

Officer Report on Planning Application: 14/02726/OUT

Proposal :	Outline application for the erection of a bungalow (GR:353733/128591)
Site Address:	Former Stables At Cedar Lodge High Street Charlton Adam
Parish:	Charlton Mackrell
NORTHSTONE Ward (SSDC Member)	Cllr J Calvert
Recommending Case Officer:	Alex Skidmore Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
Target date :	21st August 2014
Applicant :	Mrs Karen Sellars
Agent:	Mrs Janet Montgomery Wessex House, 8 High Street Gillingham, Dorset, SP8 4AG
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO AREA EAST COMMITTEE:

This application for residential development is recommended for approval as a departure from saved policy ST3 of the South Somerset Local Plan which seeks to constrain development within Development Areas. However, the adopted local plan is increasingly out-of-date and Policy ST3 is not consistent with the NPPF, as it is overly restrictive particularly in light of Paragraphs 54 and 55 of the NPPF, which aim to facilitate appropriate and sustainable housing to meet local need. Accordingly the application is referred to committee to enable the justification for the development to be considered.

SITE DESCRIPTION AND PROPOSAL



Adam for which no special need or justification has been satisfactorily demonstrated will extend the built form of the village eastwards out of character with the rest of the village and contrary to Policies P3 and H6 of the Langport and Somerton Local Plan and Policy C4 of the Somerset Structure Plan Alteration No 2.”

2. “The proposed development in open countryside adjacent to the West Charlton Conservation Area and for which no special need or justification has been satisfactorily demonstrated will extend development into the countryside resulting in an unacceptable loss of rural character and amenity contrary to Policy C4 in the Somerset Structure Plan Alteration No 2 and Policy P3 in the Langport and Somerton Local Plan.”

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

The development plan comprises the South Somerset Local Plan. The policies of most relevance to the proposal are:

ST2 – Villages
ST3 – Development Areas
ST5 - General Principles of Development
ST6 - The Quality of Development
EH1 – Conservation Areas
EH5 - Development Proposals Affecting the Setting of Listed Buildings
EC3 - Landscape Character
EC7 - Networks of Natural Habitats
EC8 - Protected Species
EH12 - Areas of High Archaeological Potential and Other Areas of Archaeological Sites
EP1 - Pollution and Noise
EU4 - Water Services
TP1 - New Development and Pedestrian Movement
TP7 - Car Parking

National Planning Policy Framework:

Part 1 - Building a strong, competitive economy
Part 4 - Promoting sustainable transport
Part 6 - Delivering a wide choice of high quality homes
Part 7 - Requiring good design
Part 8 - Promoting Healthy Communities
Part 10 - Meeting the challenge of climate change, flooding and coastal change
Part 11 - Conserving and enhancing the natural environment
Part 12 - Conserving and enhancing the historic environment

CONSULTATIONS

Charlton Mackrell Parish Council: Recommend approval.

County Highways: Referred to their standing advice, which advises that adequate parking should be provided within the site in accordance with the Somerset Parking Strategy standards and that the access serving the site has appropriate levels of visibility, i.e. 43m in

either direction.

County Rights of Way: No objections. There is a public right of way (PROW) that runs along the access to the site; any works must not encroach on the current available width of the footpath.

County Archaeology: No objections.

Environmental Protection: Awaiting comments.

Ecology: The protected species survey concluded that there was no significant use of the stables by bats but that swallows were nesting in the stables. I therefore recommend a condition restricting any works during the nesting season unless the site has first been checked by a competent person for the presence of nesting birds, if any are found they must be left undisturbed until all young have left the nest.

Arborist: No objection, subject to a condition relating to tree protection measures.

All of the trees in the vicinity are protected by virtue of being located within a conservation area. The most valuable tree is the Cedar 7 metres from the western boundary of the site. A fair proportion of its 15 metre Root Protection Area (RPA) is within the site, however, the footprint of the proposal is well beyond any influence so it could be effectively protected by fencing. Within the site there is another Cedar which is a young tree well away from the proposal. I believe that it has been planted as a successor for the mature specimen and it too could be effectively protected through the course of the build.

Adjoining the entrance are a mature ash and horse chestnut. The hedgerow could be coppiced or another hedge planted further back if necessary to improve visibility without causing a significant visual impact. The construction of below ground services could cause some root damage in this area but if carried out with reasonable care ought to be acceptable.

REPRESENTATIONS

Written representations have been received from the adjacent neighbour at Footsteps stating that they had no objection in principle to the proposal but that the plan needed amending as there was a slight error to the adjoining boundary between their property and the site.

APPLICANT'S CASE

"The proposal represents sustainable development within the sustainable settlement of Charlton Adam. There will be an enhancement to the area in general by the removal of the stable buildings and replacement with a single storey dwelling. There is therefore a presumption in favour of the development."

(part 5 of the Design & Access Statement)

CONSIDERATIONS

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

- The principle of development;
- Visual amenity;

- Residential amenity;
- Highway safety; and
- Ecology.

Principle:

The application is a former stable site located immediately outside the defined development area of Charlton Adam, and therefore in a position where development is normally strictly controlled by Policy ST3 of the South Somerset Local Plan. It should be noted, however, that the policy framework provided by the extant local plan (1991-2011) is increasingly out-of-date with certain policies not in accordance with the National Planning Policy Framework. The proposal is contrary to Policy ST3, however, Policy ST3 is not consistent with the NPPF, as it is overly restrictive particularly in light of paragraphs 54 and 55 of the NPPF, which aim to facilitate appropriate and sustainable housing to meet local need.

The settlements of Charlton Adam and Mackrell and geographically closely associated and share a good range of services and facilities, including a village shop, primary school, public house, community hall and creation ground many of which are within an easy walking distance of this site. This location is therefore considered to be a sustainable location for the proposed dwelling and to be in accordance with the aims and provisions of the NPPF and the thrust of the saved local plan policies.

Impact on local landscape and visual amenity:

Whilst this site sits to the rear of the main building frontage along Broad Street to the west and as such occupies a somewhat backland position, the site is previously developed land with the existing stable structures setting a building precedent on this site. The application site is located within a conservation area and adjacent to the listed properties Cedar Lodge and Cedar Cottage, however, the site sits outside the curtilage of these properties with sufficient distance between to ensure that a single storey dwelling in this location should not be detrimental to their setting and certainly no more harmful than the existing stables. The large Cedar tree located within the garden of Cedar Lodge also helps to create a visual separation of these two sites. Due to the position of the site set back from Balls Lane with substantive planting between it is little viewed from outside the site within the conservation area and as such raises no concerns in this regard.

The matters of layout, appearance and landscaping are all reserved matters, and at this stage based on the limited information available there is no reason why the replacement of the existing structures with a single storey dwelling could not be satisfactorily achieved visually on this site.

Residential amenity:

The single storey scale of the proposed dwelling and the position of the site set away from the nearest neighbouring properties is such that this outline scheme raises no particular amenity concerns in regard to neighbouring houses.

The site is immediately adjacent to the commercial stable yard at Footsteps and as such there may be some concerns with regard to its impact, such as resulting noise, odour and flies, that could be harmful to the amenities of the future occupiers of this proposed dwelling. The views of the Council's Environmental Protection (EP) team were not received at the time of writing this report and will be reported verbally to Committee. Subject to the EP team raising no objection in this regard then the proposal will not be considered to raise any substantive residential amenity concerns.

Highway safety:

The highway authority has referred to their standing advice which sets out a requirement for sufficient on-site parking to be provided. The applicant has indicated an intention for the bungalow to have three bedrooms which would therefore have a requirement of three parking spaces under the Somerset Parking Strategy. The details of how this might be achieved however is to be dealt with at reserved matters stage. The standing advice also sets out a requirement for the access to have visibility splays of 43m in either direction in this 30 mph area which the existing access does not achieve. Bearing in mind this is an existing access serving a commercial yard of 15 stables it is not unreasonable to surmise that the level of traffic likely to be generated by the proposed development will be no greater, and quite possibly less, than that of the existing stables if they were brought back into use. On this basis and bearing in mind that this is a very lightly trafficked no through lane it is not considered reasonable to demand that these visibility splays be implemented, rather maintaining the current green status of the roadside boundary is more important.

Ecology:

It has been noted that swallows have been nesting in the existing stable buildings, the Council's ecologist has therefore requested an appropriate condition to safeguard any nesting birds on the site.

Trees:

There are a number of trees within the site of varying stature and maturity however their amenity value to the area is very limited given their low visual presence outside the site. The mature Cedar growing close to the west boundary of the site within the grounds of Cedar Lodge is of significance however the Council's Arborist is satisfied that this can be appropriately safeguarded by condition.

Other matters:

The adjoining neighbour at Footsteps raised an issue with regard to the position of the adjoining boundary line with their property. The applicant has submitted an amended plan in response to these comments.

Conclusion:

Accordingly the proposal is considered to be acceptable in this location and to cause no significant adverse impact on the character and setting of the area or highway safety and subject to there being no substantive objection raised by the Council's Environmental Health team the application is therefore recommended for approval.

RECOMMENDATION

Subject to no substantive objections being raised by Environmental Health the application is recommended for approval for the following reason:

The application site, by reason of its location within easy reach of the services and facilities that can be found within the settlements of Charlton Adam and Charlton Mackrell, is considered to be a sustainable location in principle for this modest development. The erection of a single storey dwelling on this site, adjacent to settlement limits, will respect the setting and character of the surrounding conservation area and adjacent listed buildings,

cause no demonstrable harm to residential amenity or highway safety. As such the proposal complies with Policies ST2, ST5, ST6, EH1, EH5, EC7, EC8, EP1 of the South Somerset Local Plan and the aims and objectives of the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

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

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

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

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

03. The site hereby approved for development shall be as shown on the location plan (drawing number 14115-2 Revision A received 24/07/2014).

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

04. The development hereby permitted shall comprise no more than one dwelling.

Reason: To ensure that the scale of development is appropriate to the location in accordance with Policies ST5 and ST6 of the South Somerset Local Plan.

05. No removal of vegetation that may be used by nesting birds (trees, shrubs, hedges, bramble, ivy or other climbing plants) nor works to or demolition of buildings or structures that may be used by nesting birds, shall be carried out between 1st March and 31st August inclusive in any year, unless previously checked by a competent person for the presence of nesting birds. If nests are encountered, the nests and eggs or birds, must not be disturbed until all young have left the nest.

Reason: To avoid disturbance to nesting birds thereby ensuring compliance with the Wildlife and Countryside Act 1981, as amended by the CROW Act 2000, and in accordance with Policy EC8 of the adopted South Somerset Local Plan.

06. Prior to implementation of this planning permission, site vegetative clearance, demolition of existing structures, ground-works, machinery entering site or the on-site storage of materials, a tree protection plan and a supporting arboricultural method statement relating to all retained trees on or adjoining the site, shall be drafted so as to conform with Paragraphs 5.5, 5.6, 6.1, 6.2 & 6.3 of British Standard 5837:2012 - Trees in relation to design, demolition and construction. The Tree Protection Plan and the Arboricultural Method Statement details shall be submitted to and agreed in writing with the local planning authority and they shall include the following details:

- the installation and locations of protective fencing, designated cement mixing areas, root protection areas & construction exclusion zones clearly detailed upon the tree protection plan;

- details of special tree protection and engineering measures for any required soil-grade changes, installation of built structures, below-ground services and car-park surfacing within the root protection areas of retained trees; and
- a requirement for a pre-commencement site meeting to be held between the appointed building contractors, the appointed arboricultural consultant and the Council's Tree Officer.

The development shall thereafter be carried out in full accordance with these agreed details, unless otherwise agreed in writing by the local planning authority.

Reason: To preserve the health, structure and amenity value of existing landscape features (trees) in accordance with the objectives of saved Policy ST6 (The Quality of Development) of the South Somerset Local Plan 2006 and those statutory duties as defined within the Town & Country Planning Act, 1990 (as amended)[1].

07. 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. Such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: In the interests of environmental health and neighbour amenity to accord with Policies ST5 and ST6 of the South Somerset Local Plan.