

Area North Committee – 25 September 2013

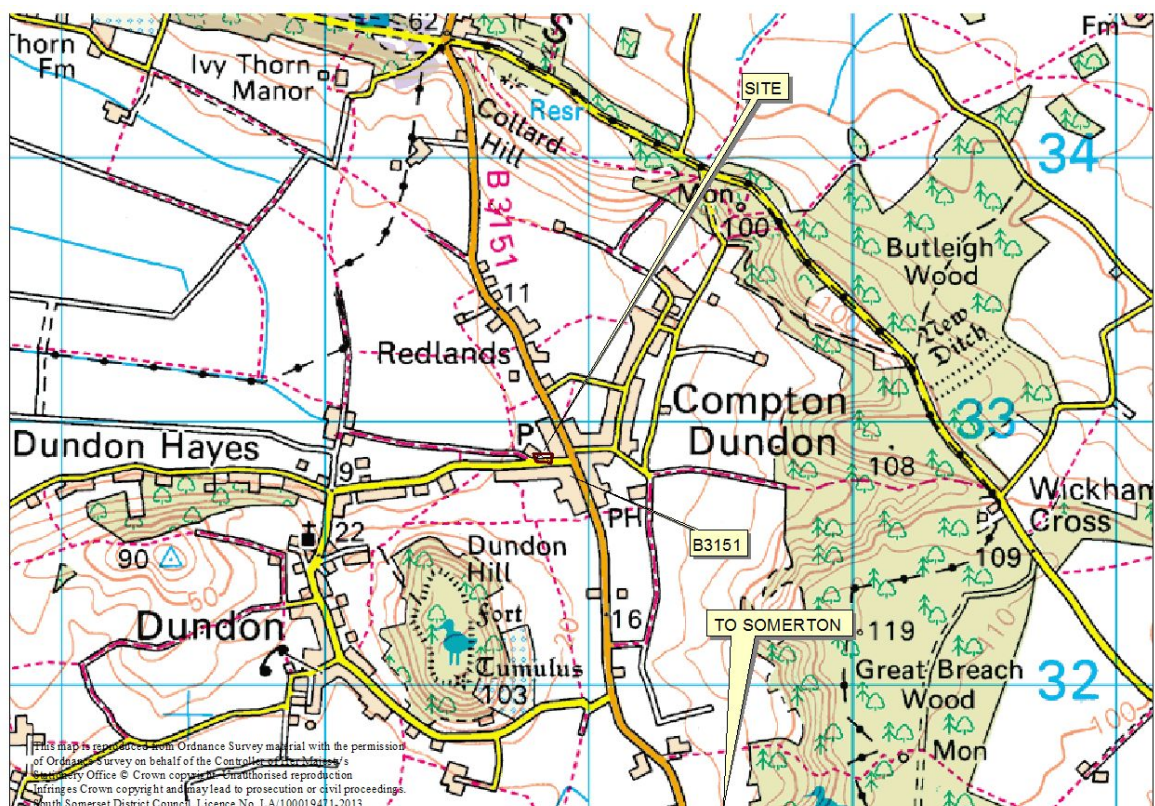
### **Officer Report On Planning Application: 13/02468/OUT**

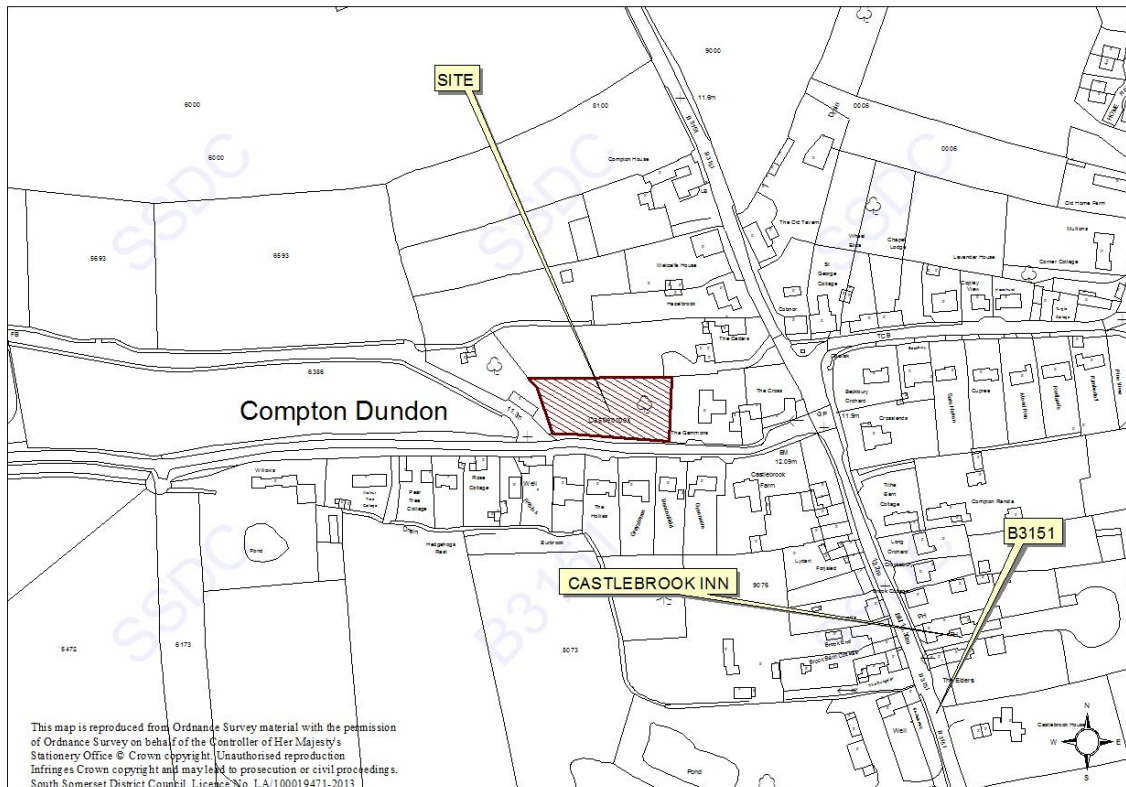
<b>Proposal:</b>	Outline application for the residential development of land. (GR: 348840/132858)
<b>Site Address:</b>	Land West Of The Gammons, Ham Lane, Compton Dundon.
<b>Parish:</b>	Compton Dundon
<b>WESSEX Ward (SSDC Members)</b>	Cllr Pauline Clarke Cllr David Norris
<b>Recommending Case Officer:</b>	Alex Skidmore Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
<b>Target date:</b>	16th August 2013
<b>Applicant:</b>	Mr J Lovell
<b>Agent: (no agent if blank)</b>	Clive Miller Sanderley Studio, Kennel Lane, Langport, Somerset TA10 9SB
<b>Application Type:</b>	Minor Dwellings 1-9 site less than 1ha

#### **REASON FOR REFERRAL TO COMMITTEE:**

The application site is outside settlement limits and the officer recommendation for approval therefore represents a significant policy departure. The application is therefore referred to committee to enable the issues raised to be debated.

#### **SITE DESCRIPTION AND PROPOSAL**





## REASON FOR REFERRAL

This application is seeking outline planning permission, with all matters reserved, for the residential development of this site.

The application site is a small agricultural paddock located outside but abutting a development area. To the west of the site is an agricultural yard and building apparently used for agricultural storage and residential properties to all other sides. The site is surrounded by established native hedgerows and a number of trees and is relatively flat and level with neighbouring development. The condition of the site was quite overgrown at the time of the site visit with a shed and various none agricultural paraphernalia stored on the land. There is an existing access leading on to Ham Lane (classified C road). There is a public right of way immediately to the west of the site.

## RELEVANT HISTORY:

871276: (Outline) Erection of a bungalow and garage. Refused for the following reason:

- "The proposal constitutes the undesirable extension of development in ribbon form away from the main building confines of Compton Dundon which would adversely affect the attractive established appearance of this rural locality .."

Adjoining land to the east:

831665: Erection of a bungalow and a double garage. Permitted

810480: Erection of a dwelling house and garage. Permitted

810223: (Outline) Erection of buildings in connection with a proposed cattery. Permitted.

91045: Erection of a dwelling and garage. Refused.

790456: Conversion of cider house to a dwelling. Permitted.

## 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.

The development plan comprises the South Somerset Local Plan. The policies of most relevance to the proposal are:

ST5 - General Principles of Development  
 ST6 - The Quality of Development  
 EC3 - Landscape Character  
 EC7 - Networks of Natural Habitats  
 EC8 - Protected Species  
 EP1 - Pollution and Noise  
 EU4 - Water Services

National Planning Policy Framework:

Part 1 - Building a strong, competitive economy  
 Part 4 - Promoting sustainable transport  
 Part 6 - Delivering a wide choice of high quality homes  
 Part 7 - Requiring good design  
 Part 8 - Promoting Healthy Communities  
 Part 10 - Meeting the challenge of climate change, flooding and coastal change  
 Part 11 - Conserving and enhancing the natural environment

## CONSULTATIONS

**Compton Dundon Parish Council:** Recommend approval subject to conditions restricting the development to two bungalows no larger than three bedrooms and the church path restored and maintained.

**Area Engineer:** Drainage details to be agreed by condition and to be based on SUDS.

**County Highways:** Raised sustainability concerns noting that Compton Dundon does not accommodate adequate services and facilities, such as education, employment, health, retail, leisure and public transport.

Access will be from / onto Ham Lane, a classified highway subject to a speed restriction of 30mph. It is essential that the development be served by an appropriate means of access from the highway in addition to sufficient levels of parking and turning. It has been indicated that the proposal will be for two dwellings however if at the detailed stage there are three or more, the proposal may be subject to an estate road condition or APC.

If the LPA are minded to grant consent the conditions relating to the following matters are recommended:

- Details of the means of access to the site;
- Gradient of the access;
- Visibility splays;
- Surfacing of the access;
- Surface water details to prevent its discharge on to the highway;
- Parking and turning details;

- Removal of PD rights for garages;
- Restrict the use of any garages to prevent its use as ancillary living accommodation;
- Entrance gates to open inwards and set back 5m from the highway;
- Provision of a lockable cycle parking facility.

**Wessex Water:** Raised no objection to the application.

**Somerset Drainage Boards Consortium:** No objection subject to a condition being imposed to agree foul, surface water and land drainage details.

**County Rights of Way:** Raised no objections.

**Tree Officer:** There is a young field maple of some value by the entrance gate and a species-rich boundary hedgerow. Should permission be granted please consider imposing a condition relating to tree and hedge protection details.

**Environmental Protection Unit:** No objections.

**Landscape Architect:** No substantive landscape objection. I do not see this site as capable of hosting many dwellings due to its location adjacent to open fields to the west, any proposal should seek to retain as much of the hedgerow frontage as possible.

**County Archaeologist:** No objections.

## REPRESENTATIONS

None.

## CONSIDERATIONS

### Principle

The application site is situated outside but adjoins Compton Dundon's development area, as defined by the South Somerset Local Plan (SSLP), where new residential development is usually strictly controlled. Further to this, SSDC cannot currently demonstrate a five year land supply in terms of meeting its housing needs, as such Policy ST3 of the SSLP cannot be applied, instead the provisions of the NPPF (and other relevant local plan policies) must be relied on to assess whether the proposal meets the requirements of sustainable development.

Whilst Compton Dundon is a relatively small village with few local facilities and services, the settlement does have a development area under the current local plan and the site immediately abuts this area and could be described as a rounding off of this part of the settlement. Bearing this in mind and the contribution the scheme would make towards SSDC's five year land supply the proposed development is considered to represent an appropriate form of development and to be acceptable in principle.

### Visual and Landscape Impact

This part of Compton Dundon is characterised predominantly by ribbon development that fronts on to the highway. It is noted that planning permission for a bungalow and garage on this site was refused in 1987 (ref: 871276) as it was considered to "constitute an undesirable extension of development in ribbon form away from the main building confines of Compton Dundon which would adversely affect the attractive established appearance of this rural locality". Whilst little has probably changed in terms of the pattern of development in the locality since this application significant time has now

elapsed and it is not considered to be unreasonable to review this concern. The site will effectively infill the gap between the permanent built form of the existing houses to the east and the agricultural building and yard to the west. It is not considered that this gap is of particular importance within the streetscene and therefore its erosion through this development is not considered to be a reason to object. The indicative layout sets out two detached dwellings that would respect the prevailing ribbon form development and there is no reason why such a low density scheme could not be appropriately designed to accord with the established building line and overall character of the area.

Both the council's landscape officer and tree officer have asked that as much of the hedgerow frontage be retained as possible and the tree officer has also expressed an opinion that the field maple growing by the existing entrance gate is of some amenity value and suggested a condition relating to a tree and hedgerow protection scheme. Until further details are available relating to the layout and position of the access it is not possible to know how the hedgerow in particular might be affected and to what extent it might need to be realigned to allow for the necessary visibility splays. For this reason, this condition is considered to be premature and to be a matter that would be better addressed at reserved matters stage.

The Parish Council have recommended approval subject to the development being restricted to two bungalows no larger than three bedrooms each. The existing development to either side of the site as well as on the opposite side of Ham Lane is single storey in scale and it is accepted that care will need to be taken in the scale and design of the proposed dwellings to ensure that they are not unduly intrusive or dominant when seen in this context. It is important to note however that development along Ham Lane in the vicinity of this site is a mix of single and two-storey buildings and it is considered unreasonable to restrict any future development to single storey only at this stage when it may be feasible to successfully design a taller building that would still sit comfortably in this streetscene. For the same reason, it would not be reasonable to restrict the number bedrooms per dwelling.

### **Residential Amenity**

The indicative layout demonstrates that two detached dwellings could be erected on site with adequate spacing to avoid unacceptable overlooking, loss of light or overbearing issues. Such a layout would allow for relatively generous plot sizes that should be sufficient to provide an appropriate level of outside amenity space in addition to the necessary level of parking and turning.

There is a small agricultural yard and modest building situated immediately to the west of the application site which appears to be used for agricultural storage purposes. Environmental Health have been consulted and do not consider that this agricultural use will impact significantly on any future residents of the proposed development.

### **Parking and Highway Safety**

The highway authority has not raised any highway safety objection to the application, but have suggested a number of conditions. Bearing in mind that this is an outline application with all matters reserved, including the details of access and parking provision, their recommended conditions relating to gradient, visibility, surfacing, drainage and position of entrance gates are considered to parking layout, be premature and better dealt with at the detailed matters stage. The recommended conditions removing permitted development rights to erect garages and preventing the use of any garage from being used as further ancillary residential accommodation are also not considered to be either necessary or reasonable in respect of this application given the limited level of information available in terms of scale and layout.

The Parish Council have requested that a condition requiring the church path, which presumably once passed along the roadside verge of the site, be restored and maintained should the application be approved. The nature of this path is not known and the highway authority have made no reference to the provision of a pavement along the site frontage. On this basis and bearing in mind the modest scale of the proposed development such a footway is not considered to be necessary or reasonable in order to facilitate the development.

### **Flooding and Drainage**

Somerset Drainage Boards Consortium has noted that there is a recent history of surface water flooding in Compton Dundon and although the application site is outside flood zones 2 & 3 consideration should be given to the impact of the development on existing flood risk elsewhere. To this end both the drainage board and the council's technical engineer have recommended a condition relating to foul and surface water drainage details, which has been included as part of the officer's recommendation.

### **Ecology**

The application site is not located within or close to any designated wildlife sites, however, the site is in a slightly overgrown state with mature hedgerows, several trees, a small shed and various none agricultural paraphernalia that would appear to have been in-situ for some time and which could provide a habitat to a variety of species. An ecology survey did not accompany the application. The council's ecologist has been consulted however their comments have yet to be received and will be reported verbally at the committee meeting. The officer's recommendation is therefore made on the basis that the ecologist does not raise any substantive objection to the proposal.

### **Other Matters**

There is a public bridleway that passes along the western boundary of the site on the adjacent agricultural land. There is no reason why the proposal should obstruct or adversely affect the amenities of this bridleway.

The application site is affected by a non-fragmentation legal agreement (section 52) which prevents its separation from the property known as The Cross which is located on the corner of the Ham Lane / Castlebrook junction. This legal agreement appears to relate to a planning permission dating to 1980 for the conversion of an outbuilding at The Cross to a dwelling / annexe and required that the new dwelling / annexe and the associated adjoining land be tied by a legal agreement to the existing house. At that time all of the land to the west of The Cross was undeveloped and fell within the scope of the non-fragmentation agreement. This agreement has however since been altered to release part of the land which now relates to the property known as The Gammons, which was granted planning permission in the 1980's and sits between The Cross and the application site. The legal agreement does not now appear to serve any material planning purpose, and whilst a separation application will need to be made to dispose of the agreement, in the meantime it should not act as a constraint to the current planning application.

### **Conclusion**

For the reasons set out above the proposed development is considered to be an acceptable form of development that will contribute towards the council's housing supply without demonstrable harm to residential amenity, highway safety or visual amenity or resulting in any significant increased risk to flooding. The application is therefore recommended for approval subject to no substantive objections being raised by the council's ecologist.

## RECOMMENDATION

Permission be granted for the following reason.

The proposed development would contribute towards the council's housing supply without demonstrable harm to residential amenity, highway safety or visual amenity or causing any significant increased risk to flooding, as such the proposed development is considered to accord with the aims and objectives of the NPPF and Policies ST5, ST6, EC3, EC7, EC8, EP1 and EU4 of the South Somerset Local Plan.

### SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

02. Application for approval of the layout, scale, appearance, access and landscaping of the site, referred to in this permission as the reserved matters, shall be made to the Local Planning Authority before the expiration of three years from the date of this permission, and before any development is commenced on site.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

03. The development hereby permitted shall be carried out in accordance with the following approved plans location plan and block plan received 18/06/2013.

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

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 interest of environmental health and to ensure the site is adequately drained in accordance with Policies ST5 and EU4 of the South Somerset Local Plan.

### Informatives:

01. The developer's attention is drawn to the comments made by the Council's Landscape Architect and Tree Officer dated 12/07/2013 with regard to the road frontage hedge and trees.
02. Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that a Section 184 Permit must be obtained from the Highway Service Manager, Yeovil Area Office, tel 0845 3459155. Application for such a permit should be made at least three weeks before access works are intended to commence.

03. If soakaways are to be used to prevent discharge of water onto the highway, they will need to be constructed in line with BRE365 and must be a minimum distance of 5m from any structure including the highway.
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