

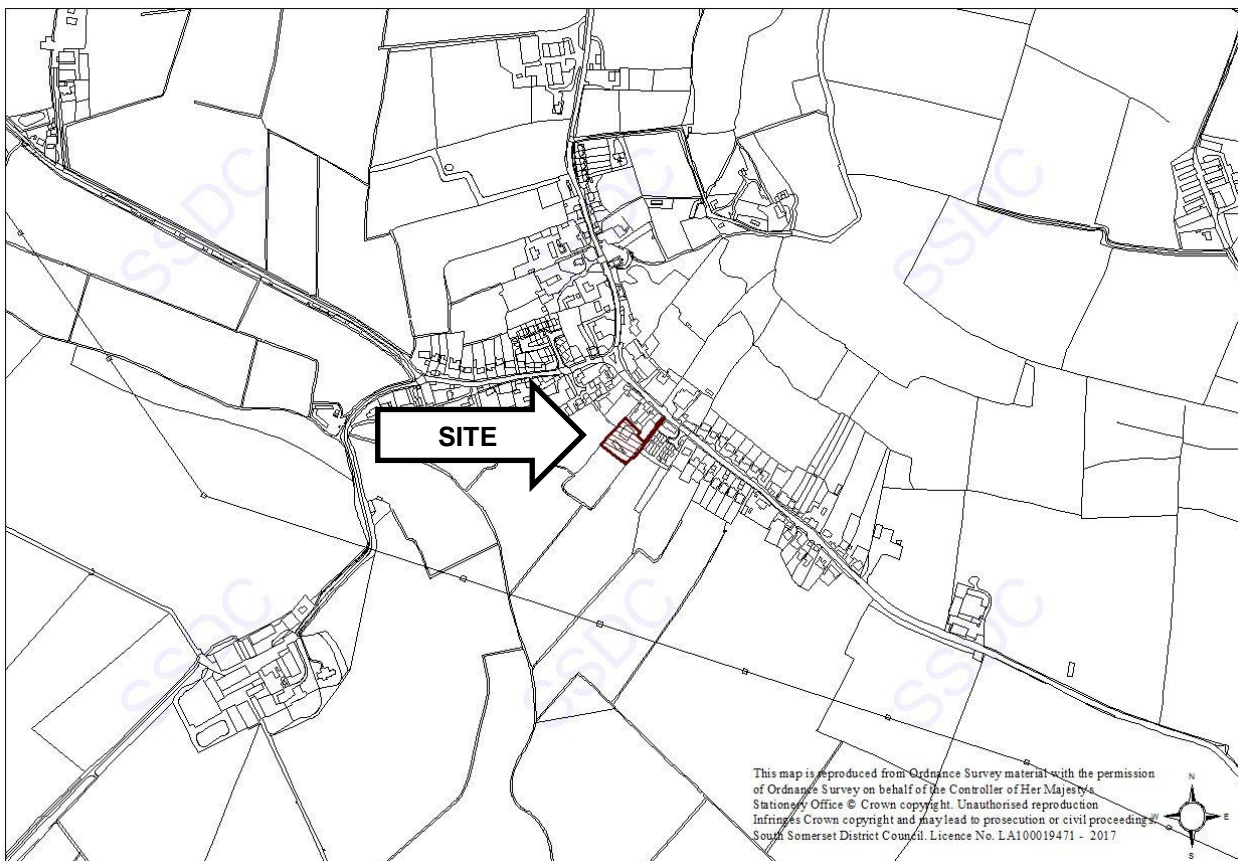
Officer Report On Planning Application: 16/04605/OUT

Proposal :	Demolition of existing agricultural buildings and erection of 2 dwellings and a garage with associated parking and landscaping (with some matters reserved)
Site Address:	Land At Church View Close, Aller.
Parish:	Aller
TURN HILL Ward (SSDC Member)	Cllr Gerard Tucker
Recommending Case Officer:	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
Target date :	20th December 2016
Applicant :	Keith Mitchell
Agent: (no agent if blank)	Mrs Lydia Dunne, Clive Miller Associates Ltd, 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 to be considered at committee as the access arrangements do not fully comply with Highway Authority Standing Advice and relate to a numbered classified road (A372). For this reason, planning permission cannot be granted under delegated powers and must be considered at committee.

SITE DESCRIPTION AND PROPOSAL





The site comprises a 0.18ha plot of land to the west of the village hall. It is a square shaped plot, previously in agricultural use. The site is very overgrown and contains a Dutch barn, pole barn and Nissen hut in various states of disrepair. There are houses fronting the A372 to the north east, Aller village hall to the east and dwellings in Church View Close to the rear of the village hall. There is open countryside to the south west. The site is currently accessed via a narrow track directly off the A372, which runs alongside the village hall and past two other houses.

This application is made for outline permission for the demolition of existing buildings and erection of a two detached dwellings with garage. It also includes alterations to the existing access including upgrading the existing vehicular access and introducing a scheme of white lining to the south east of the access to visually straighten the running edge of the carriageway. The scheme has also been amended to provide an area of parking to the north east of the site, which will be available for providing additional parking provision for residents of the adjoining houses fronting High Street (A372). Approval is being sought for access, layout and scale, with appearance and landscaping to be addressed at reserved matters stage.

HISTORY

No relevant recent history

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
HG4 - Affordable Housing Provision
TA5 - Transport Impact of New Development
TA6 - Parking Standards
EQ2 - General Development

National Planning Policy Framework

Core Planning Principles - Paragraph 17
Chapter 4 - Promoting Sustainable Transport
Chapter 6 - Delivering a Wide Choice of High Quality Homes
Chapter 7 - Requiring Good Design
Chapter 10 - Climate Change and Flooding
Chapter 11 - Conserving and Enhancing the Natural Environment

National Planning Practice Guidance

Design
Natural Environment
Rural Housing
Planning Obligations

Policy-related Material Considerations

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

CONSULTATIONS

Parish Council: The Parish Council Support the principle of development and the outline design, and are content to leave ecology and archaeology to SSDC experts, However, the suitability of the access and the speed of traffic, particularly that coming from the north west gives cause for concern, given the parked vehicles on that side of the proposed access. The Parish Council note that the fire door and the area outside would need to be protected. The Council also note that there is potential conflict with traffic to the business opposite. Therefore the Council cannot support the application on highway safety ground, as it stands.

Following receipt of amended plans relating to a recently marked bus stop, and alterations to the proposed white lining, the Parish Council had no further comments to make on the application.

SCC Highway Authority: Standing advice applies.

Somerset Drainage Board: No objections in principle, however the Drainage Board have requested the imposition of a condition requiring the agreement of surface water and land drainage proposals, to ensure effective management of surface water within the Board's area of jurisdiction. An informative is also requested to advise the applicant of their responsibilities to seek any appropriate Land Drainage Consent, as appropriate.

Somerset Wildlife Trust: No objections. Support the proposed mitigation measures, and request enhancements are included by providing 2 or 3 bird boxes, including a sparrow terrace.

Natural England: No objections in principle. It is however noted that as the development includes an area of priority habitat, it is necessary to conserve and enhance biodiversity. If significant harm cannot be avoided, it should be adequately mitigated or at least compensated for.

SW Heritage: The site lies within the Aller Area of High Archaeological Potential which encompasses the core of the earlier medieval settlement. It is possible that heritage assets associated with the development of the village may lie within the application area. For this reason I recommend that the applicant be required to provide archaeological monitoring of the development and a report on any discoveries made as indicated in the National Planning Policy Framework (Paragraph 141). This should be secured by the use of model condition 55 attached to any permission granted:

"No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority."

SSDC Ecologist: I've noted the Extended Phase 1 and Badger Sett survey report (Abbas Ecology, March 2016). I have no objections and consider the proposals in respect of the badger sett to be appropriate. I recommend a condition:

No development shall take place until the badger mitigation works have been implemented as outlined in section 6 of the Extended Phase 1 and Badger Sett survey report (Abbas Ecology, March 2016) or as amended in respect of the Natural England sett interference/closure licence.

Reason: For the conservation and protection of legally protected species and to ensure compliance with the Wildlife and Countryside Act 1981, and Protection of Badgers Act 1992.

Landscape Architect: I recollect the site from the earlier pre-app consultation, and note the fine-tuning since our last communication, which has improved the overall layout, and potential scale of development. Noting (farm) building presence to already occupy the site, then there is no landscape issue with their replacement by house forms, and I acknowledge the building proposal to be compact and well-ordered, and the enhancement of the orchard to be in the proposal's favour.

REPRESENTATIONS

Two letters have been received from neighbouring residents, one objecting and the other making a general observation. The general observation simply asks how the proposed access will impact on road parking for residents. The letter of objection raises concerns in the following areas:

- Highway safety
- Fire Safety
- Ecology

- Archaeology
- Impact on the village hall fire exit
- Lack of clarity in relation to a holiday let cabin referred to in the ecology report but not included with the proposal

CONSIDERATIONS

Principle of Development

The site is located on the south western side of the A372, behind a row of houses immediately fronting the main road, as well as being adjacent to the village hall. Policy SS1 (Settlement Strategy) highlights the areas where new development is expected to be focused, grouping certain towns and villages into a hierarchy, of settlements including the Strategically Significant Town (Yeovil), Primary Market Towns, Local Market Towns and Rural Centres. All other settlements, including Compton Dundon, are '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:

"Development in Rural Settlements (not Market Towns or Rural Centres) will be strictly controlled and limited to that which:

- Provides employment opportunities appropriate to the scale of the settlement; and/or
- Creates or enhances community facilities and services to serve the settlement; and/or
- Meets identified housing need, particularly for affordable housing.

Development will be permitted where it is commensurate with the scale and character of the settlement, provides for one or more of the types of development above, and increases the sustainability of a settlement in general. Proposals should be consistent with relevant community led plans, and should generally have the support of the local community following robust engagement and consultation. Proposals for housing development should only be permitted in Rural Settlements that have access to two or more key services listed at paragraph 5.41 (i.e. local convenience shop, post office, pub, children's play area/sports pitch, village hall/community centre, health centre, faith facility, primary school)."

Usually applications in locations such as this would be considered against the settlement strategy contained within Local Plan policies SS1 and SS2, however the Local Planning Authority are currently unable to demonstrate a five year supply of housing sites. As such, several recent appeal decisions have confirmed that in the context of the National Planning Policy Framework these policies should be considered out of date, as they are relevant to the supply of housing. In such circumstances, the main consideration will be whether *any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.*

As a starting point, in the current policy context, Aller is considered to be a generally sustainable location, in terms of policy SS2, as it contains several of the key services identified within that policy, such as a public house, village hall, church and playing field. The site is located, close to the centre of the village, where it is well located in relation to these identified village services. Taking into account the above, and the lack of 5 year land supply, it is considered that the development of this site for residential purposes could now be acceptable in principle, subject of course to the assessment of other appropriate local and national policy considerations, to determine whether there are any adverse impacts that would significantly and demonstrably outweigh the benefits.

Scale and Appearance

Outline planning permission has been sought for the provision of two detached dwelling and garage block, with access, layout and scale to be considered at this stage. The site is located behind existing development on the village edge, with a degree of encroachment into open countryside, however it is well related to existing built form, with the site extending to the south west to a similar degree as other development sites to the north west and south east. It is also noted that there is existing built form on the site comprising a Dutch barn, pole barn and Nissen type hut. The site is very overgrown and the buildings are dilapidated, therefore the tidying up of the site would be seen as an improvement to the visual amenity of the locality. Subject to the provision of an appropriate landscaping scheme, including the enhancement of the adjoining orchard, there are no objections in respect to visual impact of this scheme. It is also noted that the applicant carried out pre-application discussions with officers prior to submission. It was recommended that the level of development proposed be scaled back and the proposal, as submitted reflects the pre-application discussions and recommendations made.

While only indicative, the dwellings are proposed to be of a barn style design, which would be acceptable in principle. Ultimately, final design would be for consideration at reserved matters stage.

Residential Amenity

The proposed dwellings are located at a reasonable distance from the neighbouring properties, particularly those to the north east, fronting the A372, so as to be able to avoid overlooking or overshadowing, although the final design will address these matters. Overall, there are no residential amenity issues anticipated, which would not be able to be addressed at reserved matters stage.

Highway Safety

An objection has been received from a local resident in respect to highway safety, as well as concern expressed by the Parish Council. These concerns relate to the usage of the existing access, which is proposed to be retained for use in relation to this development. Of particular concern is the visibility onto the A372, which is below the normal levels required by Highway Standing Advice, and which is further restricted by vehicles parking on the public highway either wised of the access. The Parish Council are also concerned about the impact on the village hall fire exit, which opens onto the existing access track.

Improvements are proposed to the existing farm access to provide an internal private road, 5m wide over the first 10m, before tapering down to 2.5m width over the remainder of the track into the site itself. Notwithstanding the presence of vehicles parked on the public highway, the access at present can achieve visibility of 2.0m by 43m to the south east (in front of the village hall) and 2.0m by 26.7m to the centreline of the carriage, to the north west, within land under the control of the applicant or the highway Authority. It is further argued that the frontage boundary wall of the property adjoining the access, to the north west, is only 800mm high allow unimpeded view within a splay of 2.0m by 43m to the centreline of the carriageway, in this direction. It is also suggested that it is unlikely that planning permission would be granted to increase the height of this boundary treatment above 1m due to potential impact on highway safety, however this is a somewhat flawed argument in that the Local Planning Authority would have no control over any vegetation growing above 1m within this adjoining land. Nonetheless, the applicant has made the case that despite the presence of on-road parking, the level of visibility is acceptable to avoid there being unacceptable harm caused to highway safety.

In addition to the available visibility, the applicant advises that there is an existing extant agricultural use of the site. Although it is overgrown and has not been used for recently, the site and existing access could be brought back into use for agricultural purposes, which could lead to the access being used more regularly than it has been in recent years, and by larger vehicles than would be associated with residential use. Using TRICS (Trip Rate Information Computer System), it is indicated that the likely vehicle movements associated with one residential dwelling in a village location such as this, would be

approximately 6 to 8 vehicle movements throughout the whole day. Taking into account anticipated level of vehicle movements generated by the two proposed dwellings, and the existing lawful use of the suite, it is suggested that the cumulative impact of the development would be acceptable.

In order to further improve highway safety, the scheme includes proposed highway improvements in the form of white lining to the south west of the access, to the front of the village hall. While this is not intended to prevent parking but to define the edge of the driving line on the carriageway. Although it is not considered that it would be reasonable to refuse planning permission should these highway improvements not be carried out, it is seen as likely to improve highway safety by reinforcing the typical driving line at this point. Separate comments are being sought from the County Highway Authority, in respect to whether it will be necessary to require these improvements, with an oral update to be given to members.

It is noted that a bus stop has been marked out on the road to the front of the village hall earlier this month, which will remove on-street parking in this location close to the access. The applicant has submitted two amended plans, one of which takes this into account, and the other proposes to provide space within the site, to the rear of the properties fronting the A372, which would be available for these residents to park, alleviating some pressure for parking on the main road.

Further to the applicant's points above, it is noted that since the submission of the application, a recent appeal decision (APP/R3325/W/16/3152198 - Two Oaks, Broadway Road, Ilminster) determined that Standing Advice only applies to new accesses. The Inspector quotes *"The Council is concerned that visibility at the junction with Broadway Road is so impaired that an increase in traffic movements at this junction would result in severe harm to highway safety. These concerns are echoed by both local residents and the Parish Council all of whom have referred to the Highways Development Control Standing Advice for Planning Applications ("the Standing Advice") in support of their position. Para 3.1 of that document states that where accesses and junctions are to be formed, the Manual for Streets is the appropriate guidance for visibility splays. However, in this case the proposal seeks to utilise the existing access and the application form indicates that no new junction is to be formed. As such, I do not consider Para 3.1 of the Standing Advice to be applicable. Instead, I consider the central question to be whether visibility at the junction is such that the additional vehicular movements associated with the development would pose a significant risk to highway safety."* On this basis, it is considered appropriate to assess whether indeed the increase in vehicle movements associated with this development proposal would pose a significant risk to highway safety, notwithstanding the fact that full visibility levels, as identified in the Highway Authority Standing Advice are met. In this case the limited increase over and above the extant agricultural use of the site is not considered to be so severe, as to pose a demonstrable risk to highway safety at this point.

Other than visibility, the other requirements of Standing Advice can be applied, such as provision of appropriate levels of parking and turning, a properly consolidated access of 5m width and the ability to provide drainage to prevent surface water runoff onto the public highway. The final part of the access track, after the first 10m, does narrow to 2.5m, however there is plenty of space to allow vehicles to pass either within the site proper, or within the first 10m, should two vehicles try to enter and exit site at the same time.

In respect to the Parish Council's concerns relating to the village hall fire door, this is presumably used in emergencies only so the risk poised to pedestrian users would be very limited. The land at this point, between the village hall and the adjoining boundary, is actually around 6m, which allows for the 5m wide track to be provided without preventing existing access to this door. It is further noted that the proposal could be conditioned to ensure that the access track is kept clear of obstruction, which would prevent the fire door being physically blocked by parked cars. There would also be obvious highway safety concerns should vehicles be parked in this location, therefore such a condition would be quite reasonable.

Overall, the increase in use of the access is not considered such that there would be a significant impact

on highway safety as a result of the proposed development. Furthermore, Highway Standing Advice can be generally accorded with, with the exception of visibility, in which case full requirements are not met.

Other Issues

An ecological report has been submitted, which identified suitable habitat for a number of protected species. While there were some suitable habitats, little evidence of protected species were identified, with the most obvious being a large and active badger sett. This and other setts have been identified on adjoining land, particularly within the adjacent orchard that is to remain undeveloped. A mitigation plan has been included to shut the onsite sett and encourage the relocation of badgers to the adjoining orchard. The Council's Ecologist has considered this matter and deems the survey and proposed mitigation measures to be acceptable. As such, a badger mitigation works condition is suggested. It is therefore not considered that the proposal will have any adverse impact on local protected species.

The South West Heritage Trust Archaeologists have advised that the site is within the Aller Area of high Archaeological potential, which includes the core of the earlier medieval settlement. It is considered that there could be some heritage assets associated with the development of the village within the site. While not raised as a constraint to development, a condition requiring appropriate archaeological monitoring and recording is requested.

The Somerset Drainage Board have commented in respect to surface water runoff. While not objecting, they have asked that details of drainage arrangements are conditioned to ensure that there is no adverse impact on flood risk locally.

Policies HG3 and HG4 of the adopted South Somerset Local Plan requires either on site provision of affordable housing (schemes of 6 or more units) or a financial contribution towards the provision of affordable housing elsewhere in the district. In May 2016 the Court of Appeal made a decision (SoS CLG vs West Berks/Reading) that clarifies that Local Authorities should not be seeking contributions from schemes of 10 units or less. It is considered that whilst policies HG3 and HG4 are valid, the most recent legal ruling must be given significant weight and therefore the Local Planning Authority are not seeking an affordable housing obligation from this development.

Conclusion

The proposed residential development of the site, comprising the provision of two detached dwellings, is considered to be acceptable in this location, and could be carried out, subject to detail, with respect to the character of the area, and without causing demonstrable harm to residential amenity and highway safety, and without increasing flood risk locally.

RECOMMENDATION

Grant approval with conditions

01. The proposed residential development of the site is considered to be acceptable in this location, and could be carried out, subject to detail, with respect to the character of the area, and without causing demonstrable harm to residential amenity, having a severe impact on highway safety, and without increasing flood risk locally, in accordance with policies SD1, SS2, SS5, TA5, TA6 and EQ2 of the South Somerset Local Plan (2006-2028) and the provisions of chapters 4, 6, 7, 10, 11 and the core planning principles of 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: As required by Section 92(2) of the Town and Country Planning Act 1990.

02. Application for approval of the appearance and landscaping of the development, referred to in this permission as 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. The development hereby permitted shall be carried out in accordance with the following submitted plans: '1:1250 Site Location' plan, received 24th October 2016, drawing number 'DSGN0046_P_SB01', as amended and received on 3rd January 2016 and drawing number 'DSGN0046_P_H01', as amended and received on 6th January 2016

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

04. A detailed scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. This 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, in accordance policy EQ2 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 7 of the National Planning Policy Framework.

05. The areas proposed access track and areas allocated for parking on approved plan 'DSGN0046_P_SB01', as amended and received on 3rd January 2016, including the area proposed for parking of adjoining residents, shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles (allocated parking spaces only) in connection with the development hereby permitted.

Reason: In the interests of highway safety, in accordance with policies TA5 and TA6 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 4 of the National Planning Policy Framework.

06. The access hereby approved shall be completed in accordance with details, as indicated on drawing number 'DSGN0046_P_SB01', as amended and received on 3rd January 2016 and drawing number 'DSGN0046_P_H01', as amended and received on 6th January 2016 . The access shall be fully constructed in accordance with these approved details, before the dwellings hereby permitted are first occupied and shall thereafter be maintained at all times.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 4 of the National Planning Policy Framework.

07. Before the dwellings hereby permitted are first occupied, the approved access and associated shared driveway shall be properly consolidated and surfaced (not loose stone or gravel), details of which shall have been submitted and approved in writing by the Local Planning Authority. The access shall be constructed in accordance with the approved details and shall thereafter be maintained at all times.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 4 of the National Planning Policy Framework.

08. The development hereby permitted shall not be commenced until the surface water and watercourse proposals have been submitted to and approved in writing by the Local Planning Authority, in conjunction with the Parrett Internal Drainage Board. Such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use.

Reason: The application has insufficient information to determine if drainage matters will be properly addressed, to ensure that there will be no adverse impact on flood risk locally, in accordance with policies EQ1 of the South Somerset Local Plan (2006-2028) and the provisions of chapters 10 of the National Planning Policy Framework.

09. No development shall take place until the badger mitigation works have been implemented as outlined in section 6 of the Extended Phase 1 and Badger Sett survey report (Abbas Ecology, March 2016) or as amended in respect of the Natural England sett interference/closure licence.

Reason: For the conservation and protection of legally protected species and to ensure compliance with the Wildlife and Countryside Act 1981, and Protection of Badgers Act 1992, and to accord with policy EQ4 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 11 of the National Planning Policy Framework.

10. No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted by the applicant and approved by the Local Planning Authority.

Reason: To ensure the adequate opportunity is afforded for investigation of archaeological or other items of interest, in accordance with the provisions of chapter 12 of the National Planning Policy Framework.

Informatives:

01. The applicant should note that in assessing a reserved matters application, the Local Planning Authority reserve the right to reconsider the need to request appropriate planning obligations, should the combined gross floor space of the proposed dwellings exceed 1000 square metres.
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