

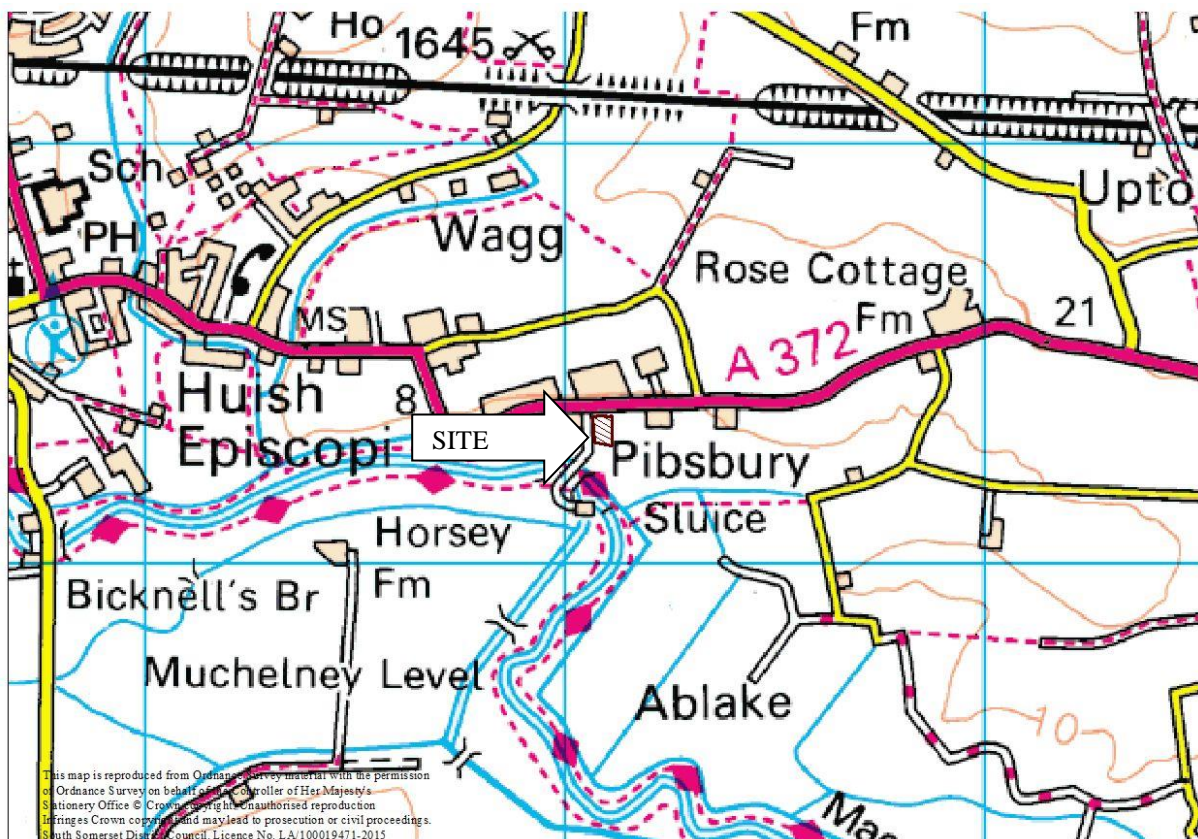
Officer Report On Planning Application: 15/00514/FUL

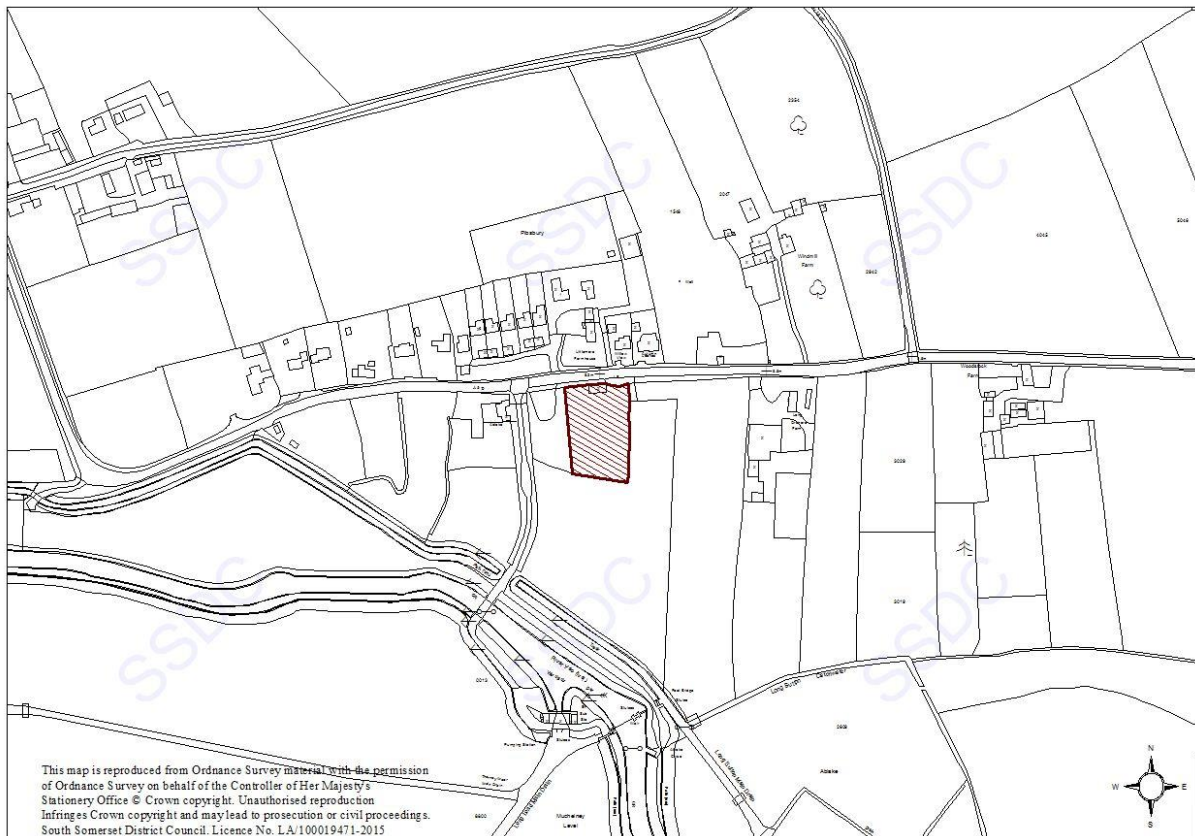
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| Proposal: | Erection of 2 detached dwellings with garaging and parking together with vehicular access (GR 344097/126331). |
| Site Address: | Land Opposite Autumn Leaves, Pibsbury. |
| Parish: | Huish Episcopi |
| LANGPORT AND HUISH Ward (SSDC Member) | Cllr R Mills |
| Recommending Case Officer: | John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk |
| Target date : | 25th March 2015 |
| Applicant : | Mr And Mrs Rolli |
| Agent: (no agent if blank) | David Parkin, 4 Wilton Road, Yeovil, Somerset BA21 5XP |
| 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 Chairman to enable the issues raised to be fully debated by Members.

SITE DESCRIPTION AND PROPOSAL





The site is located to the south of the A372, at the centre of Pibsbury, a settlement comprising a small group of buildings between Langport and Long Sutton. Pibsbury comprises a group of mainly modern dwellings to the north side of the road, with the south side being sparsely developed, with little built form. There are no local services within the settlement and it is located approximately 1km from the western edge of Huish Episcopi and Langport. The site comprises a single storey building, formerly used as a workshop. Planning permission has previously been granted for the erection of a single storey dwelling on the site, with retention of the existing building as garaging.

The application is made to for the erection of two detached dwellings on the site, with the existing building again retained for garaging and domestic storage.

HISTORY

- 12/03862/FUL: Erection of a 3 bedroom single storey dwelling with retention of the existing building for garaging (revised scheme 12/02168/FUL) - Refused, subsequently allowed on appeal.
- 12/02168/FUL: Demolition of existing building (B1 Use) and erection of a 3 bedroom single storey dwelling with two car parking spaces - Permitted with conditions. (Note: This removed the employment use in close proximity to the residential properties across the road. The permission sought demolition of the existing building that the subsequent application sought to retain.)
- 11/03576/COL: Application for a Certificate of Lawfulness for the proposed use of the building for B1 (office/ light Industrial) Use - Permitted.
- 10/00820/COL: Certificate of Lawfulness for the existing use of the building for Use Class B8 (storage) - Refused, subsequently allowed on appeal.
- 06/00964/COU: Retention of Existing Building and Use for Office purposes (B1) - Refused

- and subsequent appeal dismissed.
- 00/01743/COU: Variation of condition 3 of 952092 to allow part use for purposes ancillary to Autumn Leaves - Refused and subsequent appeal dismissed.
- 952092: Amendment to 940912 to allow use of stable block by original occupier under
- 940913: Permitted with conditions.
- 940912: Erection of block of 3 stables on site of former filling station - Permitted with conditions.

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
- EQ2 - General Development
- EQ4 - Biodiversity
- TA5 - Transport Impact of New Development

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 11 - Conserving and Enhancing the Natural 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 2013)

CONSULTATIONS

Parish Council: The Parish Council have no objections in principle, however state their disappointment that consideration wasn't given to the provision of two large bungalows on the site. It is also requested full ecological and flooding assessments are carried out.

SCC Highway Authority: No objections. It is confirmed that the proposed access arrangements are acceptable. There is an overprovision of parking proposed (5 spaces per

dwelling), however this is not considered a reason for refusal, in this case. It is requested that a standard informative relating to parking and turning is added.

County Right of Way: No objection.

Natural England: No objections but do note the proximity to the Somerset Levels and Moors Special Protection Area (SPA), which is a European designated site. It is advised that European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010 (as amended). It is also listed as a Ramsar site and notified at a national level as Wet Moor Site of Special Scientific Interest (SSSI). While it is noted that no information has been included to demonstrate that the requirements of the Habitats Regulations have been considered (i.e. the provision of a Habitats Regulation Assessment), it is concluded that the scale of development is such that it is unlikely to have a significant effect on the protected sites.

SSDC Ecologist: No objection. The Ecologist agrees with the views of Natural England, also concluding that a Habitats Regulation Assessment is not required on this case. Despite the proximity to the adjacent SPA and Ramsar site, it is not considered that the impact of the development would be such to justify recommendation of refusal. The presence of an oak tree adjoining plot 1 is noted, with a recommendation to consult the Council's Tree Officer.

SSDC Landscape Architect: The principle of development is already established on this site, following a 2012 consent and later appeal decision in favour of a single dwelling, plus retention of the roadside stables as a garage. The proposal now before us intends the construction of two substantial detached units, plus conversion of the 'stables' to garaging.

Pibsbury lays in a countryside context outside the built-up areas of Langport and Huish Episcopi, and is characterised by a limited ribbon of development, which is primarily to the north side of the road (the A372) and residential in character, whilst to the south of the A372, the land is primarily a mix of small fields/paddocks, along with a couple of sporadic small building groups irregularly interspersed along the roadside amongst the field systems. It is on this southern side of the road that the application site lays.

It appears that there are no more than 3 residences on this southern side of the road, two of which are primarily related to existing farm/commercial units, otherwise this southern side of the road is not characterised by residential form, but rather the mix of fields and pastures that act as a buffer and transition from the wider open moor to the south. The introduction of two substantial two-storey buildings, further elevated by a ground-floor level that exceeds the road level by at least 0.5metres, will be both contrary to the local settlement pattern, to thus be at variance with local character (LP policy ST5 para 4) and at two storey plus, will be visually intrusive in views toward the moors. Whilst the site is currently enclosed by woody vegetation, much of this surround requires management which will reduce what visual enclosure is currently on offer. Consequently whilst I accept that the permitted position of a singular single-storey dwelling, could be accommodated on site, the introduction of two substantial two-storey forms is not in-keeping with the rural character of the locality, and thus contrary to policy.

SSDC Tree Officer: Notes that an oak tree on the eastern boundary of the site, which is shown as to be removed, is worthy of retention and has further growth potential. It is advised that the footprint of Plot 1 encroaches within the radial Root Protection Area requirement of 9.12 metres. If the oak can be accommodated within the site, by amending the siting of Plot 1, and implementing tree protection measures during construction, there would be no objection to the proposal.

REPRESENTATIONS

Six letters have been received from local residents. Some simply offer support or no objection to the proposal, others make the following points:

- The proposed dwellings will be in keeping with the existing properties in the area.
- The proposal will improve this site, which has been in a poor state for a lengthy period of time.
- Approval will remove the risk of commercial development and correct past planning errors.
- No objection but would wish to see an existing large oak tree retained.
- Previous plans for one or two bungalows is preferable but having seen the plans, agree to support this proposal.

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 in within the settlement of Pibsbury, which is a small group of dwellinghouses, with no local services. The nearest key services available are those within Huish Episcopi and Langport, the developed edge of which is approximately 1km to the west. The nearest service, the public house at Huish Episcopi, is approximately 1.4km away, with Huish Episcopi Academy and the centre of Langport further away.

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)."

It is noted that there is an extant permission for one single storey dwelling on this site, which was approved on the basis that this would remove a pre-existing business use, which itself was established through a certificate of lawful development.

While the proposed development does not strictly comprise isolated new dwellings as the site is close to the existing group of dwellinghouses at Pibsbury, it does have a degree of separation from the development on the north side of the A372 and is still subject to the same degree of protection as the open countryside. It is therefore considered to be unsustainable by virtue of its distance from local services. There is a continuous footpath linking the site to Langport, however this isn't considered sufficient to indicate that this is a sustainably located development. The distance is such that it is unlikely that future residents wouldn't be mainly reliant on motor vehicles. For this reason, the proposed development of the site is not considered to meet the aims of sustainable development identified within the Local Plan and NPPF. It is noted that there is an extant permission for one single storey dwelling on this site, which was approved on the basis that this would remove a pre-existing business use, which itself was established through a certificate of lawful development. On this basis, the provision of one dwelling is acceptable, however there is no support for a further dwelling in this inappropriate location for further development. There is considered to be no satisfactory reason as to why the approved dwelling would not be sufficient to provide the previously accepted enhancement to this site or provide certainty for local residents as to its future use. The proposal is therefore considered to fail to accord with national policies for the protection of the countryside and Local Plan policy SS2.

Scale and Appearance

Local Plan Policy EQ2 requires development to 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." Guidance within the NPPF also highlights the importance of high quality design.

In this location, the general pattern of development is characterised by ribbon development of a residential nature to the north of the A372. The south side of the A372 differs dramatically in that this is characterised by a mix of fields and pasture land, which acts as a buffer and transition from the wider open moor further to the south. There is minimal built form along the south side of the road, which is limited to a few sporadic small groups of buildings irregularly interspersed along the roadside amongst the field systems. In the immediate vicinity, there are no more than three dwellings, two of which are related to existing commercial/farming units. Notwithstanding the presence of these few dwellings, the southern side of the A372 is general devoid of development and retains a very open, rural character.

It is acknowledged that there is an existing building on site and permission exists for the erection of a single storey dwelling house, however these are low profile buildings which are not considered to have an overly significant impact on the character of the area, particularly taking into account the presence of the existing building and its lawful use. This proposed development is for two substantial two storey dwelling houses, which will significantly increase the amount and scale of development on this site. It is considered that the increased scale and mass of development, as a result of these two dwellings, would significantly compromise the openness of the site and the enhancements established by the provision of a single low profile dwelling. It is therefore considered that the proposed development would be unacceptable and have a detrimental impact on the rural character and appearance of the site and its surroundings.

Highway Safety

In considering the highway safety issues, the County Council Highway Authority have confirmed that they have no objections as the appropriate visibility splays can be accommodated within land in the ownership of the applicant or the control; of the Highway Authority. Furthermore, other requirements such as the provision of a properly consolidated surface, provision of adequate levels of parking and turning space available within the site and the ability to ensure that surface water is adequately controlled to avoid discharge onto the highway, can be accommodated satisfactorily. As such, the proposal is not considered to have any detrimental impact on highway safety.

Residential Amenity

The proposed development is located at sufficient distance from any other nearby property to avoid any unacceptable impact on residential amenity

Trees

On local resident has made reference to an existing oak tree on the east boundary of the site, which is shown to be removed, requesting that it is retained. The Council's Tree Officer has since inspected the oak and advised that it is worthy of retention and has potential for further growth. As such, it is requested that this is retained. The canopy of the tree already extends approximately 9.5m into the site, and the Tree Officer advises that it would have a radial Root Protection Area of 9.12m. On the basis that the footprint of the dwelling on plot 1 is proposed approximately 6m from the position of the existing tree, it is well within this root protection zone. For this reason, it is considered that the proposal would be prejudicial to the long term visual amenity, health and viability of this tree of high arboricultural, landscape and ecological value. Further to the comments of the Tree Officer, a provisional Tree Preservation Order has been served on this oak tree, highlighting its qualities.

There may well be scope for seeking an amendment to the scheme to retain the oak tree and re-site the dwellings to limit their impact, however as it is considered that there are two other fundamental policy-based reasons for refusal, it is considered more appropriate at this stage to add this as a reason for refusal.

Conclusion

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. While it is accepted that there is extant permission for one dwelling on site, there is no overriding need for a second. Furthermore, the proposed dwellings, by reason of design, form, size, scale, mass and proportions, does not respect or relate to the rural character of the site and its immediate surroundings, to the detriment of local landscape character. Additionally, there is a high quality oak tree that is due to be removed to the detriment of local visual and ecological character. The development proposal is therefore considered to be unacceptable and fails to meet the aims of sustainable development.

RECOMMENDATION

Refuse permission

FOR THE FOLLOWING REASONS:

01. The proposal would represent new residential development in open countryside, for which an overriding essential need has not been justified. The application site is remote from local services and as such will increase the need for journeys to be made by private vehicles. The proposed development therefore constitutes unsustainable development that is contrary to policies SD1, SS1 and SS2 of the South Somerset Local Plan (2006-2028) and to the aims and objectives of the National Planning Policy Framework.
02. The proposed development, comprising the erection of two 2 storey detached dwellinghouses, by reason of their design, form, size, scale, mass and proportions, fails to respect or relate to the rural character of the area, to the detriment of local landscape character. The proposed development is therefore contrary to policy EQ2 of the South Somerset Local Plan (2006-2028) and to the aims and objectives of the National Planning Policy Framework.
03. The proposed development, by reason of the proposed removal of an oak tree of high arboricultural, landscape and ecological value and subject of a provisional Tree Preservation Order, will cause unacceptable harm to the distinctive character and quality of the local landscape. The proposal is therefore considered to be contrary to the Council's aims of preserving and retaining long-lived arboricultural landscape features in accordance with policies EQ2 and EQ4 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/agent did not take the opportunity to enter into pre-application discussions and there were no minor or obvious solutions that could be applied during the course of the application to overcome them.
