



JOINT AREA COMMITTEES IN SOUTH SOMERSET

Officer Report on Planning Application

09/02781/FUL

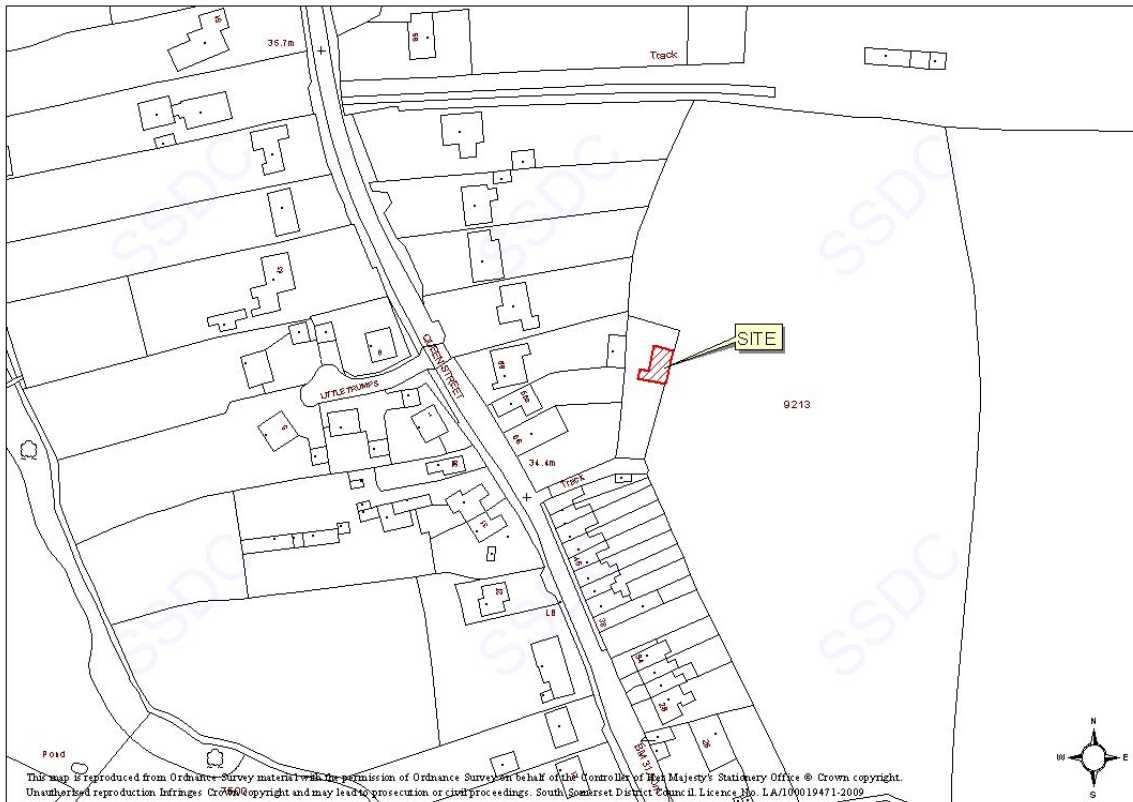


Proposal :	The erection of a building comprising two stables, a tack room and a hay store (Revised Application) (GR 349873/120172)
Site Address:	Land OS 9213 Queen Street Tintinhull
Parish:	Tintinhull
ST MICHAELS Ward (SSDC Member)	Jo Roundell Greene (Cllr)
Division (SCC Member)	Sam Crabb (Cllr)
Recommending Case Officer:	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
Target date :	1st October 2009
Applicant :	Mr A Lavers
Agent: (no agent if blank)	
Application Type :	Minor Other less than 1,000 sq.m or 1ha

REASON FOR REFERRAL TO COMMITTEE

The recommendation is contrary to the opinion of the parish council and letters of objection received from the occupiers of neighbouring properties. The application was therefore passed to the ward member who recommended that the application be brought before this committee. The area chair was in agreement with the recommendation of the ward member.

SITE DESCRIPTION AND PROPOSAL



The proposal seeks permission to erect a building comprising two stables, a tack room and an open sided hay store. The building will be erected on the western side of an agricultural field, directly to the rear of existing housing. The proposed building will be situated within open countryside and close to a variety of residential buildings, including a Grade II listed house. The front and side elevations of the building will be constructed of dark brown treated tongue and groove timber boarding and the rear elevation will be constructed of marine ply covered in grey mineral felt. The roof will be constructed of dark green corrugated sheeting. The building will be constructed on a concrete base, with an area of hardstanding directly to the front of the stable block.

HISTORY

09/01735/FUL - The erection of a building comprising two stables and a tack room - Application Withdrawn 05/07/2009.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise,

Relevant Development Plan Documents:

Regional Spatial Strategy (RSS) for the South West (RPG10) (adopted September 2001):

VIS1 - Expressing the Vision

VIS2 - Principles for Future Development

EN4 - Quality in the Built Environment

Somerset and Exmoor National Park Joint Structure Plan (adopted April 2000):

STR1 - Sustainable Development

South Somerset Local Plan (adopted April 2006):

CR6 - Horses and Development

EC3 - Landscape Character

EH5 - Setting of Listed Buildings

EH1 - Conservation Areas

ST6 - Quality of Development

ST5 - Principle of Development

EP7 - Potential Odour Generating Developments

EP9 - Control of other Potentially Polluting Uses

EP3 - Light Pollution

CR9 - Public Rights of Way

Policy-related Material Considerations

Draft Regional Spatial Strategy for the South West (Proposed Changes June 2008):

SD1, SD2, SD3 and SD4.

Development Policies A, B, C, E and H

PPS's/PPG's:

PPS1 - Delivering Sustainable Development

PPS7 - Sustainable Development in Rural Areas

PPS25 - Flooding

South Somerset Sustainable Community Strategy:

Goal 8 - High quality homes, buildings and public spaces where people can live and work in an environmentally friendly and healthy way.

CONSULTATIONS

District Rights of Way Officer - Public Footpath Y26/5 is recorded as crossing this site and would be affected by the footprint of the new building. I am passing you a copy of the SCC public rights of way database (from their website) that shows the recorded route together with an early 'CountySeries' OS map that also shows the footpath.

I have no objection to the proposed development as, over future years, the recently planted hedge would tend to obscure the stable block from the rest of the field. However, it will be necessary for the footpath to be legally diverted around the outside of the development site into the remainder of the field. I note that such an alternative route appears to have been in use for a few years and I would not expect objections to such a minor diversion.

Please add a note to the end of the permission (if granted) that no development may proceed on the recorded line of public footpath Y26/5 until a diversion order is made and confirmed. Diversions cost approx £1,250- £1,500 and take around 6 months (if there are no objections) and are processed by my office.

SSDC Environmental Protection Unit - Should planning permission be granted I would suggest the following conditions be attached:

No raw materials, products of any description, scrap or waste materials whatsoever shall be stored in the open on any part of the subject land without prior written consent of the local planning authority.

There shall be no burning of any produce or material whatsoever on the site other than in a properly installed incinerator within a building.

SSDC Technical Services - Surface water disposal via soakaways or water butts

SSDC Landscape Architect - I note that the application for stable accommodation and hay store is now submitted. The plans appear consistent with our pre-application discussions, in that the proposal relates to existing built form, and is of appropriate scale. Consequently I have no landscape issues to raise.

County Highways - I would refer you to my letter dated in connection with planning application No. 09/01735/FUL (a copy of which is attached for your information). I consider that these comments apply equally to the present application.

It is clear from my site visit that the means of access to the site is substandard. The access is of restricted width and the level of visibility achieved is limited. As a consequence the Highway Authority would not wish to see the proposal used for commercial purposes. However, if the proposal were for the use by the applicants only then I would advise you that from a highway point of view there is no objection to the proposal.

Town/Parish Council - The Parish Council reviewed the above application at their meeting held on 07 Sep 2009, and after a full debate resolved to oppose the application on the following grounds:

Location: The location of the proposed stable block is too close to the property of No 58 Queen Street and if granted would adversely affect their light. In the past there has been an application to convert the barn that is in situ there to a 'Granny Annex', which has not been developed.

Access: The access to the proposed site is very poor, with poor visibility onto Queen Street. All the residents in Queen Street have been issued leaflets by the emergency services stating that their access is severely restricted due to the amount of vehicles parked in the road. By allowing this application this problem will only be exacerbated. Mr McWilliams of Somerset County Council has already commented in his correspondence dated 04 Sept 2009. There is also some concern by the public, that in due course the premises would be used for a commercial equine enterprise.

Effluent and Slurry: Concerns were expressed as to where and how the effluent and slurry would be disposed of. This area of the village already suffers from severe flooding, and any additional water and effluent will only make matters worse. Additionally due to the proximity of the stables to adjoining properties the smell would be obnoxious to the neighbours.

Hay Storage: Hay has a nasty habit of self combusting or worse - arson. With its proximity to adjacent property, there could be a fire hazard. Should there be a fire, then a problem of access for emergency vehicles can arise as per the access. This type of store also encourages vermin and again due to its proximity to neighbours property it would be unacceptable.

Conservation Officer (verbal) - No objections.

REPRESENTATIONS

Four letters of objection were received from the occupiers of neighbouring properties. Objections were raised on the following grounds:

- Location of proposed stable in field. Not behind the applicant's own residential property.
- Potential increase in pests and vermin in the area caused by the stables.
- Potential increase in the number of horse flies.
- Potential for light shining into objector's properties if security lighting is installed.
- Access to the stables would increase existing traffic problems on Queen Street, where both field entrances emerge. Horses and riders may also cause a hazard to users of Queen Street.
- The access on the right hand side is shared and may become fouled with horse manure.
- Both access lanes would not be able to accommodate emergency service vehicles, which could be a problem in the event of a fire.
- The hay store will be close to the objectors' properties and may be an increased fire hazard.
- The stable will be located close to a public footpath used by dog walkers, and it should be located as far as possible from footpath.
- The proposed stables may cause drainage issues in an already vulnerable part of the village.

- Concerns over odour generation and the proximity to residential properties.
- The proximity of the proposed stables to an existing barn, which the objector intends to convert into a habitable dwelling at some future date. The objector has concerns that the proposed stable may compromise any future conversion.
- Concerns that the proposed building maybe used for commercial purposes contrary to the recommendation of the County Highway Authority.
- The land is already used for commercial purposes (making silage/hay and sheep) contrary to the recommendation of the County Highway Authority.
- Concerns over the proposed incinerator being a further fire risk.

CONSIDERATIONS

A number of objections to the proposed stables, tack room and hay store, relating to a variety of concerns, have been raised by the parish council and the occupiers of neighbouring properties. This report will address of each of these concerns in turn before addressing any outstanding planning issues.

Firstly, the location of the proposed building within the field has been raised as a concern. It has been questioned why the building is not to be located directly behind the applicant's residential property rather than the neighbouring residential property. However, the proposed location of the building is close to the existing built form of the area and is not considered to cause unacceptable harm to the distinctive character and quality of the local landscape. The proposal is therefore in line with policies EC3 and CR6 of the South Somerset Local Plan and has the support of the SSDC Landscape Architect. The parish council has raised a specific concern that there may be a loss of light to number 58 Queen Street. However, as the proposed building will be 4.6 metres high, approximately 35 metres from the rear of the dwelling in question, and screened from that dwelling by an existing outbuilding any loss of light will be minimal. There may be some loss of light to the outbuilding itself due to the proximity of the proposed stable. However, the outbuilding does not form habitable accommodation at this time and as such the loss of light will not cause significant harm to the residential amenity of the occupiers of number 58 Queen Street.

Secondly, concerns have been raised in relation to the accesses to the field in which the stables will be located. A number of concerns have been raised in this area, namely that the existing parking problems on Queen Street will be exacerbated, horses and vehicles emerging onto Queen Street may cause a traffic hazard, the access lanes may become fouled with horse manure, and the accesses will not accommodate emergency vehicles in the event of fire. In regards to the first two points the County Highway Authority have been consulted. They have raised no objections to the scheme provided that the proposed stables are for use by the applicants only and not for any commercial purposes. The applicants have stated in a letter, which forms part of the application, that this is indeed the case and as such it would be unreasonable to raise an objection to the scheme on grounds of highway safety. In regards to the concern that the access may be fouled with horse manure it should be noted that the access already serves an agricultural field and could be used by any agricultural animal. Finally in regards to the accesses not being able to accommodate emergency vehicles in the event of fire, it must be taken into account that similar stables could be constructed within any of the nearby residential curtilages with far inferior emergency access, and without the need for planning permission.

A related concern was also raised that the proposed hay store represents an increased fire risk to the neighbouring dwellinghouses. However, the hay store is of a domestic scale and, as stated above, could be repeated in far more hazardous locations without the need for any planning permission. A neighbour also raised a concern that the land is already being used

for commercial purposes contrary to the recommendation of the County Highways Authority on this application. The objector is concerned that, by the applicant's own admission; the land is already used for the making of hay/silage and for sheep purposes, which constitutes commercial activity. However, the recommendation of the County Highways Authority is specific to the application under consideration and does not relate to any existing use of the land. In any case the uses mentioned are of an agricultural nature and fall within the permitted use class of the land.

Thirdly a concern was raised that any lighting required in connection with the stables could cause a nuisance to the occupiers of neighbouring properties. However, it is considered that this can be satisfactorily controlled by the addition of a suitably worded condition to any permission granted.

Fourthly, issues were raised that the proposed stables may impact on the residential amenity of the occupiers of adjoining properties and the users of the nearby footpath by way of odour issues, attraction of vermin and the attraction of horse flies. The SSDC Environmental Protection Unit were consulted in regards to these concerns and also the potential issues of nuisance noise, but raised no objections to the scheme provided conditions were added to any permission granted to prevent open air burning or storage of waste materials. It should further be noted that the proposed stables, due to their domestic scale, are unlikely to create more issues in these areas of concern than many agricultural uses that could be carried out on the site without the need for planning permission.

Fifthly a concern has been raised that the proposed incinerator may add to the fire risk issue. However, no incinerator has been proposed by the applicants or any mention made in the application to any burning of material on site whatsoever. The confusion may arise from a condition included in this report, which was suggested by the Environmental protection unit, in order to prevent any burning taking place at the site unless in a properly installed incinerator. Such an incinerator has not been proposed as part of this application and does not need to be considered here.

The final area of concern raised by the parish council and the occupiers of the neighbouring properties relates to drainage and the disposal of effluent. According to the Environment Agency flood zone map the area is not at risk of flooding and the Environment Agency was therefore not consulted in relation to this application. The SSDC Area Engineer was consulted in regards to the potential increase in flooding at a site-specific level, and recommended that any surface water be disposed of via soakaways or water butts. It is considered that due to the size of the proposed development any increase in local flooding is likely to be minimal, but that a suitably worded condition should be added to any permission granted to ensure surface water and effluent is disposed of in an environmentally sensitive and considerate manner. It is considered that such a condition would alleviate the concerns raised by neighbours and the parish council.

The proposed building will be located close to a conservation area and a Grade II listed building. However, it is not considered to adversely affect the views in or out of the conservation area or the setting of the nearby listed building. The conservation officer was verbally consulted and raised no objections to the scheme.

The nearby footpath already referred to in this report is not the official route of the path. The official route actually goes through the area in which the proposed stable will be erected. The SSDC Rights of Way Officer has been consulted in regards to the impact of the proposal on the footpath. He raises no objections to the scheme, but notes that in order for the development to be carried out the footpath must be legally diverted outside of the development site into the remainder of the field. To this end he recommends that an

informative is added to any permission granted that no development may proceed on the recorded line of the public footpath until a diversion order is made and confirmed.

Therefore, the proposal to erect a building comprising two stables, a tack room and an open sided hay store is not considered to cause demonstrable harm to the residential amenity of adjoining occupiers, the setting of the nearby listed building, nor the character of the nearby conservation area. The building is closely related to the existing built form of the area and is not considered to cause unacceptable harm to the distinctive character and quality of the local landscape.

As such, the application is considered to be acceptable and should be recommended for approval.

SECTION 106 PLANNING OBLIGATION/UNILATERAL UNDERTAKING

None

RECOMMENDATION

Grant permission for the following reason:

01. The proposal, by reason of its size, scale, materials and use respects the character of the nearby conservation area, causes no demonstrable harm to residential amenity or the setting of the nearby listed building, is closely related to an existing group of buildings, and does not cause unacceptable harm to the distinctive character and quality of the local landscape in accordance with the aims and objectives of policies ST5 (Principles of Development), ST6 (Quality of Development), EH1 (Conservation Areas), EH5 (Setting of Listed Buildings), CR6 (Horses and Development), EC3 (Landscape Character), EP7 (Potential Odour Generating Developments), EP9 (Control of other Potentially Polluting Uses) and EP3 (Light Pollution) of the South Somerset Local Plan (Adopted April 2006).

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 materials to be used in the development hereby permitted shall be those as identified within the planning application and no other materials unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and to comply with Policy ST6 of the South Somerset Local Plan (Adopted April 2006).

03. The stable building hereby approved shall be used only for the keeping of horses for the private recreational purposes of the occupants of Gentles Farm or for agricultural purposes, unless otherwise agreed in writing by the Local Planning Authority.

Reason The application has been assessed on this basis only and in the interests of safeguarding amenities, in accordance with policies CR6 and ST6 of the South Somerset Local Plan (Adopted April 2006.)

04. No means of external illumination shall be installed on any part of the site without the prior written consent of the Local Planning Authority. Any details that may be agreed shall not be subsequently altered unless the Local Planning Authority gives its written consent to any variation.

Reason: To minimize the impact of the development in accordance with Policy EP3 of the South Somerset Local Plan (adopted April 2006).

05. No raw materials, products of any description, scrap or waste materials whatsoever shall be stored in the open on any part of the subject land without prior written consent of the local planning authority.

Reason: In the interests of residential amenity and to comply with Policies EP7 and EP9 of the South Somerset Local Plan (Adopted April 2006).

06. There shall be no burning of any produce or material whatsoever on the site other than in a properly installed incinerator within a building.

Reason: In the interests of residential amenity and to comply with Policies EP7 and EP9 of the South Somerset Local Plan (Adopted April 2006).

07. 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: To prevent the risk of unacceptable flooding of watercourses, ditches, land or property in accordance with Policy EU5 of the South Somerset Local Plan (adopted April 2006)

Informatives:

01. No development may proceed on the recorded line of public footpath Y26/5 until a diversion order is made and confirmed.