

Area North Committee – 29 January 2014

## Officer Report On Planning Application: 13/04557/OUT

<b>Proposal :</b>	Change of use and erection of two new 4 bedroom dwellinghouses and associated garaging, the formation of access drive and the demolition of part of existing vacant retail unit, retaining part for residential use.
<b>Site Address:</b>	Hambridge Fisheries, Underhill, Hambridge
<b>Parish:</b>	Hambridge/Westport
<b>ISLEMOOR Ward (SSDC Member)</b>	Cllr Sue Steele
<b>Recommending Case Officer:</b>	Alex Skidmore Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
<b>Target date :</b>	6th January 2014
<b>Applicant :</b>	Mr & Mrs C Butland
<b>Agent: (no agent if blank)</b>	Mr John Wratten, The Waggon Shed, Flaxdrayton Farm, Drayton, South Petherton TA13 5LR
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFFERAL TO COMMITTEE

This application for two dwellings outside and not adjacent to settlement limits is referred to committee as a departure from the saved policies of the local plan.

### SITE DESCRIPTION AND PROPOSAL





This application is seeking outline planning permission to erect two dwellings and the formation of an associated access drive. Provision would be made for vehicular access to the rear of the properties fronting onto Underhill which currently do not have rear access. The application is seeking to agree detailed matters of access and landscaping, with matters of appearance, layout and scale reserved for later consideration.

The application site is 0.33 hectare in area and comprises in part agricultural land and part of the former fishery site known as Hambridge Fisheries. The settlement of Hambridge does not include any defined development areas and the application site is some distance from any neighbouring settlements that do have designated development areas. The site is accessed via an existing access located within the southwest corner of the applicant's land and leads on to the B3168. The site is a sloping site with a raised bank along the road boundary which slopes down into the site to the north.

There is high planting along the west boundary, with additional, fairly freshly planted young trees alongside the track and several mature fruit trees towards the south end of the applicant's land (which is outside the redline area).

#### **RELEVANT HISTORY:**

- 882605: Erection of extensions to shop premises and aquarium area. Permitted 1988.
- 862804: Construction of a car park and vehicular access. Permitted 1987.
- 860536: Erection of an extension to existing building for use as storage purposes. Permitted 1986.
- 840178: Construction of a pond and two breeding / stock pools and the use of building for retail of tropical and goldfish. 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:

ST3 - Development Areas  
 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  
 EP5 – Contaminated Land  
 EU4 - Water Services  
 TP1 - New Development and Pedestrian Movement  
 TP7 - Car Parking

National Planning Policy Framework:

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

## OTHER POLICY CONSIDERATIONS:

Recent appeal decisions at Verrington Hospital (11/02835/OUT) and Slades Hill (12/03277/OUT) – have established that the District Council does not have a demonstrably deliverable 5 year housing land supply. In such circumstances, the National Planning Policy Framework (NPPF) advises that relevant policies for the supply of housing should not be considered up to date (NPPF para. 49) and housing applications should be considered in the context of the presumption in favour of development. In this Council's case, the principal effect is that saved policy ST3 (Development Areas) no longer applies in relation to housing or mixed use proposals which should not be refused simply on the basis that they are outside Settlement Limits.

## CONSULTATIONS

**Hambridge Parish Council:** Supports application and noted that there would be additional benefits to adjacent properties.

**County Highways:** Referred to their standing advice.

**Environment Agency:** No objection subject to a condition relating to contamination.

**Wessex Water:** Noted that the application did not indicate the applicant's strategy for drainage and that connection through the applicant's land to the foul sewer in Underhill

will be possible for the foul drainage from the proposed properties. Recommend that consideration is given to flood risk in accordance with the NPPF and the Environment Agency. There must be no surface water connection to the public foul sewer with drainage via SUDS or land drainage.

**Area Engineer:** Raised no objections. Noted that the disposal of surface water is to be via a re-opened drain.

**Environmental Protection:** No observations

**Landscape Officer:** The site lies outside the main curtilage of the village but lies alongside a small development node that is primarily residential. The application site is already characterised by built form, albeit these are structures that are not in a domestic use. The site is relatively discreet; consequently the visual effect of domestic development in this location need not be obtrusive. I note however that the proposed domestic footprint extends south into pasture land that is clearly not part of the retail footprint, to thus supplant agricultural land with hardstanding and potential construction. I see this erosion of the landscape pattern as an adverse impact upon the character of the locality and therefore grounds for a landscape objection. If the southern extent of the red line were redrawn to coincide with the historic field boundary, then from a landscape perspective there is a way forward for this proposal.

**Ecology:** No comments or recommendations

**RSPB:** No comments received

**Planning Policy:** The proposal is in a countryside location, but the applicant states it is within 800m of a primary school, pub, village hall, post office and shop. However, it is some distance from any development area and is therefore contrary to 'saved' Policy ST3, as well as Policy ST5 (bullet point 1), in the adopted Local Plan. The Council currently only has a housing land supply of 4 years 6 months (as at November 2013), and the National Planning Policy Framework (NPPF, para 49) states that housing supply policies should not be considered up to date if there is not a five year housing land supply, thereby invoking the presumption in favour of sustainable development (NPPF, para 14). However, a relevant recent appeal decision for the erection of two dwellings at Pitney (APP/R3325/A/12/2185708) does give Policy ST3 substantial, if not full, weight in that decision, as its emphasis on sustainability is consistent with the NPPF.

The NPPF (para 55) states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances – I do not consider the proposal delivers 'special circumstances'. The emerging Local Plan Policy SS2 outlines the limited circumstances under which development would be permitted at Rural Settlements but the proposal is detached from the settlement of Hambridge so, even if adopted as proposed, this policy would not be likely to apply.

It is noted that the proposal is on previously developed land which is encouraged (NPPF, para 111). However, the erection of two new dwellings in such an isolated location is contrary to the adopted Local Plan 'saved' Policies ST3 and ST5, and the NPPF (paragraphs 17 and 55). Therefore, I raise a planning policy objection.

## REPRESENTATIONS

None.

## CONSIDERATIONS

This application is seeking outline planning permission to erect two dwellings and to agree matters of access and landscaping. All other matters including appearance, layout and scale are reserved for later consideration.

The main issues in the consideration of this application are considered to be:

- The principle of development;
- Impact on local landscape and visual amenity;
- Residential amenity;
- Highway safety; and
- Flooding and drainage.

### **Principle:**

It is acknowledged that the site is located beyond any defined development area, where residential development is normally strictly controlled by local and national planning policies. However mindful of the council's lack of a demonstrable 5 year housing land supply the application needs to be considered on its merit in terms whether this is a sustainable location for development, what benefits the development would bring to the local community and whether there are any site specific objections.

The application site is 0.33 hectare in area and includes the former Hambridge Fisheries site, which is considered to be previously used, and part of the adjoining greenfield agricultural land. It is within reasonable walking distant of the facilities and services that are available in Hambridge and the scheme does provide for rear access to a number properties.

It is noted that the Planning Policy officer has objected to this proposal, citing the detached form of the site from the main body of the village, its remoteness from any development areas and suggesting that its location is isolated and therefore contrary to paragraph 111 of the NPPF. Whilst it is accepted that the settlement of Hambridge does not have a development boundary there are a good range of facilities to be found within the village, including a village store and post office, primary school, village hall, public house and bus service, all of which are within a relatively easy walking distance. A pavement passes along the frontage of the site providing a pedestrian connection to these facilities.

Hambridge has a slightly dispersed development form with three principle nodes or clusters of built form arranged along the B3168. Whilst the application site forms part of the more peripheral node to the north its association with this existing cluster of houses and relatively close geographical association with the remainder of the village to the south makes it difficult to describe as being truly isolated in nature.

Further to this, the proposal offers an opportunity for the reuse of the brownfield part of the site and whilst ideally the site would not extend beyond the parameters of the previously reused land, in this instance the northern section of the site is located within flood zones 2 and 3 and therefore at high risk of flooding. Any new residential accommodation cannot, for obvious reasons, be located in such a high risk zone and the generous redline area will offer scope to ensure that this is not the case. The proposed residential use of this land will, arguably, be more compatible with the existing residential properties adjoining the site, than most alternative commercial uses.

The appeal decision referred to by the policy officer relates to a residential scheme in

Pitney which was refused on sustainability grounds and dismissed by the Inspector. This decision however is not considered to be directly comparable with the current application given that the village of Pitney has a much more limited range of facilities and services and no part of that site was brownfield.

The provision of rear vehicular access to properties on Underhill is considered to weigh favourably.

For the above reasons, the proposed modest scaled development is considered to accord with the objectives of sustainable development, as set out within the emerging local plan and the NPPF and to be, in principle acceptable.

**Landscape impact and visual amenity:**

The application site is already, in part, characterised by built form. Its position alongside the existing housing will maintain the relatively compact grouping of buildings within this existing development node without leading to the erosion of the physical separation between this group of buildings and the rest of the village to the south.

Visually the application site is relatively discreet with the topography of the land raised up alongside the road and gently tapering down into the site to the north where the dwellings should be little seen from the highway. The landscaping scheme proposes retaining the existing fruit trees, which are positioned between the road and the site, as well as the mature planting along the western boundary with the addition of further orchard trees, all of which will help to contain and screen the site from the surrounding area.

The landscape officer has not objected to the principle of new residential development on the fisheries site but does object to any incursion into the wider field and is therefore seeking that the site be amended accordingly. Whilst this point of view is understandable, as already noted above, the northern section of the fisheries land is within a high risk flood zone where vulnerable development, such as housing, should not be sited. In this instance, a more flexible approach is considered to be appropriate to facilitate the development.

**Residential amenity:**

The application site is positioned towards the rear of a row of existing cottages to the east, however, bearing in mind the relatively generous nature of the site there is no reason why a satisfactory layout and design could not be achieved that did not impact harmfully upon the amenities of these properties.

**Highway safety:**

The development proposes to utilise the existing access located in the southwest corner of the site and which leads on to a stretch of the B3168 that is subject to a 30mph speed restriction. The highway authority has referred to their standing advice which sets out a requirement for minimum visibility splays of 43m in either direction as measured 2.4m back from the carriageway edge and 3.5 parking spaces, plus turning for each dwelling. It is accepted that the existing access achieves this level of visibility and by reason of the generous nature of the site that parking requirement can be achieved. As this application is considered to raise no substantive highway safety concerns.

**Drainage and flooding:**

The northern section of the site is located within flood zones 2 and 3 with the raised land to the south, where it is suggested that the houses would be sited, in flood zone 1. A flood risk assessment has accompanied the application and the Environment Agency are satisfied with its findings that the proposed houses should not be at risk of flooding or

lead to increased flood risk elsewhere. The Environment Agency has raised no objection to the application subject to a condition relating to contamination, which is not considered to be unreasonable given the previous commercial use.

Both Wessex Water and the council's drainage engineer have queried what strategy the applicant intends for the drainage of the site stating this should be either by SUDS or land drainage. The applicant has confirmed that they intend to re-open a filled in ditch which connects to the river, which satisfies this concern.

On this basis the proposed development is not considered to raise any substantive drainage or flood related concerns.

**Ecology:**

The application site is within an RSPB consultation zone. The RSPB were consulted as part of this application but have offered no comments. The council's ecologist has also been consulted and identified no ecology related concerns.

**Conclusion:**

The proposed development, given its location close to local facilities and services and the council's current lack of a five-year housing land supply, is considered to represent a sustainable form of development that will make appropriate re-use of this partly brownfield site. No substantive adverse impacts on the landscape, visual amenity, residential amenity, drainage and flooding, ecology and highway safety have been identified that would justify withholding planning permission. For these reasons the proposed development is considered to accord with the aims and objectives of the National Planning Policy Framework and policies ST3, ST5, ST6, EC3, EC7, EC8, EP1, EP5, EU4 and TP4 of the South Somerset Local Plan and is recommended for approval.

**RECOMMENDATION**

Permission be granted

**Justification**

The proposed development, in this sustainable location, would contribute to the council's housing supply whilst making appropriate re-use of brownfield land without demonstrable harm to the local landscape, visual or residential amenity, drainage and flooding, ecology and highway safety, as such the proposed development is considered to accord with the aims and objectives of the National Planning Policy Framework and saved policies ST3, ST5, ST6, EC3, EC7, EC8, EP1, EP5, EU4 and TP4 of the South Somerset Local Plan.

**SUBJECT TO THE FOLLOWING CONDITIONS:**

01. Details of the appearance, layout and scale (herein called the "reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

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

02. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission and the development shall begin no later than three years from the date of this permission or not later than two years from the approval of the last "reserved matters" to be approved.

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 drawing numbered BH-OPP01 Rev A received 11/11/2014.

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

04. The development hereby permitted shall comprise no more than 2 dwellings.

Reason: To ensure that the level and density of development is appropriate to the location in accordance with policies ST5, ST6 and EC3 of the South Somerset Local Plan.

05. The development hereby permitted shall not be commenced unless there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels. The landscaping scheme shall be in accordance with drawing number BH-OPP01 Rev A. All planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interest of visual amenity to accord with Policies ST5, ST6 and EC3 of the South Somerset Local Plan.

06. 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 environmental health and flooding to accord with Policies EU4 and ST5 of the South Somerset Local Plan.

07. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To safeguard against contamination and in the interests of environmental health to accord with Policies EP5 and ST5 of the South Somerset Local Plan.



08. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the retained buildings shall not be used other than for domestic purposes ancillary to the residential use of the development hereby permitted.

Reason: In the interest of residential amenity to accord with Policy ST6 of the South Somerset Local Plan.

09. No works shall be carried out unless the existing buildings have been demolished in accordance with drawing number BH-OPP01 Rev A.

Reason: In the interest of visual amenity to accord with Policy ST6 of the South Somerset Local Plan.

10. There shall be no obstruction to visibility greater than 600mm above adjoining road level forward of a line drawn 2.4m back and parallel to the nearside carriageway edge on the centre line of the new accesses and extending to a point 43m either side of the accesses to the nearside carriageway edge. Such visibility shall be fully provided and shall thereafter be maintained at all times.

Reason: In the interest of highway safety to accord with Policy ST5 of the South Somerset Local Plan.

11. The Development hereby permitted shall not be commenced unless a scheme providing an appropriate level of parking in line with the SCC parking strategy March 2012 (including properly consolidated and surfaced turning spaces for vehicles) have been provided and constructed within the site in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such parking and turning spaces shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of the provision of adequate parking to serve the development in accordance with the Somerset Parking Strategy 2012 and Policy ST5 of the South Somerset Local Plan.

12. No development hereby approved shall be commenced until such time as details of the provision of access to the rear of properties in Underhill, generally in accordance with drawing BH-OPP01, has been submitted to and approved in writing by the local planning authority. Once approved such scheme shall be fully implemented and the access(es) made available for use by the occupiers of the properties in Underhill, prior to the occupation of the dwellings hereby approved.

Reason: In the interests of residential amenity and the amenities of the locality in accordance with policies ST5 and ST6 of the South Somerset local Plan.

#### **Informatives:**

01. Please be advised of the comments set out within the Environment Agency's letter dated 23/12/2013.