

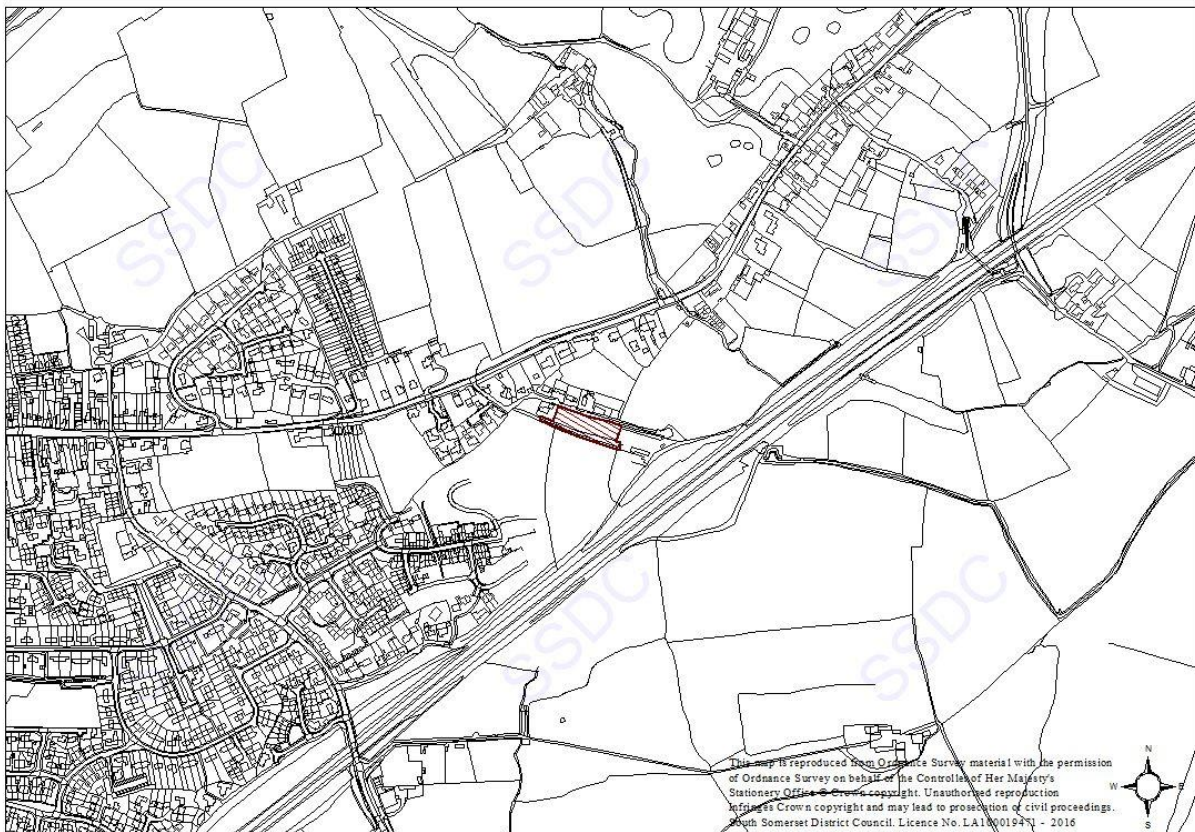
## **Officer Report On Planning Application: 16/00677/FUL**

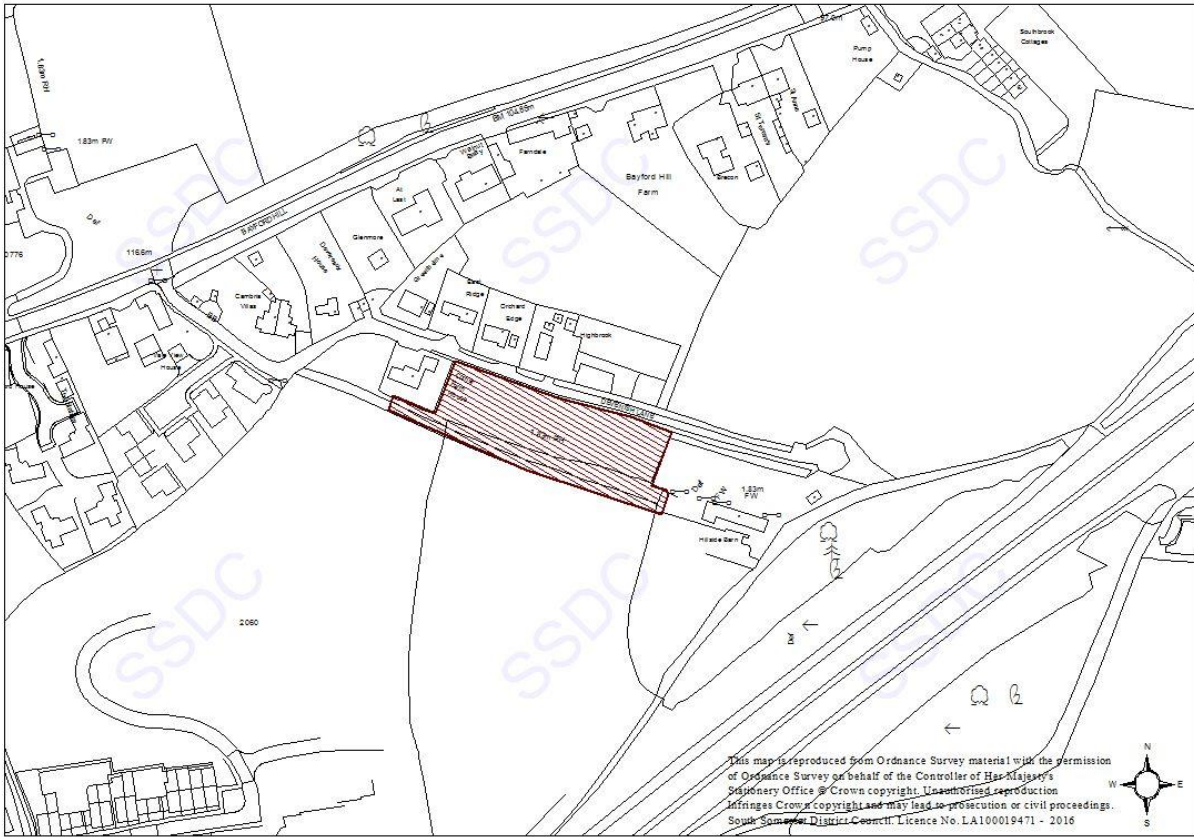
<b>Proposal :</b>	Erection of 3 dwellings and ancillary works (resubmission of 15/03731/FUL)
<b>Site Address:</b>	Land OS 3969 Part Devenish Lane Bayford
<b>Parish:</b>	Stoke Trister
<b>TOWER Ward (SSDC Member)</b>	Cllr Mike Beech
<b>Recommending Case Officer:</b>	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
<b>Target date :</b>	25th April 2016
<b>Applicant :</b>	Hopkins Development Ltd
<b>Agent: (no agent if blank)</b>	Mr Matthew Kendrick Grass Roots Planning Ltd Unit 106 86-88 Colston Street Bristol BS1 5BB
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### **REASON FOR REFERRAL**

This application is referred to committee at the request of the Ward Member with the agreement of the Chair to enable the issues raised locally with regard to the footpath and boundary treatments to be debated

### **SITE DESCRIPTION AND PROPOSAL**





The application site is located at the eastern edge of Wincanton on high ground north of the A303, with views out over the Blackmore Vale. The site lies to the south of Devenish Lane, and north east of the Deansley Way development.

The site comprises a rectangular piece of land located between the adjacent two storey dwelling known as Corner Farm House, and the public right of way that runs within the site's eastern boundary that turns to align with the site's southern boundary at which point there are views out over the adjacent countryside before the footpath is taken between the Deansley Way development and Corner House Farm. The parish boundary between Wincanton and Stoke Trister is marked by the hedgerow that is currently left stranded behind the high timber fencing erected more recently by the applicant that aligns with the course of the public right of way.

The proposal seeks the erection of 3(no.) two storey detached dwellings and associated ancillary works. The proposal is submitted with a Planning Statement.

**HISTORY**

- 15/03731/FUL - Erection of 3(no.) detached dwellings and ancillary works, refused.
- 14/00479/FUL - Erection of 3(no.) detached dwellings and ancillary works, Approved, remains extant.
- 12/04649/FUL - Erection of 4 no. detached dwellings and ancillary works, refused.
- 11/00780/FUL - Erection of 4 no. detached dwellings, new access and associated infrastructure and landscaping - Refused.

870246: outline proposal for the erection of a bungalow on the western part of the site. Refused March 1987, and dismissed on appeal.

870247: outline proposal for the erection of two bungalows on eastern part of the site. Refused March 1987 and dismissed on appeal.

Both 1987 applications were considered at the same appeal and both dismissed on 8 October 1987: unacceptably extending development into open countryside; limited highway visibility - prejudicial to highway safety.

On the adjoining site to northwest:-

16/00686/FUL - Erection of two dwellings and associated ancillary works, following dismissal of appeal amended to a single dwelling, currently out to re-consultation.

15/03729/FUL - Erection of 2(no.) semi-detached dwellings and ancillary works, refused and appeal dismissed.

## **POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF state that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

### **South Somerset Local Plan (2006-2028)**

SD1 - Sustainable Development  
SS1 - Settlement Strategy  
SS4 - District wide Housing Provision  
SS5 - Delivering New Housing Growth  
TA5 - Transport Impact of New Development  
TA6 - Parking Standards  
EQ2 - General development  
EQ4 - Biodiversity  
EQ5 - Green Infrastructure

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

Chapter 6 - Delivering a choice of high quality homes  
Chapter 7 - Requiring Good Design  
Chapter 8 - Promoting Healthy Communities  
Chapter 11 - Conserving and Enhancing the Natural Environmental

### **National Planning Policy Guidance**

### **Other Relevant Documents**

Somerset County Council Parking Strategy, adopted March 2012 and re-adopted September 2012 following corrections made.

Somerset Highways Standing Advice - June 2015.

Stoke Trister with Bayford Parish Plan - Final Edition 2015

## **CONSULTATIONS**

**Stoke Trister with Bayford Parish Council** Oppose proposal:-

- This site is by very dangerous bends incurring more traffic in a very narrow lane. It would have helped the Parish Council considerably if Highways had been present at this meeting to answer many questions from Councillors and Parishioners.
- The services to Hillside Barn will be affected.
- Preservation of hedgerows should be addressed.
- Consideration should be given to the existing residents of Devenish Lane.
- Totally inappropriate design and style for the lane and the existing properties.
- Unsustainable development.
- IN ADDITION the parking arrangements appear tight to say the least. Exiting for at least 1 car will require reversal onto the blind corner of Devenish Lane.

**County Rights of Way Officer** confirms that a footpath (WN 28/17) crosses the site. Any works should not encroach upon this footpath. The development obstructs the Public Right of Way. The County Council do not object to the proposal subject to the applicant being informed that the grant of planning permission does not entitle them to obstruct a public right of way.

**County Highways Authority** - No objections subject to conditions to secure no obstruction to visibility, consolidated surfaces, gradient of accesses, domestic parking only, 4 parking spaces provided, disposal of surface water.

**SSDC Landscape Architect** - In my earlier response, I asked that should you be minded to approve this application, that a detailed landscape proposal should be conditioned, which should seek to establish robust woody boundaries, which I see as being essential to the success of the scheme. I am advised that the southern boundary is to be expressed by a solid timber fence, which is unacceptable - this does not perpetuate the hedgerow enclosure agreed by the 2014 application, furthermore the removal of the parish boundary hedge is an erosion of local character, to impact negatively upon both the immediate context of the local lane along which the right of way runs, as well as upon the public open space associated with the Deansley Way development to the south. I have to advise that if the fence is viewed as an integral component of the proposal, then I am unable to offer landscape support, as LP policy EQ2 is not satisfied.

Original response: I recollect the detail of the 2014 application, which was approved. I have previously commented both negatively and positively upon a number of proposals here, most recently to negative effect in relation to the 2015 application, though that was a design that was very different in character to the approved scheme, and of greater height. The application now before us has reduced the height of the proposed dwellings, and has a more contemporary appearance.

The designs are all two-storey, but have been cut into the site such that the ridge height of each is little more than 6.25 metres above the lane's level for plots 1 and 2, and 5.15 metres above the lane level for plot 3. This broadly accords with the 2nd floor heights of the approved scheme, and I also note that plots 1 and 2 have been drawn closer, such that the built projection to the southeast is reduced.

**SSDC Ecologist** - Slow worms will almost definitely be present due to a receptor area for reptiles from the Deanesley Way development being located adjacent to this site. Slow worms are protected (Wildlife and Countryside Act 1981, as amended) against deliberate and 'reckless' harm. The legislation protects the animals themselves but not their habitat. Consequently their presence wouldn't be a constraint to the proposed development but mitigation measures to avoid and minimise harm will be required. I recommend a condition to secure a mitigation plan/method statement.

**SSDC Tree Officer** - The Monterey Cypress in the North-East corner of the site has quite poor condition and form (it has been damaged by high winds, it has been unsympathetically crown lifted to excess and the crown has die-back symptoms associated with Coryneum Canker). In my opinion, although it has been shown as retained, it lacks longevity and is not of sufficient quality to be worthy of constraining development.

The boundary hedge (roadside) is an attractive feature that has been traditionally laid in recent times. It would seem prudent to secure some degree of protection to prevent accidental construction damage, as it has been shown as retained. The prominent corner-location also provides a worthwhile opportunity to secure some modest tree planting. Therefore, if granting consent I propose conditions to consider hedgerow protection and a scheme of tree planting.

I have noted that the hedgerow adjoining the Southern boundary of the site appears to mark the historical Parish boundary between Wincanton and Stoke Trister as is evidenced in the Cucklington and Stoke Trister tithe map, dated 1838 this preceeds 1850 and in accordance with The Hedgerow Regulations 1997, this qualifies the hedgerow as 'important' under Criterion 1 - Parish Boundary. It appears that the hedgerow concerned also qualifies as important under Criterion 5: Remnant of a pre-inclosure field system (it is recorded in the tithe map pre-dating the Inclosure Acts - 1845).

Furthermore, I conducted a detailed survey and found that the hedgerow is eligible as an important hedge under Criterion 7 & 8: Presence of numerous woody species. I found x 6 woody species within the central 30 metres stretch of the hedgerow. X 10 species were found in the Southernmost 30 metre section. The presence of the adjoining Right of Way and other 'associated features' (ditch, bank, less than 10 % gaps, x 8 trees) all adds to the eligibility.

Given the significant historic and ecological values of the hedgerow, I believe that the proposed 're-alignment' or removal of the hedgerow is contrary to the Council's aims to preserve existing landscape features (trees and hedgerows) in accordance with the Council's following policies as stated within The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

**Wessex Water** - General comments made including the attachment of an extract from showing the approximate location of the public sewer/ water main in the vicinity of the site.

## REPRESENTATIONS

There have been 8 householder notification responses received. 6 object, and 2 support the proposal. The objections are concerned that:

- Outside of the Wincanton town development area
- Sustainability on transport grounds
- Danger points within Devenish Lane, and its junction onto Bayford Hill, increased traffic
- Totally out of character
- Removal of hedges and trees will be visually unacceptable
- The high wood fencing resembling a prison exercise yard is objectionable and

uninviting to any walker.

- Large pressurised water main
- Dwellings would be visually unacceptable
- The retained hedgerows, to allow approval of the previous application, would now have to be destroyed. These hedgerows were required for both wildlife and visual reasons.

The letters of support

- This application has been on the table for several years now, and needs closure. In an idyllic world it would be nice to have a green boundary between Bayford and Wincanton, however with rising population and current housing policy this green strip of land is not going to remain for long, So if it has to be developed then develop it with something attractive now, rather than risk the land being turned over to unattractive smaller "affordable type housing", as currently at Deansley Way, sometime in the future. I'm sure this is not an acceptable argument to develop a piece of land, however the current application is an improvement on previous ones and I am in support of it.
- Whilst I sympathise with some of the contributions so far, I believe that the current planning application is an improvement on the previous one and is one that I support.

## **CONSIDERATIONS**

### **Principle of Development**

The principle of development was accepted by the extant (ref: 14/00479/FUL) permission for three houses that forms a fall-back position for the applicant. The Council currently lacks a five-year housing land supply. With or without a five-year housing land supply it is important to judge an application on its merits, taking account of the impacts and benefits that the scheme provides. There is a presumption (para.14 of the NPPF) in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Accordingly the main considerations include character and appearance, highway safety, the effect on the public right of way and neighbour amenity.

### **Character and Appearance**

The design and scale of the proposed dwellings although they differ from those permitted would not create higher structures and on this basis the Landscape Architect is supportive of them, subject to a landscape condition to help soften boundaries in this exposed position that overlooks the adjacent open land with views out across the landscape. The extant planning permission preserved the course of the Public Right of Way and adjacent parish hedgerow boundary as part of the landscaping scheme supporting that development. The submitted drawing 793/002D annotates a new perimeter hedge to be planted, although this is located inside the retained timber fence that was recently erected on site. The presence of the fencing screens the planting within and the agent's email of 12 April 2016 confirms their reluctance to move the fencing to provide for outward planting (by planning condition) of the site.

Notwithstanding the lost opportunity to landscape boundaries it is noted also that the current proposal involves the loss of the historic parish boundary hedgerow that was previously a feature of the landscaping in support of the extant planning permission (14/00479/FUL). The timber fencing that has been erected on site leaves the hedgerow stranded, severed from the adjacent footpath, although the proposal results in the total loss of the hedgerow. The landscaping finishes of the extant permission were previously important considerations in support of that scheme that included a post and rail fence with the hedgerow providing screening and security for the dwellings within.

The hedgerow's loss draws attention to the fact that it forms an historic hedgerow parish boundary whose loss is considered a significant and detrimental change to the extant



permission. While the loss of the other landscaping elements and the imposition of the fencing as the outward 'hard' edge of the proposal development removes the opportunity to soften and integrate the proposed development with its surroundings, the loss of what is considered an important parish boundary hedgerow attracts great weight. Its loss and the lack of landscaping is considered brings about adverse harm to local distinctiveness and character and appearance.

### **Rights of Way**

The proposal results in the Public Right of Way being pushed back to the site's perimeter (east side) that requires its diversion and is already defined on the ground by fencing that allows for a 1.8m footpath width, referred to in the original diversion order, now harshly contained at close quarters by high timber fencing on both sides of the footpath. The path then turns to align with the application site's southern boundary, defined likewise by timber fencing although at this point having the benefit of open views out towards the south.

This stretch of footpath originates from an earlier cart track, taken from the main road to the adjacent agricultural barns that were converted to a residential dwelling in the late 20th century. The applicant seeks to physically define its width as 1.8m whereas as a former cart track a broader more distinct presence is considered an important attribute. The extant permission ref: 14/00479/FUL shows an unobstructed public right of way with sufficient space, width and context for users that made for an attractive and welcoming stretch of footpath that also aligns with the historic parish hedgerow boundary. The footpath's physical treatment and resulting containment is considered to have created a much less attractive route. Para.75 of the NPPF seeks to protect and enhance public rights of way and access. Local Authorities are tasked to seek opportunities to provide better facilities for users, while the applicant's consideration of the public right of way is considered lacks any attention towards the footpath's integration with the new development.

### **Highways**

Highway safety off site and on the approach to the site was considered in depth previously. The Highway Authority's response to the current application propose conditions and otherwise does not object to the proposal for which there is, as said elsewhere, a fall-back position. On the basis of Highway Authority support the proposal is considered would not have a detrimental effect for highway safety.

### **Impact on Residential Amenity**

The proposed dwellings are not considered would give rise to any significantly detrimental impact for neighbour amenity. All neighbour responses have been considered and where appropriate dealt with under the relevant sub-heading of the officer report.

## **RECOMMENDATION**

Refuse permission

### **Reasons for Refusal**

01. The loss of the significant Parish hedgerow boundary would result in adverse harm by virtue of the historic and ecological interests associated with this historic landscape feature contrary to the aims and objectives that seek to preserve existing landscape character, appearance and local distinctiveness contrary to Policy EQ2, EQ4 and EQ5 of the South Somerset Local Plan 2006- 2028.
02. The proposed reduction in width of the public right of way and the treatment of enclosure results in a significantly less attractive and accessible route for users amenity resulting in

obstruction caused by its narrowing and closely bounded by high timber fencing being detrimental to local distinctiveness, character and appearance, and the amenity of users contrary to Policy EQ2 of the South Somerset Local Plan 2006- 2028, and para.75 of the NPPF.

03. The proposal lacks any outward landscaping to soften the impact of the development being detrimental to character and appearance, local distinctiveness and visual amenity, contrary to Policy EQ2 of the South Somerset Local Plan 2006- 2028.

**Informatives:**

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, the applicant/agent did not take the opportunity to enter into pre-application discussions with regard to the wider setting and layout of the development.