

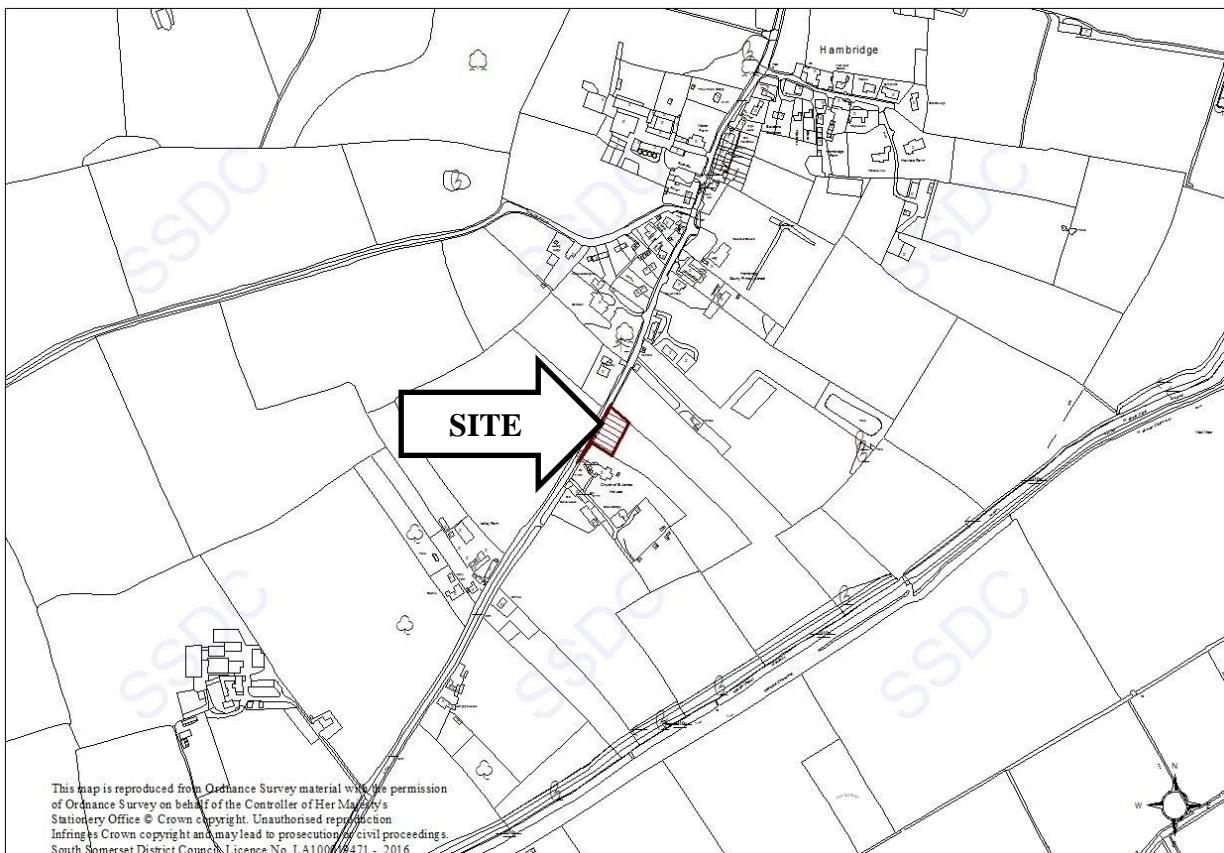
Officer Report On Planning Application: 16/03780/FUL

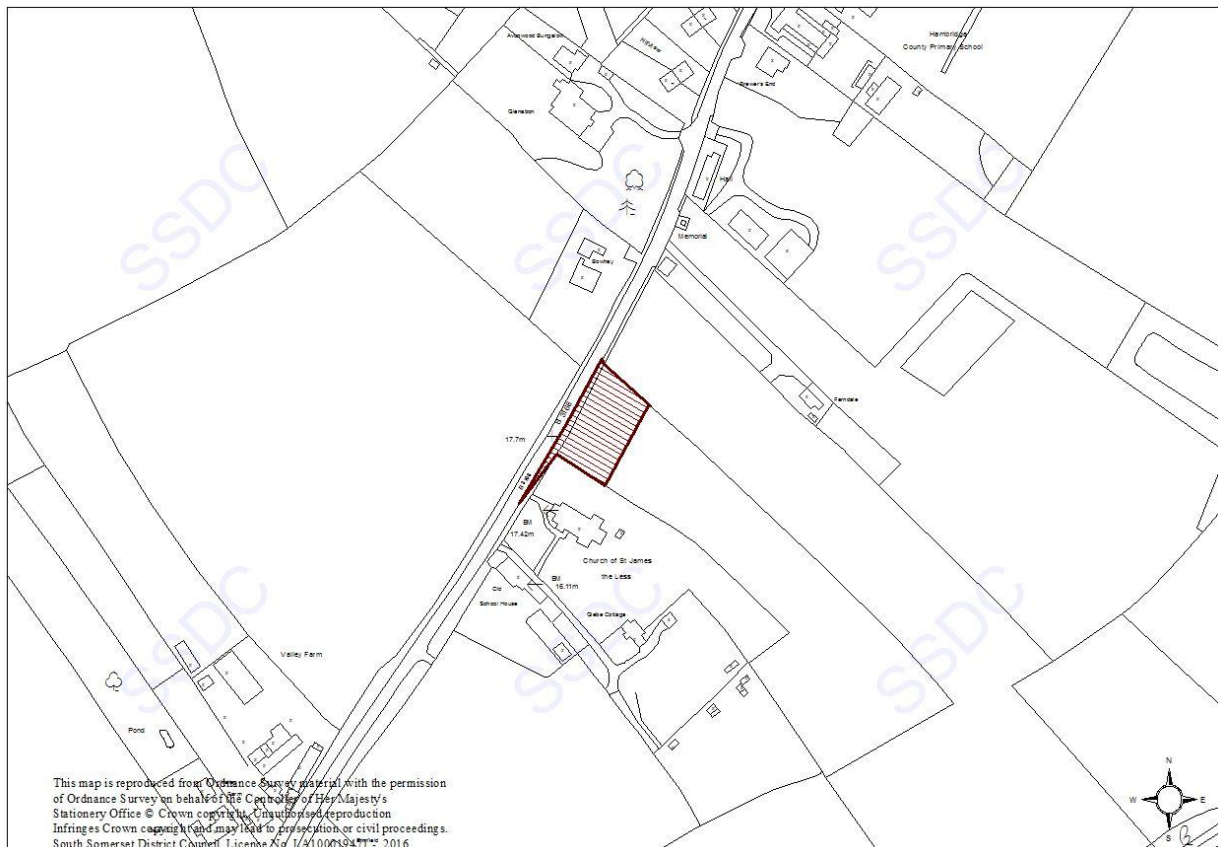
Proposal :	Proposed church car park and erection of a dwelling (revised scheme)
Site Address:	Land Adjoining Church, Hambridge, Langport.
Parish:	Hambridge/Westport
ISLEMOOR Ward (SSDC Member)	Councillor Sue Steele
Recommending Case Officer:	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
Target date :	31st October 2016
Applicant :	Mr M Rose
Agent: (no agent if blank)	Clive Miller, Sanderley Studio, Kennel Lane, Langport TA10 9SB
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

This application is referred to committee at the request of the Ward Member, with the agreement of the Area Chair, to enable the issues raised to be fully debated by Members.

SITE DESCRIPTION AND PROPOSAL





The application site comprises part of a field immediately to the north east of St James Church, Hambridge, on the south east side of the B3168. The land is currently in use for equestrian purposes and there is a small horse shelter present on the site. The site is approximately 135m beyond the developed edge of Hambridge, big closely related to the church, a former school house and a dwelling called Glebe Cottage, which form a compact 'gothic' group of buildings. The church and the school house are grade II listed, while Glebe Cottage is not. All three properties however date from the mid 19th Century and stand in isolation. There are other sporadic groups of development along the B3168, mainly comprising farms or individual isolated dwellings.

A planning application was made under 16/00785/FUL to erect a 1.5 storey dwelling house on roadside frontage of the site, adjacent to the adjoining church. The proposal included the provision of an 8 space car park for use of the church, as well as making land available for the provision of a footpath, in relation to a Parish Council led scheme to provide a footpath between Hambridge School and the church. In the event that the footpath scheme is forthcoming, it was also proposed to make the car park available for school drop off point. This application was refused over concerns about the impact of the proposed built form on the setting of the adjoining heritage assets, and as a result of unacceptable intrusion into open countryside at the village edge. A second refusal reason was as a result of concerns over the appropriateness of the location in sustainability terms.

HISTORY

16/00785/FUL: Proposed church car park and erection of a dwelling - Refused 15/04/2016

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
TA5 - Transport Impact of New Development
TA9 - Parking Standards
EQ2 - General Development
EQ3 - Historic Environment

National Planning Policy Framework

Core Planning Principles - Paragraph 17
Chapter 1 - Building a Strong Competitive Economy
Chapter 3 - Supporting a Prosperous Rural Economy
Chapter 4 - Promoting Sustainable Transport
Chapter 7 - Requiring Good Design
Chapter 11 - Conserving and Enhancing the Natural Environment
Chapter 12 - Conserving and Enhancing the Historic Environment

National Planning Practice Guidance

Conserving and Enhancing the Historic Environment
Design
Natural Environment

Policy-related Material Considerations

Somerset County Council Parking Strategy (September 2013)
Somerset County Council Highways Development Control - Standing Advice (June 2015)

CONSULTATIONS

Parish Council: No objections.

County Highway Authority: Standing Advice applies.

SSDC Highway Consultant: Please refer to my previous comments on this site. The submitted details of access (including geometric layout, visibility splays, surfacing and drainage) and parking appear sufficient. In the event that permission is granted I would recommend the imposition of suitably worded conditions to secure the details shown on the submitted plan.

SSDC Landscape Architect: Comments received in relation to planning application 16/00785/FUL apply equally to this proposal:

I recollect this proposal from pre-application discussions. As I have stated previously, I would

have no issue with a car-park by the roadside, providing it is sensitively designed and enclosed to ensure a low-profile.

I see no case for a dwelling, nor agree the notion that provision of a car-park justifies a new house. The Church of St James, and the former school to its south are grade 2 listed buildings, which are located outside the main residential area of both Hambridge and Westport, and in both buildings dating from the mid-nineteenth century, are considered a historic unit, which are characterised by their open ground setting to both north (other than the minor incursion of a stable block) and south. The introduction of a substantial dwelling, allied to parking and hard surfacing elements, is a sizeable intervention, which I consider an intrusion within the local landscape, at variance with its predominantly open character, as well as eroding the open setting of the listed buildings. As such, the proposal fails to reinforce local distinctiveness, nor do they respect local context, to thus fail to satisfy local plan policy EQ2.

SSDC Conservation Officer: This proposal is for a dwelling. Adjacent is the grade II listed Parish Church which serves Hambridge to the North and Westport to the South. The Church sits in a compact group with the school and Glebe House which appear to be contemporary with the Church. There are distinct gaps of fields between the church and the settlements which are important to its setting.

The starting point for the considering of applications which affects a listed building or its setting is the statutory requirement on local planning authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses' (section 66).

The Court of Appeal has made it absolutely clear that the statutory duties in relation to sections 66 and 72 do not allow a local planning authority to treat the desirability of preserving the settings of listed building and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a development would harm the setting of a listed building or character or appearance of a conservation area, it must give that harm 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.

Applicants for consent that affects a heritage asset must be able to justify their proposals. The NPPF says that the LPA should require an applicant to describe the significance of any heritage asset affected including any contribution made to their setting. This should be sufficient to understand the potential impact of the proposal on its significance. As a minimum the Heritage Environment Record should have been consulted and the building assessed using appropriate expertise where necessary. 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 optimum use is the one that causes the least harm to the significance of the asset).

This is supported by the statutory requirement for applications for LBC include a design and access statement. This statement requires information on the principles and concepts applied to the works in relation to the design and the listed building and its setting.

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.

In my view the isolation of the church and its contemporary buildings is fundamental to its setting and local distinctiveness. It is unusual for a Church to be isolated from its settlement in such a marked way. Any building within its setting is harmful as it will erode this special and uncharacteristic form, erode its significance and would not be locally distinctive.

It is proposed to offer 8 parking spaces for Church use to be the public benefit to mitigate the harm. The question then is in the balance is the provision of the off road parking sufficient to outweigh the statutory objection to the proposal for the enabling/required dwelling to facilitate the parking?

A unilateral obligation is offered, where the land owner offers to lay out, make available and maintain land for church parking. Whilst the obligation now includes the Church as a party, I am still not persuaded that the proposal is not being driven by the applicant who is offering parking to justify their dwelling, not by a compelling locally required need. I find the public benefit here to be in doubt. The land edged brown, and indeed any of the current land could be offered for use for occasional parking for church uses without the need for a dwelling to be built.

The Church is within the 30mph speed limit, and to the front of the Church the road is wider, and allows for cars to be parked off the main carriageway. Eight additional parking spaces are proposed for a church which appears to have only limited regular use (from the notice in the porch), in return for a four bedroom house, which is proposed. At times of peak parking requirement, say funeral or wedding, 8 spaces are unlikely to make a great deal of difference. That additional (brown edged) land is offered, is noted, but that could well be in poor weather leading to poor ground conditions). In this context I do not consider the off road parking provision to outweigh the considerable harm to the setting of the church by the provision of the dwelling, and the strong statutory presumption against development that brings forward. The public benefit is slight when compared to both the harm and the private benefit.

The proposal is within the setting of the listed buildings and is harmful to them. Great weight should be given to the conservation of the asset and there is a statutory presumption against harmful development. This has to be weighed against any public benefit. This is a proposed partial footpath and a small car park, for which the cost, the private benefit, is a new four bedroom house. In considering the balance, which is heavily preloaded against harmful development, I do not see sufficient public benefit (or demand) to outweigh the harm of the provision of the dwelling and footpath.

REPRESENTATIONS

Three letters of objection have been received from two local residents, and a letter of support has been received from the Headteacher of Hambridge Community Primary School. The main points raised in the objection letters relate to the following areas:

- The revised application doesn't address the refusal reasons on the previous application. The only change is to the design and orientation, which is to deal with concerns raised by the Victorian Society. This still does not satisfy the reasons for refusal and previous comments made still apply.
- Adverse impact on the setting of the picturesque church and church yard, affecting the outlook from nearby properties and views from the village.
- A single storey property would allow for a better view of the church, and if designed differently could increase privacy for the proposed dwelling, and nearby properties, while also hiding the parking arrangements, which will be unsightly in the new

development.

- By applying for planning permission on arable land, the applicant seems to have gained land cheaply and has now applied for a dwelling.
- If approved, a condition should be imposed for high hedge planting to reduce visibility between the site, and the nearest property, Ferndale.
- The use of the adjoining field for overspill parking is unacceptable and makes this field look like a scrapyard.
- There is no need for additional parking for the church. The diocese have stated that numbers of church attendees are dwindling and in the last three weeks only 5 or 6 cars have been parked outside of the church. The road can be busy when there is a funeral on, however there have only been 2 weddings in the last 9 years. The services for these events last only an hour, in which case the disruption is minimal. Additional parking is not necessary and would be unsightly.
- Concerns are raised about the Parish footpath proposal, which has not been agreed. The ability to provide such a footpath is restricted by the width of the verge, and it is understood that the project is yet to be approved or assessed as to whether it can be provided. The footpath would be better on the opposite side of the road, where verges are wider. If it were decided to build a footpath on the other side of the road, the provision of a footpath on this site would not join up and would look odd.

The letter from the Headteacher of Hambridge Community Primary School offers support for the plans for a car park that the school would be able to use. He advises that the school use the church quite frequently and the addition of the car park would be useful when transporting equipment and for pupils/staff unable to walk to any particular event. It also indicates that a car park could be beneficial as a drop off point from which pupils could walk to school or for use during events such as cross country competitions where additional parking to be beneficial in maintaining traffic flow through the village.

CONSIDERATIONS

History and Principle of Development

Permission for the erection of a dwellinghouse and provision of a car park was refused under planning application 16/00785/FUL. The fact that a similar scheme to that now proposed has been refused recently must be given great weight in determining the current scheme. This scheme must therefore be determined on the basis of whether any changes to the proposal or the policy environment address the previous reasons for refusal. The reasons for refusal of the most recent application were:

01. The proposal, by way of the siting and design of the proposed dwellinghouse, comprises an unacceptable intrusion into open countryside that will erode the open setting of the adjoining church and associated group of heritage assets, causing significant harm to their significance, character, setting and local distinctiveness. The proposal is therefore contrary to policies EQ2 and EQ3 of the South Somerset Local Plan (2006-28) and provisions of chapters 7, 11 and 12 of the National Planning Policy Framework.

02. The proposal would represent new residential development in open countryside, for which an overriding essential need has not been justified. By virtue of the lack of safe means of pedestrian access to the village, the application site is poorly related to local services and as such will increase the need for journeys to be made by private vehicles. The proposed development therefore constitutes unsustainable development that is contrary to policies SD1, SS1 and SS2 of the South Somerset Local Plan (2006-2028) and to the aims and objectives of

the National Planning Policy Framework.

Reason for Refusal 01 - Impact on Local Landscape Character and Local Heritage Assets

Policy EQ2 of the Local Plan requires development to achieve a high quality of design which promotes local distinctiveness and preserves or enhances the character and appearance of the District. This Policy broadly accords with the NPPF's core planning principles relating to high quality design and the emphasis to be given to the different roles and character of different areas, and the conservation and enhancement of the natural environment.

Furthermore, Policy EQ3 of the Local Plan requires development to safeguard the significance, character, setting and local distinctiveness of heritage assets; and make a positive contribution towards this character. Again this policy accords with the requirements of the NPPF, which further requires that any applications affecting a heritage asset are justified. When considering the impact of the development, great weight should be given to the asset's conservation, and any harm or loss should require clear and convincing justification, and be judged against the public benefit.

In assessing this resubmitted application, consideration will still need to be given to the impact of the proposed development on the local area, and in particular impact on the adjoining grade II listed church, school house and contemporary building, all of which form a unique gothic group of Victorian buildings, which currently stand in isolation, which is a key element of their significance.

The applicant has revised the design of the dwelling and relocated it. Now rather than being a 1.5 storey dwelling, a 2 storey dwelling is proposed. The dwelling is also re-orientated by 90 degrees and moved closer to Hambridge Church. The applicant argues that the redesign has been carried out in conjunction with the Victorian Society and as a result, their previous design specific objection is satisfied. Planning Officers have not been party to these discussions, however it is noted that the Victorian Society have not commented on this application. Notwithstanding this however, even if the design of the property does reflect a Victorian style more akin to that found in the historic grouping in this location, it is not considered to satisfy the other reasons stated in reason 01. The previous objections from the Council's Conservation Officer and Landscape Architect remain, still raising concerns about the intrusion into open countryside, and in particular adverse impact on the setting of the listed church, and this unique group of buildings.

The church and its adjoining heritage assets stands in isolation, which dates back from their original position roughly half the distance from the historic centres of Hambridge and Westport. As the villages have grown, the open countryside, in particular between the church and Hambridge, has been eroded. There is now only effectively two paddocks width of land separating the group from the village edge. The position of the group in isolation is deliberate and therefore fundamental to its setting and wider significance. The erection of a dwelling on adjoining land is considered to encroach upon this unique setting, causing harm to the setting of these heritage assets and to their local distinctiveness. The redesigned dwelling will also lead to a taller building than previously refused, closer to the historic group of buildings, which would arguably be even more harmful.

The Council's Conservation Officer has also objected to the provision of the footpath element, which is considered to be a suburban intervention that would further fail to respect the rural characteristics of the site. Despite these comments however, it is noted that there is the footway project under consideration, which would have a similar affect.

Overall, it is felt that the proposed development would have a harmful impact on the setting of the listed buildings. Great weight should be given to the conservation of the asset and there is a presumption against harmful development. On the basis that the proposed community benefits are considered to offer limited benefit, they are not considered to outweigh the harm caused to the heritage assets, when assessing the harm against public benefit. As such, the proposal is considered to be unacceptable.

Reason for Refusal 02 - Failure to accord with South Somerset Local Plan Policy SS2

In refusing the application previously, it was accepted that Hambridge is considered to be a generally sustainable location, where development could be acceptable in principle. Notwithstanding this, concerns were raised about the site position in open countryside beyond the village edge. Even though it is close to the village school and village hall, it was noted that there are no pedestrian links into the village and its facilities, with any future occupiers having to walk along this busy classified 'B' road (B3168). The lack of roadside footpath and the dangerous nature of this section of road was considered likely to reduce the probability of pedestrian access to local services, thereby increasing the likelihood of reliance on the motor vehicle.

Having given this further consideration however, it is noted that in a previous case (13/02322/FUL) on a site at the centre of Westport, the Regulation Committee resolved to approve an application for a new dwellinghouse on the basis that the location was sustainable. Whilst each case is to be determined on its merits, this determination must be given weight. The previous determination of the sustainability of the location (permission 13/02322/FUL) establishes the view that Westport is well located in relation to basic services and facilities. Although there are no immediately local services within Westport, clustering of this settlement with Hambridge points towards a broadly sustainable form of development, taking into account the criteria under Policy SS2 of the Local Plan. The school, village hall, church and post office would all provide reasonably accessible services, and occupants of an additional dwelling would provide the support needed to enhance the sustainability of these services. It is felt that a similar approach should be applied to this site, which is much closer than Westport. As such, it is not considered appropriate to continue to object on these grounds.

In the absence of a five-year housing land supply, the NPPF indicates that sustainable development should be approved, unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole. In this case, the adverse impact on local character, setting of the local heritage asset (Westport Canal) and negative ecological impact are such that they outweigh the limited benefits accorded to meeting district-wide housing need. The application is therefore recommended for refusal.

Community Benefit

In giving weight to the perceived community benefits, against the identified harm to the setting of the heritage assets and wider rural context of the site, it is noted that there is a project in the pipeline to provide a footway between the school and the church, which it is understood to have now been granted County Council funding. Despite this, the applicant does note within the submitted design statement, that detailed design of any such footway is still required, including the actual route, with no confirmation yet as to whether the footpath will actually be on the north or south side of the road. It is also understood that there is the need for a feasibility study to determine whether the scheme is indeed possible.

In making a case for the acceptability of the proposed development, the applicant has identified a number of perceived community benefits that they feel would make the scheme

more acceptable, and SS2 compliant. The primary benefit is the provision of an 8 space car park for the use of the adjoining church, which has no formal parking and relies on users to park on the road. The applicant also cites the footway project, and has made provision for a footway to run along the site frontage. In the event that the footway is completed, it is proposed to allow the car park to be used as a school drop off point. It is also suggested that the adjoining field could be used for church overflow parking when events such as weddings and funerals take place. This could be on an informal basis, using permitted development rights that allow temporary change of use of land. The applicant has put forward a draft Unilateral Undertaking to ensure the provision of these proposed benefits.

In considering the above, it would appear that there is actually little identified demand for these proposed benefits. While the church would no doubt be pleased to have additional car parking space nearby, they have not requested such facilities and have made it clear that they wish to have no responsibility for the provision or ongoing maintenance. In the previous application, the Churchwarden wrote in respect to the application to further clarify this position. It is further noted that there is objection from local residents, which question the need for the parking, identifying only very small scale usage of the church, with limited disruption to road users, when large events take place. It is acknowledged that the Headteacher of the local primary school has written to support the principle of a footway to the church.

Overall, while it is considered that there may be some benefit through the provision of the car park, this should be given very limited weight as it would appear that it has been put forward mainly in seeking to justify an otherwise unacceptable residential development proposal, rather than to meet a form of identified local need. Similarly, it must be assumed that there is no real reason that the footway could not be provided without the proposed development. While it would be convenient to include this within the development proposal, this by no way justifies the provision of a dwelling. As mentioned above, there is actually still a lot of work to do on the footway project, including a feasibility study and detailed design. At this point it is unclear whether the footway can be provided on highway land or whether additional land is required. Even if it is feasible, it is unlikely that the scheme could be implemented for a couple of years, with the possibility remaining that it will not be feasible. It should also be noted that the two objectors have also objected to this footpath, raising concerns as to whether it can be provided on the south side of the road. Likewise, there appears to be no real demand for the other identified uses, which again are likely to prove only limited benefit. It is therefore not considered that these benefits outweigh primarily policy concerns identified above.

Highway Safety

The Highway Authority have indicated that standing advice should apply, which includes providing appropriate levels of visibility, width of access, surfacing of access and ensuring positive drainage arrangements to prevent discharge of surface water runoff onto highway land, requirements repeated by the Council's Highway Consultant. The scheme indicates that it is possible to provide the required visibility splays on land in the ownership of the applicant and the Highway Authority. The access is also proposed to be 5m wide and can be properly consolidated. Likewise, appropriate drainage arrangements can be provided. It is therefore considered that the proposed access arrangements are acceptable and accord with Standing Advice.

Residential Amenity

The proposed dwelling is approximately 40m from the nearest house to the north, on the opposite side of the road, and 80m from a house to the east, across the adjoining fields. In both cases, the property is adequately distant to avoid unacceptable harm to residential amenity, by way of overlooking, overshadowing and overbearing impact.

Conclusion

While it is considered reasonable to no longer object to the proposal on the grounds identified in previous refusal reason 02, it is not considered that the refusal reason 01 of 16/00785/FUL has been appropriately addressed, therefore the proposed development, by way of its harmful impact on the setting of the group of heritage assets, which include the grade II listed church, and local landscape character, is still considered to be unacceptable. The proposed benefits are limited and it has not been demonstrated that there is a clear need for the facilities proposed that would outweigh the harm to the setting of these heritage assets.

RECOMMENDATION

Refuse

FOR THE FOLLOWING REASON:

01. The proposal, by way of the siting and scale of the proposed dwellinghouse, comprises an unacceptable intrusion into open countryside that will erode the open setting of the adjoining church and associated group of heritage assets, causing significant harm to their significance, character, setting and local distinctiveness. The proposal is therefore contrary to policies EQ2 and EQ3 of the South Somerset Local Plan (2006-28) and provisions of chapters 7, 11 and 12 of the National Planning Policy Framework.
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