

Area West Committee – 21st May 2014

Officer Report on Planning Application: 14/00810/OUT

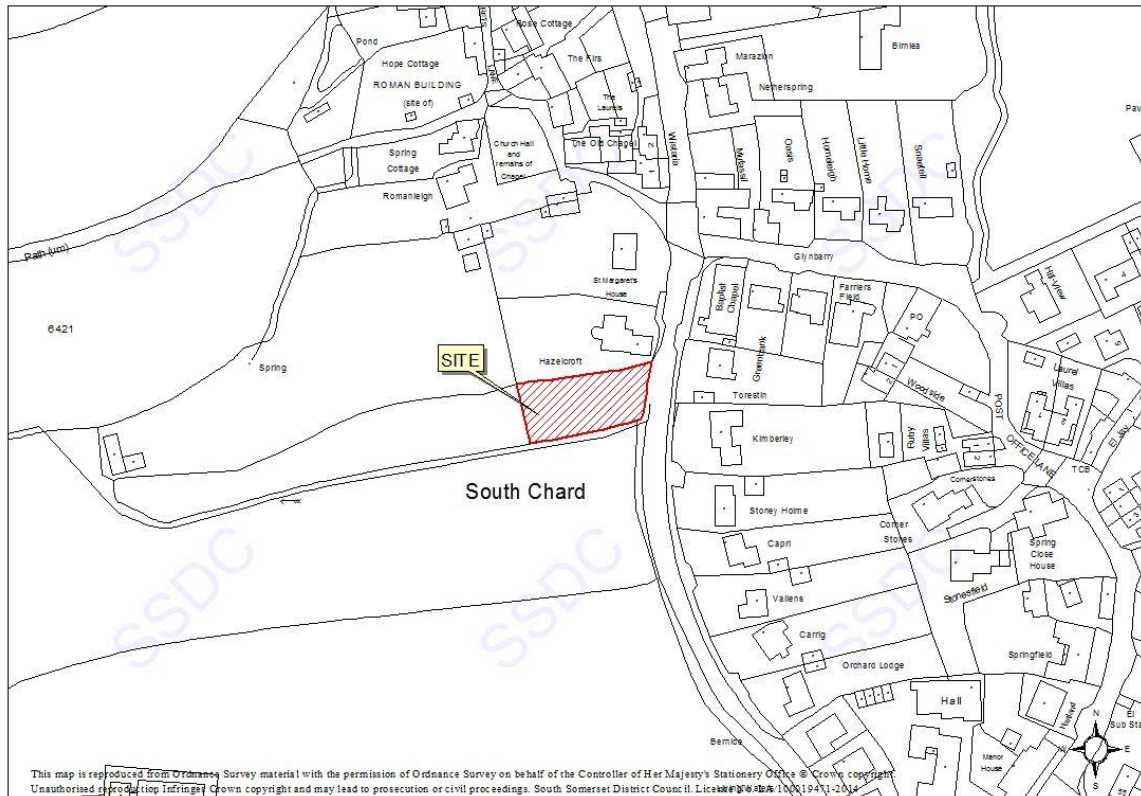
Proposal:	The erection of 1 No. dwellinghouse (Outline) (GR 332807/105183)
Site Address:	Land OS 7517 Part School Lane South Chard
Parish:	Tatworth And Forton
TATWORTH AND FORTON Ward (SSDC Member)	Cllr A Turpin
Recommending Case Officer:	Linda Hayden Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
Target date:	14th April 2014
Applicant:	Mr Mark Culverwell
Agent: (no agent if blank)	
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 Chair to enable the comments of the Landscape Officer and Parish Council to be fully debated.

SITE DESCRIPTION AND PROPOSAL





The application site is a paddock situated to the south of a property called 'Hazelcroft' to the east of South Chard. The land is rectangular and relatively flat with mature hedging to the south. There is a detached house immediately to the north, with agricultural fields and School Lane to the other boundaries.

This is an outline application with only access to be considered at this stage for the erection of a single dwelling.

The site is outside of the defined development area of the village.

HISTORY

931510 - Outline for the erection of a dwelling and garage. Refused 1993, subsequent appeal dismissed.

860171 - Outline for the erection of a dwelling. Refused 1986.

830745 - Outline application for the erection of a dwelling. Refused 1983.

51775 - Erection of a dwelling and reformation of a vehicular access. Refused 1961.

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

National Planning Policy Framework

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

South Somerset Sustainable Community Strategy

Goal 3 - Healthy Environments

Goal 4 - Services and Facilities

Goal 8 - High Quality Homes

CONSULTATIONS

Tatworth and Forton Parish Council:-

'Recommend Refusal with the following reasons:

Further extension of linear development into open country, related to the AONB Blackdown Hills.

Outside the current development line.

An application on this site was previously refused at appeal.'

County Highway Authority:-

Standing Advice applies.

Landscape Officer:-

'The proposal intends frontage development of a single paddock at the southern edge of the village. It is bounded by development to the immediate north (Hazelcroft - residential) which currently is the southernmost dwelling - aligned with an established boundary hedge - to the west side of School Lane, whilst development faces the site on the opposite side of the road. To the south of the site lay open fields.

Whilst the site is bounded on two sides by development form, to arguably provide a context for development, it has a landscape value in that:

- (a) The paddock is typical of a number of rectilinear fields that act as a buffer between the village's west edge and the wider countryside, to thus contribute to local character, and;
- (b) The hedgerows associated with the site provide a visual buffer of development to the west of School Lane, as viewed from the south/southwest.

Development as proposed would impact upon the open character of the field, and erode the field pattern of the village edge, as well as reduce the visual enclosure and containment of the village edge on this west side of School Lane. I view this to be a moderately adverse landscape impact, and on balance, believe there to be sufficient landscape grounds upon which to base a refusal, policy ST5 para 4.'

REPRESENTATIONS

One letter of representation and one letter of support have been received.

The letter of support makes the following comments:

- Aware that there are concerns in the community that the proposed development is outside of the building line but think that the application will be in keeping with the surrounding area as long it is done sympathetically.
- The village is at a point where it needs to expand.

The letter of representation from the occupier of the adjacent property makes the following comments:-

- The plot is outside of the development area and there have been previous refusals for development of the site. Unless there has been a change in policy development of this site will open the floodgates for further development of neighbouring land.
- Concerned about provision of appropriate visibility at the access.
- Land is higher than adjacent property; concerned about possible impact upon local watercourse and potential for flooding.
- Concerned that new dwelling could dominate adjacent house due to higher land levels. Could also result in loss of privacy and light.
- Development would require relocation of three utility poles - require confirmation of where these would be re-sited.

APPLICANTS CASE

In response to Parish Council comments:

- The single dwelling will be well related and follow the pattern of development, a significant distance from the AONB such that no harm would be caused.
- The site immediately adjoins the development area resulting in a sustainable location with a range of services, community facilities and good transport links.
- The appeal was over 20 years ago.

In response to Landscape Architect:

- An access to the field at the rear will be retained as will the existing site boundaries apart from that lost to provide a safe means of access. The hedge to the south will be retained as a visual buffer.
- Agreeable to a landscaping condition to agree additional planting.
- The paddock and site is a small scale such that impact on adjoining countryside is minimal.

In response to neighbour comments:

- The proposed access complies with necessary visibility requirements in 20mph zone and will not impact on neighbours.
- Existing watercourse will not be affected; it has overflowed recently due to debris blocking the grating.
- Siting, design and scale of dwelling not proposed at this stage as this is an outline application.
- Amenity of neighbours will be taken into account and respected when designing new dwelling; intention is to not exceed ridge height of Hazelcroft and have no facing windows.

CONSIDERATIONS

Principle of Development

The proposed dwelling is located outside the defined development area of South Chard, 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 primary school, recreation ground 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 south of an existing dwelling 'Hazelcroft' and the proposed plot will be of a similar size to this property.

The SSDC Landscape Architect has been consulted and has raised concerns about the use of the site for development. He concludes that 'Development as proposed would impact upon the open character of the field, and erode the field pattern of the village edge, as well as reduce the visual enclosure and containment of the village edge on this west side of School Lane. I view this to be a moderately adverse landscape impact, and on balance, believe there to be sufficient landscape grounds upon which to base a refusal, policy ST5 para 4.'

This view is supported by the Inspector in the 1993 appeal who noted that the proposal for development of this site would be intrusive and detract from the rural character and appearance of the land.

It is however noted that the site is extremely well screened especially to the south by an existing mature hedgerow. The site is visually well contained and as such it is considered that the landscape impact would be modest. The land to the south of the site is clearly of a much more open character and the Inspector in the 1993 appeal was concerned about the precedent that would be created if permission was granted on the application site. However, it is considered that the land to the south is of a very different character; it is very open with no field boundaries unlike the proposed site which is well contained by natural hedge boundaries. As such, and recognising the Landscape Officer's comment that the impact would be moderately adverse it is not felt that the development of a dwelling on this plot would result in such a significant impact upon the local landscape as to justify a refusal on landscape grounds. Furthermore, as the site is over a kilometre away from the AONB it is not considered that an argument could be substantiated to justify a refusal on the grounds of impact upon the AONB.

Furthermore, the landscape impact has to be weighed against the lack of a five year land supply; in this case because the Landscape Architect has assessed the impact to be moderately adverse it is considered that this has to be overridden by the need to build houses within sustainable locations.

Residential Amenity

It is considered that it would be possible to locate and orientate a property on this site without causing unacceptable impacts upon the neighbouring property 'Hazelcroft'. It would be appropriate to consider the location of first floor windows particularly in any north facing elevation and this can be achieved at the Reserved Matters stage.

The neighbour has mentioned that there is a difference in heights between the two sites but a site inspection has shown that there is not a significant difference. As such, it is felt that developing a house on the application site would be possible without unacceptably harming the amenities of the property to the north through loss of light or domination.

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

Highways

It has been established that the site is within a sustainable location and as such the remaining issue relates to the acceptability of the proposed revised access to the site. The site does benefit from an existing access and as such there is no objection to the principle of an access to the land. In this case, the road onto which the site is accessed is subject to a 20mph speed limit and therefore visibility requirements are relatively low. In this case, the plans show that a new access at the centre of the site could provide the necessary visibility of 22m.

As such, it is considered that the proposal is acceptable in relation to its impact upon highway safety.

Other Matters

Previous appeal - It is recognised that development of this site has previously been considered by a Planning Inspector who found the proposal unacceptable. However, there has been a change in the material planning considerations that now apply to this site. There has been the introduction of the NPPF and the subsequent requirement to demonstrate a five year land supply. In light of the land supply issue, the NPPF advises that planning permission should be granted for sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. As the site is within a sustainable location and the development of a single dwelling would have limited landscape impact then it is considered that a recommendation for refusal can no longer be substantiated.

Flooding - The site is not within a designated flood zone but a condition can be attached to ensure that appropriate drainage is provided for any development on the land.

CONCLUSION

The principle of development in this location and the impact on residential amenity and highway safety are considered to be acceptable. In terms of the potential landscape impact it is not considered that this would be of such harm as to justify a refusal in light of the Council's current lack of a five year land supply.

RECOMMENDATION

Approve.

01. The proposed dwelling is in a sustainable location and would not be at odds with the established pattern of development, is of an appropriate design and detailing and would have no adverse impacts on amenity or highways safety. As such the proposal complies with the saved policies of the South Somerset Local Plan and the policies contained within the National Planning Policy Framework.

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: To accord with the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2010.

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.

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

03. Approval of the details of the appearance of the building, the landscaping of the site, layout and Scale (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To accord with the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2010.

04. No development hereby approved shall be carried out until particulars of following have been submitted to and approved in writing by the Local Planning Authority:

- a. details of materials (including the provision of samples where appropriate) to be used for the external walls and roofs;
- b. details of the recessing, materials and finish (including the provision of samples where appropriate) to be used for all new windows (including any rooflights) and doors;
- c. particulars of all boundary treatments and hard surfacing materials. Such details shall include the use of porous materials to the parking and turning areas;
- d. details of meter cupboards and gas boxes;
- e. internal floor levels of the building.

Once approved such details shall be fully implemented unless agreed otherwise in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the area in accordance with policies ST5 and ST6 of the South Somerset Local Plan 2006.

05. No building on any part of the development hereby permitted shall exceed two storeys in height.

Reason: To safeguard the character and appearance of the area and to accord with Policy ST6 of the South Somerset Local Plan (Adopted April 2006).

06. 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; 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 interests of visual amenity and to accord with Policy ST6 of the South Somerset Local Plan (Adopted April 2006).

07. The dwelling hereby permitted shall not be occupied until the existing access has been stopped up and its use permanently abandoned in a manner to be agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with policy ST5 of the South Somerset Local Plan (2006).

08. 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 ensure appropriate drainage of the site.

09. There shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of lines drawn 2metres back from the carriageway edge on the centre line of the proposed access and extending to the extremities of the site frontage. Such visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be maintained at all times.

Reason: In the interests of highway safety and in accordance with policy ST5 of the South Somerset Local Plan (2006).

10. The development hereby permitted shall be carried out in accordance with the following approved plans: CD/4202/01 (location and block plan) and CD/4202/02 (driveway visibility splays) received 17 February 2014.

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

11. The hedgerow along the southern boundary shall be retained and not otherwise reduced in length or density.

Reason: In the interests of visual amenity and character and appearance further to policy ST6 of the South Somerset Local Plan.
