a 16amp electric charging point for electric vehicles

Reason: To ensure that the development is resilient and sustainable, and as required by Policy TA1ii (Low Carbon Travel) of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.



10. The first floor windows to the south west and north east elevations shall be fitted with obscure glazing and fixed shut (or fitted with a limiter) and thereafter retained and maintained as such.

Reason: In the interests of privacy and in accordance with Policy EQ2 of the South Somerset District Local Plan.

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