

Area North Committee – 27 November 2013

Officer Report On Planning Application: 13/03653/FUL

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| Proposal : | Erection of a dwelling (GR:340211/117334) |
| Site Address: | Land Rear Of Duke Of York, North Street, Shepton Beauchamp |
| Parish: | Shepton Beauchamp |
| SOUTH PETHERTON Ward (SSDC Members) | Cllr Paul A Thompson Cllr Barry R Walker |
| Recommending Case Officer: | Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath- coleman@southsomerset.gov.uk |
| Target date : | 6th November 2013 |
| Applicant : | Mr & Mrs P Rowlands |
| Agent: (no agent if blank) | Mr Clive Miller, Sanderley Studio, Kennel Lane, Langport TA10 9SB |
| Application Type : | Minor Dwellings 1-9 site less than 1ha |

REASON FOR REFERRAL TO COMMITTEE

The application is before the committee at the request of the ward member, with the agreement of the Area Chair, in order to allow the impacts to be fully debated.

SITE DESCRIPTION AND PROPOSAL





The proposal seeks permission for the erection of a new detached dwelling. The site is a gently sloping area of grassland, to the rear of an existing detached Grade II listed public house. The pub is constructed of natural stone under a clay tiled roof. The site is located close to various residential and commercial properties, and open countryside. The site is not within a development area and is adjacent to a conservation area as defined by the local plan.

The proposed dwelling would be single story in height and finished in natural stone and timber cladding under a clay tiled roof. The building would form three sides around a central courtyard with a detached garage building to the front of the site. The dwelling would contain three bedrooms plus a study/bedroom. It is proposed that the dwelling would be accessed through the existing pub car park, but would have a private parking and turning area.

HISTORY

99/01633/OUT - Erection of one dwelling - Refused 26/08/1999

06/02389/FUL - Part demolition of wall - revised plans - and erection of four single storey holiday/B&B units - Application permitted with conditions 23/04/2007

06/02390/LBC - Part demolition of wall - revised plans - and erection of four single storey holiday/B&B units - Application permitted with conditions 23/04/2007

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.

For the purposes of determining current applications the local planning authority considers that the relevant development plan comprises the saved policies of the South Somerset Local Plan.

The policies of most relevance to the proposal are:

Saved policies of the South Somerset Local Plan (Adopted April 2006):

Policy ST5 - General Principles of Development

Policy ST6 - The Quality of Development

Policy EC3 - Landscape Character

Policy EU4 - Water Services

Policy EH1 - Conservation Areas

Policy EH5 - Setting of Listed Buildings

National Planning Policy Framework

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

Chapter 12 - Conserving and Enhancing the Historic Environment

South Somerset Sustainable Community Strategy

Goal 3 - Healthy Environments

Goal 4 - Services and Facilities

Goal 8 - High Quality Homes

CONSULTATIONS

County Highway Authority – Notes that the site is in an unsustainable location but leaves it to the LPA to determine whether other matters outweigh the transport policies that seek to reduce reliance on the private car. She notes previous permissions at the site, but concludes that, due to the restricted width of Ash Lane and its substandard junction with Great Lane, any increase in its use (however incremental) would be unacceptable.

Parish Council - No objections provided that adequate drainage is provided as there are flooding issues in this part of the village. Consideration needs to be given to siting the beer kegs in an area which will not hinder the visibility splay.

SCC Archaeology - No objections

SSDC Conservation Officer - Notes that the site is within the historic land associated with the listed public house to the front of the site, and is adjacent to the conservation area. He states that he will leave the substantive comments to the SSDC Landscape Architect, but notes that the site appears to be disjointed and poorly located. He states that the design appears to be a bungalow, and would be a quite suburban form of development.

SSDC Landscape Architect - Notes the historic linear form of the village and states that this remains clearly in evidence, despite recent small residential incursions addressing the lanes running of the two main street axes. He states that the pub and adjacent housing running along north street represents part of the historic village core underlined by the conservation area and listed building designations. He notes that the application

site is to the rear of and at a raised elevation to the pub and historic housing, and thus divorced from these buildings and the historic street pattern. He states that much of the land surrounding the site remains open, retaining much of the field pattern evident on the tithe map, providing an open, non-developed backcloth to the conservation area. He concludes by stating:

"...the proposed domestic development of a plot that is an open paddock; unrelated to the strong linear, roadside pattern of the adjacent housing; and at variance with the historic pattern of the locality; and the general elevation of the conservation area, fails to meet policy ST5 para 4. It is also noted that this site application area - which is not characterised by domestic form, and is open in character - forms part of the general setting of the conservation area. As such, it can also be considered that the introduction of a domestic structure in such a location would adversely impact upon the setting of the conservation area, contrary to policy EH1."

SSDC Rights of Way - No objections.

SCC Rights of Way - No objections, but notes the duties of the developer in relation to the nearby public right of way.

REPRESENTATIONS

None received

CONSIDERATIONS

Principle of Development

The proposed dwelling is located outside the defined development area of Shepton Beauchamp, on a greenfield site, and therefore in a position where development is normally strictly controlled by policy ST3 of the South Somerset Local Plan.

South Somerset District Council currently does not have a five year housing supply and policy ST3 of the local plan therefore does not apply in relation to the restriction of housing supply. As such, the strict control on residential development outside of development areas imposed by this policy does not currently apply. Given this situation the proposal to erect a new dwelling must be considered on its own merits. The site is located on the edge of, but immediately adjacent to, an existing settlement which contains a number of facilities including a shop and post office, a delicatessen, a pub, a primary school and pre-school, and a village hall. The proposed location is therefore considered to be a sustainable location for new residential development in line with the definition contained within the NPPF.

Visual Amenity

The site is immediately to the rear of a Grade II listed building and adjacent to the conservation area. The SSDC Conservation Officer was therefore consulted. He raised a concern with the siting, but left the substantive comments in this regard to the SSDC Landscape Architect. He did however raise a concern with the design of the proposed building, which he considered to be suburban in form and therefore not suitable for this rural location.

The SSDC Landscape Architect was also consulted and raised significant concerns

about the use of the site for development. He concluded that *"...the proposed domestic development of a plot that is an open paddock; unrelated to the strong linear, roadside pattern of the adjacent housing; and at variance with the historic pattern of the locality; and the general elevation of the conservation area, fails to meet policy ST5 para 4."* He also noted that *"...this site application area - which is not characterised by domestic form, and is open in character - forms part of the general setting of the conservation area. As such, it can also be considered that the introduction of a domestic structure in such a location would adversely impact upon the setting of the conservation area, contrary to policy EH1."*

It must therefore be concluded that the proposed development would, by reason of its design and location, have an adverse impact on the character of the area and the setting of the nearby conservation area contrary to policies ST5, ST6, and EH1 of the South Somerset Local Plan.

Residential Amenity

It is considered that the proposed development would have no significant impact on the residential amenity of adjoining occupiers.

As such, it is not considered that the proposed dwelling would cause demonstrable harm to residential amenity in accordance with policy ST6 of the South Somerset Local Plan.

Highways

The highway authority has notes that the site is in an unsustainable location but leaves it to the LPA to determine whether other matters outweigh the transport policies that seek to reduce reliance on the private car. This aspect is discussed adequately above. However, whilst she noted previous permissions at the site, she concludes that, due to the restricted width of Ash Lane and its substandard junction with Great Lane, any increase in its use (however incremental) would be unacceptable.

Other Matters

The proposed access is across a public footpath. However, the access is already used by the public house traffic, so the SSDC and the SCC Rights of Way teams are content that the necessary permissions are in place.

The parish council have raised a concern regarding drainage. It is considered that drainage matters could be adequately controlled through the imposition of a suitable condition on any permission issued.

The parish council have raised a concern regarding the regular siting of beer kegs on the road adjacent to the pub and the impact this practice has on visibility splays for the proposed development. However, it is not considered that the placing of beer kegs in a particular place on the public highway constitutes development and therefore cannot be controlled through the planning system.

Conclusion

The principle of development in this location and the impact on residential amenity are considered to be acceptable. However, it is considered that there will be unacceptable harm to the character of the area and the setting of the conservation area. The benefits of approving a dwelling in this location are not considered to outweigh the identified harm. As such the application should be refused.

RECOMMENDATION

Refuse for the following reasons:

01. The proposed dwelling by reasons of its elevated position within an open paddock, unrelated to the established linear roadside pattern of development would introduce an alien form of domestic development at odds with and detrimental to the character and appearance of the locality and the setting of the conservation area. As such the development would be contrary to policies EH1, ST5 and ST6 of the South Somerset Local Plan.
02. The proposed dwelling, by reason of its roof form, layout and window arrangement would introduce a suburban form of development at odds with the rural character of the area and the setting of the conservation area, contrary to policies EH1, ST5 and ST6 of the South Somerset Local Plan.
03. Due to its restricted width and substandard junction with Great Lane, the right of way is unsuitable as a means of access to the proposed development and the use of this access in connection with the proposal would be likely to increase the conflict of traffic movements close to the existing junction, resulting in additional hazards and inconvenience to all users of the highway/public footpath. The proposal is therefore contrary to ST5 of the South Somerset Local Plan.

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 was advised during pre-application discussions that there was likely to be a number of objections to the scheme. Once submitted it was considered that there were no minor or obvious solutions to overcome the significant concerns caused by the proposals.
