

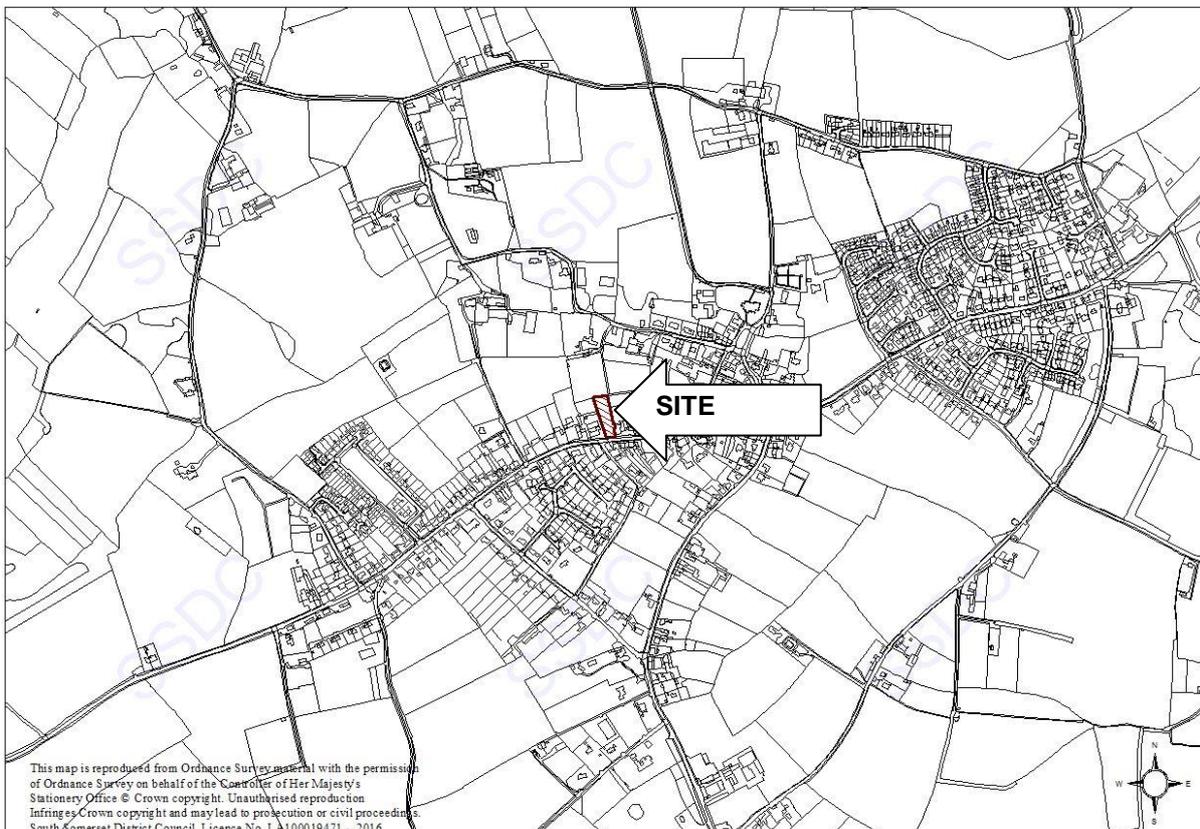
## Officer Report On Planning Application: 15/04736/FUL

<b>Proposal :</b>	Erection of a dwelling, car port and revised alterations to existing access and driveway (GR:338917/125157).
<b>Site Address:</b>	The Limes, High Street, Curry Rivel.
<b>Parish:</b>	Curry Rivel
<b>CURRY RIVEL Ward (SSDC Member)</b>	Cllr Tiffany Osborne
<b>Recommending Case Officer:</b>	Nicholas Head Tel: (01935) 462167 Email: nick.head@southsomerset.gov.uk
<b>Target date :</b>	25th December 2015
<b>Applicant :</b>	Mr & Mrs M Powell
<b>Agent: (no agent if blank)</b>	Mr Clive Miller, Sanderley Studio, Kennel Lane, Langport TA10 9SB
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL TO COMMITTEE

The report is referred to the Committee at the request of the Ward Member, in the interests of a full discussion of the issues affecting the site.

### SITE DESCRIPTION AND PROPOSAL





The site is located on the north side of the High Street, directly opposite the King William Inn. It is situated within a large garden area stretching back from the highway to the side of a Grade 2 listed dwellinghouse. To the north and west of the site, which is bounded by a high stone wall, is open agricultural land. To the east of the site, there is also agricultural land, and the remainder of the garden area of the main dwellinghouse. The southern end of the site is bordered to the west by the curtilage of a listed dwellinghouse; there are also two listed buildings across High Street to the south. The existing access to the site is at the south-western end of the property, which is bounded along the High Street by a stone wall. A recent permission has allowed for the enlargement and improvement of the access.

Permission is sought for the erection of a single dwellinghouse, a carport, and a revised improvement to the access.

## HISTORY

14/05075/LBC - Alterations to existing access and driveway and the erection of a car port - permitted with conditions

14/05074/FUL - Alterations to existing access and driveway and the erection of a car port - permitted with conditions

05/02677/FUL - Erection of a conservatory - permitted with conditions

05/02516/LBC - Erection of a conservatory - permitted with conditions

## POLICY

The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as

amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the adopted local plan now forms part of the development plan. As such, decisions on the award of planning permission should be made in accordance with this development plan, unless material considerations indicate otherwise. Legislation and national policy are clear that the starting point for decision-making is the development plan, where development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

### **Policies of the South Somerset Local Plan (2006 - 2028)**

SD1	Sustainable Development
SS1	Settlement Strategy
SS2	Development in Rural Settlements
SS4	District Wide Housing Provision
SS5	Delivering New Housing Growth
SS6	Infrastructure Delivery
HG4	Provision of Affordable Housing - Sites of 1-5 Dwellings
TA5	Transport Impact of New Development
TA6	Parking Standards
EQ2	General Development
EQ3	Historic Environment

### **National Planning Policy Framework (March 2012):**

4. Promoting sustainable transport
5. Supporting high quality communications infrastructure
6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities
12. Conserving and enhancing the historic environment

**National Planning Practice Guidance** - Department of Communities and Local Government, 2014.

### **Policy-related Material Considerations**

Somerset County Council Parking Strategy, March 2012 and September 2013.  
Somerset County Council Highways Standing Advice, June 2013.

South Somerset Sustainable Community Strategy (2008-2026)

## **CONSULTATIONS**

**Parish Council:** No objections.

**Highways Authority:** Standing Advice applies.

**SSDC Highways Consultant:** Initial concerns were raised about the access: *A plan needs to be submitted showing the extent of visibility splays (from a 2.4m set-back distance) commensurate with vehicle speeds at the point of access. In addition, pedestrian/vehicular inter-visibility splays should be considered. On-site parking needs to accord with SPS optimum standards. Access needs to be properly consolidated/surfaced (not loose stone/gravel) for first 6.0m along with details of appropriate surface water drainage measures shown on the plan.*

Subsequently, the applicant has provided additional information which has been assessed.  
Revised comment:

*I note that the applicant is now proposing to relocate the new access from the previous submission (moving it eastwards away from the constraining point at the western-most end of the site frontage) and that the access would be widened to 4.5m which could allow a car to access the site as one is waiting to exit the site. The new position of the access has allowed the applicant to revisit the extent of the visibility splays that could be made available at the entrance. While the LvW Highways submission states that an on-site check of the measurements have been made and that it is not considered necessary for a topographical survey to be undertaken, I found it difficult to check whether or not the sightlines shown on the Figure 3 plan can be provided given the current location of the wall and laurel hedge behind it. However, I am persuaded by the use of a 2.0m X-distance given the wording of the Manual for Streets 2 guidance and from what I did manage to glean from my site visit, I believe it may be possible to achieve visibility splays of 2.0m x 50m to the west and 2.0m x 35m to the east (to the vehicle track line in both cases). A planning condition, securing such splays would provide the necessary assurances to the local planning authority.*

*Therefore, in acknowledging the substantial improvements to the access arrangements over and above the current layout (albeit that additional traffic would be using the revised entrance), I believe I can now support the planning application, subject to conditions*

In a further revision, the depth of the access was reduced by approx 0.5m. This has been assessed, and the following final comment made:

*Having assessed the proposed upgraded access arrangement shown on the recently submitted drawing dated 12th May 2016 which has been based on a topographical survey, I can confirm that the proposed visibility splays can be made available. I am therefore in a position to support this planning application.*

Subject to the imposition conditions.

**SSDC Conservation Officer:** *This proposal is for a new dwelling in the garden of a listed building which would also require improvements to the access. The law would include all historic structures within the garden as part of the listed building, including the front wall.*

*You will recall that in 2014 modest amendments were made to the existing access to mirror the access further to the east which is most likely the original access to this house. The dimension of this approval are approx. 5m at the pavement edge, 1.3m deep to a approx. 2.5m access.*

*This proposal for a house has necessitated a number of variations to this approval as required by highways such that the required access would be 5m back from the carriageway edge, at least 13.5m wide, with a 4.5m wide road through the gateway. It extends be in line with the conservatory on the side of the house.*

*For the approval for the access only the justification for the change was to improve highway safety to the existing dwelling. This resulted in an access, echoing the existing, which was well balanced and proportioned to the setting of the house, and with minimal loss of the existing historic front wall.*

*This new design is purely driven by highways requirements, resulting in a large and out of proportion access. By comparison a normal access for a housing estate is 5.5m, making the size of access not far short of what is needed for a multi house estate. In my view the access is*

*too dominant in the street scene and too large and out of scale with the listed building, and is not justified for the creation of the new dwelling.*

*You will be aware of our statutory duties with regard to listed buildings and their settings and that the Court of Appeal requires that the Council cannot treat this as a mere material consideration to which we can simply attach such weight as we see fit. When there is harm we must give it considerable importance and weight. Finding of harm gives rise to a strong presumption against planning permission being granted. This presumption is a powerful one, but not irrebuttable. It can only be outweighed by material considerations powerful enough to do so.*

*The NPPF requires that applicants for consent that affects a heritage asset must be able to justify their proposals. When considering the impact of development, great weight should be given to the asset's conservation. Any harm or loss should require clear and convincing justification from the applicant. Any harm should be judged against the public benefit, including securing the optimum viable use. The NPPF also states that sustainable development involves seeking positive improvements to the historic environment.*

*Policy EQ3 requires that new development will be expected to safeguard and where appropriate enhance the setting and local distinctiveness of heritage assets.*

*The balance is heavily weighted for the conservation of heritage assets and against harm to both the buildings and their settings. All proposals must be fully justified. The justification for the alteration to the access is driven by a proposal to provide a new dwelling in the garden. The size of the access has been governed by highways requirements, not by what is appropriate for the listed building or its setting. This new large access is disproportionately large, with a loss to the front wall and a subsequent impact on the setting of the listed building. Locally the vehicular accesses are not overtly large such as this, and the proposal would impact on the street scene and not be locally distinctive. It fails to safeguard or enhance as required by Local Plan Policy.*

## **REPRESENTATIONS**

None received.

## **CONSIDERATIONS**

### **Principle of Development**

The application site is located in a rural settlement with a range of local key services, including pubs, church, school and shop, which can be regarded as a generally sustainable location.

Policy SS1 of the Local Plan identifies the areas where new development is to be focused, grouping certain towns and villages into a hierarchy of settlements - from Yeovil as the 'Strategically Significant Town' to Primary Market Towns, Local Market Towns and Rural Centres.

Other settlements, such as Curry Rivel, are designated 'Rural Settlements', which policy SS1 states "will be considered as part of the countryside to which national countryside protection policies apply (subject to the exceptions identified in policy SS2). Policy SS2 states makes provision for the approval of small-scale residential development on the basis that it would:

- Provide employment opportunities appropriate to the scale of the settlement; and/or
- Create or enhance community facilities and services to serve the settlement; and/or
- Meet an identified housing need, particularly for affordable housing; and
- Enjoys local support

### **Five Year Housing Land Supply**

Although the Local Plan has only recently been adopted, a review by the authority indicates that an adequate (five-year) supply of housing land, as required by the NPPF, cannot be demonstrated. In such cases, the NPPF advises that policies relevant to the supply of housing should be regarded as out of date. The NPPF notes (paragraph 49): *Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.*

Policies SS1 and SS2 have an important (although not exclusive) function of determining the housing supply. Insofar as they perform this function, they should, under government advice, be regarded as out of date. Indeed, in a recent appeal decision (Sandpits Hill, Curry Rivel) the Inspector noted:

*The Council's settlement strategy contained within policies SS1 and SS2 from the LP would ordinarily rule out development in the countryside such as where the appeal site is located. However, these policies are clearly relevant to the supply of housing and, given the Council's acceptance that it cannot demonstrate a five year supply of housing sites, in the context of the National Planning Policy Framework (the Framework), they are out of date.*

The advice of Government is clear under these circumstances: sustainable development should be approved. In the current case, the site is clearly within a sustainable locality, with good access to services and facilities. Subject to assessment of the various impacts, and determination of whether any harm that might be caused by the proposal, it is considered that the presumption in favour of sustainable development applies to the principle of a dwellinghouse in this location.

### **Visual Impact: Impact on Listed Buildings**

The site is well set back from the highway and any public vantage points. Although there are various listed buildings in the vicinity, the spaces between buildings is generous and open. The site itself is a large open area, well contained by existing walls, and well away from the principle listed building. Although the design and materials cannot be regarded as traditional, the approach would provide a building of some architectural integrity set well away from other buildings. It would not intrude visually into the street scene, or present an overbearing or intrusive presence in the general setting. The proposals for carport and boundary walls would be generally in accordance with the style of development found in the area, and again this is not considered inherently harmful to the setting of the listed building(s).

The works to the access provide two curved arms on either side of the gateway, with the centre point of the access moved significantly towards the east to improve visibility. For highway safety reasons, the access has been enlarged and widened during the course of the application. The portion of wall to be demolished and set back is now 12.4m, out of an existing wall length of approximately 39m (i.e.30%). This change will significantly alter the setting of the listed building, and its presence in the street scene. As set out in the detailed discussion by the Conservation Officer above, this intervention is not considered to maintain or enhance the character and appearance of this designated heritage asset. It is also out of character with the established pattern of development along this part of the High Street, and fails to promote and

maintain local distinctiveness, and respect the setting within the village. In these respects, the proposal fails to meet the objectives of Policies EQ2 and EQ3 of the Local Plan.

### **Impact on Residential Amenity**

The proposed dwellinghouse would be located well away from the nearest houses. No potential overlooking would arise. There is not considered to be any amenity harm resulting from the proposal.

### **Impact on Highway Safety**

The current sub-standard access is to be relocated towards the east. After initial concerns, the Highways Consultant is satisfied that the new access would provide a reasonably safe means of access for two dwellings onto this A Road. It is not therefore considered appropriate to recommend refusal on highway safety grounds. The design remains contrary to the Highways Authority Standing Advice, and a positive decision would be required to be made by Committee (i.e. not under delegated authority).

Adequate on-site parking and turning can be provided in accordance with Standing Advice.

### **EIA Regulations**

Not relevant.

### **Conclusion**

The proposal represents the creation of an additional dwelling in a locality that would respect the character and appearance of the setting and the setting of the Listed Building. The location would provide a sustainable development with reasonable access to local services and facilities, and make a positive contribution towards the Councils housing land target as well as a financial contribution towards the provision of affordable housing. Notwithstanding the non-compliance with Highways Standing Advice, the proposed access is not considered harmful to highway safety.

The proposal would result in significant harm to a designated heritage asset (the boundary wall, part of the Grade 2 listing of The Limes). Legislation and current policy requires that great weight be given to the protection of such assets. It is not considered the benefits (in terms of housing supply) of the proposal outweigh the identified significant harm. For this reason, the proposal is recommended for refusal.

### **S.106 AGREEMENT**

Not relevant.

### **RECOMMENDATION**

Refuse.

**FOR THE FOLLOWING REASON:**

01. The proposal, by reason of the design and layout of the revised access to the highway, fails to respect the character and appearance of a designated heritage asset, and would be harmful to the setting of both the listed building and the character and appearance of the street scene. The positive benefits represented by the creation of an additional dwelling are not considered to outweigh this considerable harm. The proposal is contrary to the aims of the NPPF and Policies EQ2 and EQ3 of the South Somerset Local Plan.

**Informative:**

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, there were no minor or obvious solutions to overcome the significant concerns caused by the proposals.

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