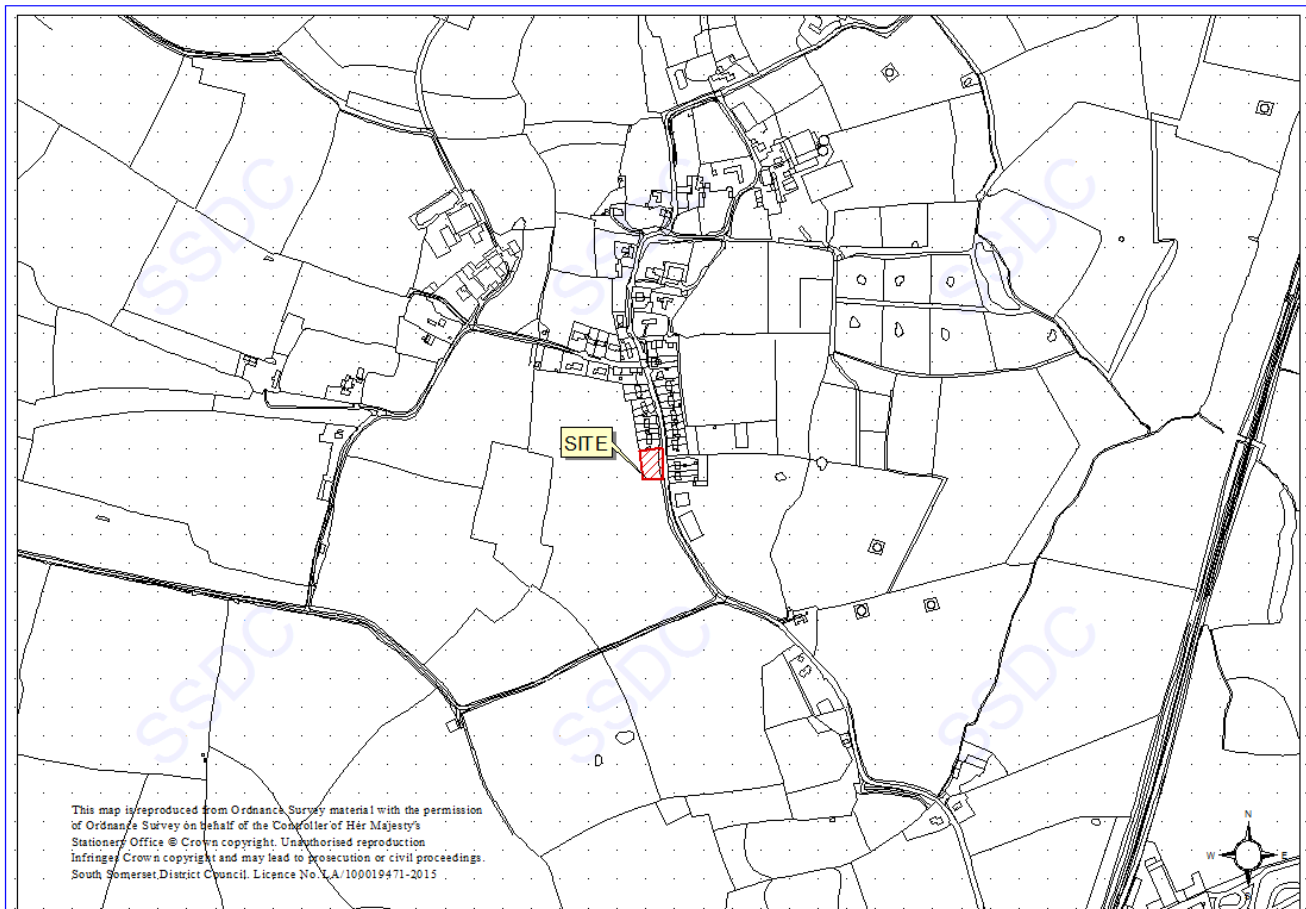


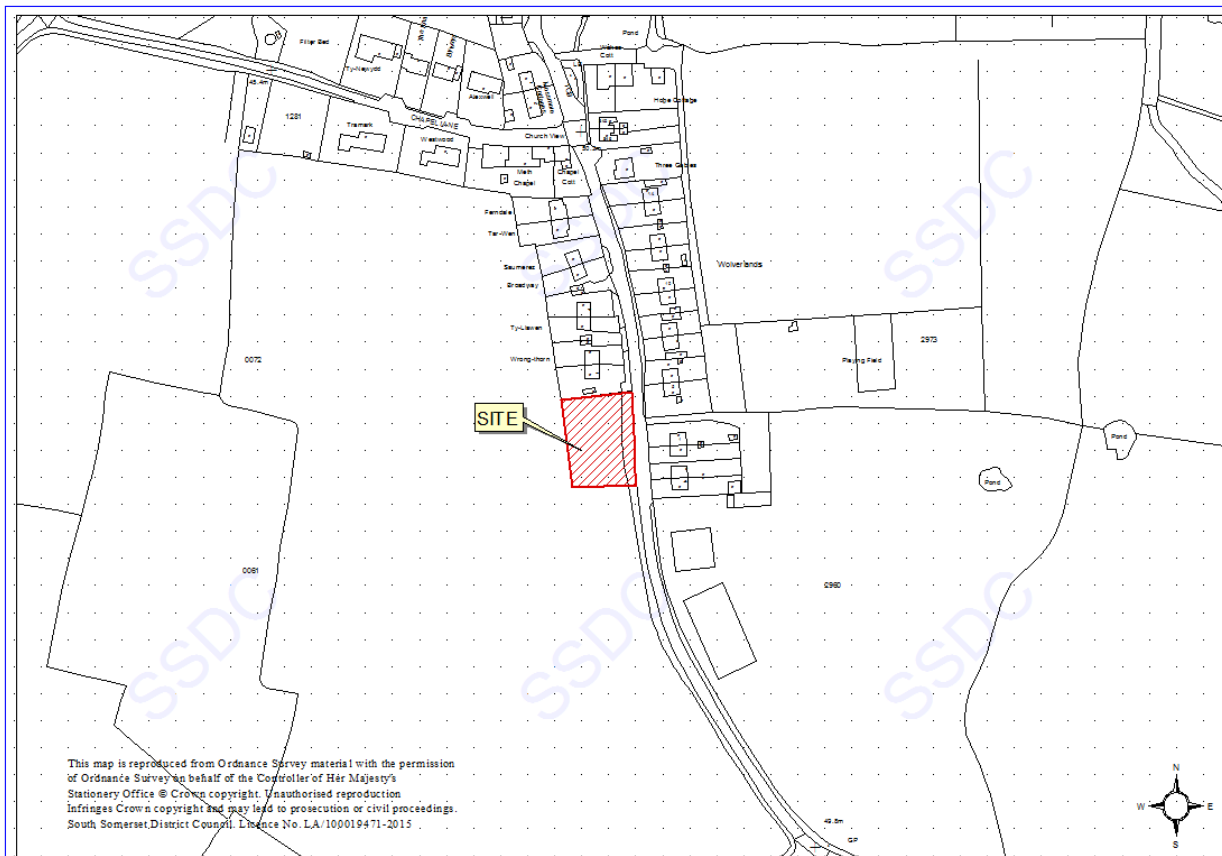
Officer Report On Planning Application: 17/02511/OUT

Proposal :	Outline application for erection of three detached dwellings and detached garage to plot 3. Provision of vehicle and pedestrian access.
Site Address:	Land Rear Of 1 Sparkford Road South Barrow
Parish:	South Barrow
CARY Ward (SSDC Member)	Cllr Nick Weeks Cllr Henry Hobhouse
Recommending Case Officer:	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
Target date :	7th August 2017
Applicant :	Mr & Mrs Richard Harvey
Agent: (no agent if blank)	Mr Gary Adlem GMA Design Little Hains Hains Lane Marnhull Sturminster Newton DT10 1JU
Application Type :	Minor Dwellings 1-9 site less than 1ha

The application is before the committee at the request of the ward member, and with the agreement of the area vice-chair, to allow local concerns to be publicly debated.

SITE DESCRIPTION AND PROPOSAL





This application seeks outline permission for the erection of three dwellings, including the provision of vehicle and pedestrian access. Appearance and landscape are matters left for future consideration. Access, layout and scale are to be considered at this stage. The site consists of a part of an agricultural field, which is currently laid to grass and bounded by native hedgerows, with residential curtilage on the northern boundary of the site. The site is not within a development area as defined by the local plan. The site is close to various residential properties and open countryside. The site is traversed by a public right of way.

Plans show the erection of three detached dwellings, and a detached garage on plot 3. Plots 2 and 3 are to be served by one shared vehicular access from the highway, and plot 1 by another. The applicant has stated that the dwellings are to be of two storey design. Plans show a footpath walkway across the site to contain a diverted public right of way.

HISTORY

None

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).

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

Policy SD1 - Sustainable Development
Policy SS1 - Settlement Strategy
Policy SS2 - Development in Rural Settlements
Policy SS5 - Delivering New Housing Growth
Policy SS6 - Infrastructure Delivery
Policy EQ2 - General Development
Policy EQ4 - Biodiversity
Policy TA5 - Transport Impact of New Development
Policy TA6 - Parking Standards
Policy HG3 - Provision of Affordable Housing - Sites of 1-5 Dwellings

National Planning Policy Framework

Chapter 3 - Supporting a Prosperous Rural Economy
Chapter 6 - Delivering a Wide Choice of High Quality Homes
Chapter 7 - Requiring Good Design

CONSULTATIONS

Cary Moor Parish Council - Lists a variety of observations from local residents at the meeting. One councillor "...declared a personal interest but commented that the proposed new houses were not in keeping with the existing properties as they were detached. He reported that he has spoken to residents and there would appear to be no local support. If there was a requirement for affordable housing a new development of 14 affordable homes has just been built on the edge of Sparkford." Councillors referred to the public footpath running through the site and note the highway authority objection to the layout. Another councillor "...commented that if there was a requirement for affordable housing a new development of 14 affordable homes has just been built on the edge of Sparkford for which residents of South Barrow would be eligible after those in Sparkford. There were also consents for 3 barn conversions in South Barrow. Hence there was no need for any further housing in South Barrow."

Cary Moor PC recommend refusal of the application for the above reasons and as being contrary to policies SD1, SS2 and EQ2 of the Local Plan.

County Highway Authority -

"This plan now appears to correctly account for the existing public highway and the location of the existing hedge line. The garage for Plot 3 is now appropriately shown as located on private land.

No visibility splays have been shown on the drawing or specified by the applicant, but from my site visit I would expect 2.4m by 43m splays (suitable for the posted 30mph speed limit) are achievable in view of the existing highway verge width at this location.

It appears from the submitted plan that the parking for these dwellings may now be slightly above the optimum provision, but the Local Planning Authority may consider this appropriate at this location (and the Highway Authority would not raise an objection).

However, two properties are still shown as using one access (not individual accesses for each property as stated in the submitted Design and Access Statement). While I have no issue with this in principle, Somerset County Council's Standing Advice is that such an access should have a minimum width of 5m over the first 6m from the public highway. Other issues highlighted in the Standing Advice are also relevant, such as the provision of a consolidated surface and prevention of surface water shedding onto public highway. The Highway Authority would have no objection to these issues being addressed by the imposition of suitable conditions on any planning consent granted, should the Local Planning Authority consider this appropriate.

On this basis I can confirm that the Highway Authority would withdraw its objection to this proposal.

I note the applicant intends to divert the existing footpath WN 25/2, and I reiterate my advice for the applicant to discuss this with our Rights of Way Group as they can advise on the suitability of this proposal.

In addition, I suggest that the applicant be reminded that works on or adjacent to the public highway, as required for this development, would need the prior agreement of/ licencing from the Highway Authority, should planning permission be granted."

SSDC Landscape Architect -

"[T]he application proposes 3 houses, which would form a southward extension of the village edge to the west side of the Sparkford road, to match the presence of residential properties on the opposite side of the road. South Barrow is a minor settlement, with its small amount of housing primarily concentrated to the south of the church, and in that respect, this additional housing would link with the existing residential area. The proposal site is bounded on 2 sides by existing housing, but open to a large field to west and south. Other than at roadside, it is not contained by any natural boundaries, though its location will extend built form south of the alignment of an established right of way.

As an incursion into countryside at the village periphery; as a plot with no natural containment or definition; and in being open to views from the south and west, there will inevitably be a landscape impact arising from development, though this can be moderated in part by provision of native species hedgerows to enclose and visually contain the development area. The proposal will consolidate the current dilute edge of settlement character, and on balance, I consider that there will be an erosion of local character, though this impact is not substantial. Thus a case can be made to refuse this application, LP policy EQ2, but this is not heavily weighted."

SCC Rights of Way - Notes the presence of a public footpath crossing the site. They note that development should not obstruct the footpath and that a diversion order should be applied for. They state that 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. They suggest the following informative on any permission issued:

"Development, insofar as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary (diversion/stopping up) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with."

They go on to provide general information for the developer as to their duties in regards to the public right of way.

REPRESENTATIONS

Letters of objection were received from the occupiers of five neighbouring properties. Objections were received in the following areas:

- Adverse impact on residential amenity
- Contrary to local plan policy
- Development is Ribbon development
- Loss of views
- Adverse impact on users of footpath

- Highway safety
- Limited services and facilities so future occupiers would be reliant on car
- Undesirable precedent
- No demand for housing in settlement

CONSIDERATIONS

History and Principle of Development

The site is located outside of any development areas or directions of growth as defined by the local plan. As such, policy SS2 of the South Somerset Local Plan is of most relevance. However, elements of policy SS2 must be considered out of date, as SSDC cannot currently demonstrate a five year supply of housing land. It is noted that South Barrow would be considered as a broadly sustainable location under policy SS2, as it contains at least two basic services and facilities - in this case a recreation ground and church/village hall. The principle of modest residential development within the settlement must therefore be considered acceptable, subject, of course, to full consideration of site specific impacts. Furthermore the benefit of contributing to the supply of housing in the district outweighs the lack of local benefits that would have been previously required by policy SS2.

It is therefore considered that, notwithstanding local concerns regarding the need for the proposed dwellings and lack of compliance with local plan policy, the principle of development is acceptable in accordance with the aims and provisions of the NPPF.

Highways

Local concern has been raised in regard to the proposed access arrangements, and whether the resulting increase in vehicle movements on the local highway network would be acceptable. However, the highway authority have been consulted and considered the scheme in detail. They have raised no objections subject to the imposition of conditions to ensure that the proposed shared access is at least 5 metres wide for the first 6 metres of its length, that the surface is properly consolidated, and to prevent surface water discharging onto the highway. An amended plan has been issued to address the first, and it is considered that the latter two can be reasonably controlled through suitable conditions.

As such, it would be unreasonable to raise an objection on highway safety grounds.

Visual Amenity

The site is located on green field land on the edge of an existing settlement. As such, the SSDC landscape architect was consulted as to the impact of the scheme on visual amenity. He considered the scheme in detail and concluded that the consolidation of the existing dilute character of built form on the edge of the settlement would be an erosion of local character. He considers that this harm is not substantial and therefore any case to refuse the application on landscape reasons would not be heavily weighted.

It is considered that the detailed design of the dwellings, and suitable landscaping to help mitigate the above identified minor harm could be agreed as part of a future reserved matters application.

A concern has been raised locally that the proposed development is "ribbon development". Whilst it is undoubtedly true that the proposal represents the continuation of a "ribbon" of development along the road, it will project no further into the countryside than the existing development on the other side of the road. As such, it is hard to argue that continuation of the "ribbon", in itself, is in any way harmful.

The parish council raised a concern that the dwellings would be out of keeping with local character as they are detached. Whilst the immediate locality is characterised by semi-detached properties, the

inclusion of detached properties at this location will not be harmful, just different.

As such, the impact of the scheme on the character of the area and the local landscape is considered to be acceptable.

Subject to further details at the reserved matters stage, it is considered that the proposal would have no significant adverse impact on visual amenity in compliance with policies EQ2 and EQ3 of the local plan.

Residential Amenity

Subject to appropriate design at the reserved matters stage, it is considered that the proposed scheme is unlikely to have any significant impact on the residential amenity of adjoining occupiers by way of overlooking. Layout and scale is to be considered at this stage, and the proposed properties are considered to be sufficiently far (and of an appropriate scale), so as to prevent any demonstrable to neighbouring amenity by way of overshadowing and overbearing.

Therefore, notwithstanding local objections in this regard, the proposal is considered to have no significant adverse impact on residential amenity in compliance with policy EQ2 of the local plan and the aims and provisions of the NPPF.

Footpath

A public footpath currently traverses the site and the loss or interference to this footpath is a concern that has been raised locally. As such, the SCC Rights of Way Group was consulted. They did not object to the proposal provided that the developer is informed that the grant of planning permission does not entitle them to block a right of way. The developer is proposing a diversion of the footpath, and has made an allowance in their submitted layout to accommodate a revised route. Whether such a revision of the route is acceptable would be determined as part of an application to divert the footpath, but either way it cannot be a reason to refuse the scheme. Even with a planning permission, the developer may not be able to ultimately carry out the proposed development if, for some reason, the footpath cannot be properly diverted.

Contributions

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 we are not seeking an affordable housing obligation from this development.

We will also not be seeking any contributions towards Sports, Arts and Leisure (Policy SS6) as the same principle applies.

The proposal is however liable for the community infrastructure levy (CIL).

Other Matters

Neighbouring occupiers have raised objections to the proposal on the grounds that they will lose existing countryside views from their properties. However, it is a long established principle that the planning

system cannot protect the private views of individuals.

Neighbouring occupiers have raised a concern that an approval will lead to the setting of an undesirable precedent. However, it is not clear that the proposal will lead to any precedent for further development in this location. Without a five year supply of housing, the principle of modest residential development in this location (without complying with the restrictions of policy SS2) has been established. The proposed location is unique, and any other application in a different location would be considered on its own merits.

The parish council has suggested that, if there was a requirement for affordable housing, a new development of 14 affordable homes has just been built on the edge of Sparkford. They also suggested that there is no need for the proposed housing in South Barrow. However, the proposal is not however for affordable housing, and there is a district wide shortage of housing.

Conclusion

Accordingly the proposal is considered to be acceptable in this location, and to cause no significant adverse impact on the character of the area, highway safety, or residential amenity.

RECOMMENDATION

That application 17/02511/OUT be approved for the following reason:

01. The benefits to housing supply in South Somerset are considered to outweigh the lack of local benefits arising from the scheme, and as such the principle of residential development is considered acceptable. The proposed dwellings on this site would respect the character of the locality with no demonstrable harm to residential amenity or highway safety. As such the proposal complies with saved policies SD1, SS1, TA5, TA6 and EQ2 of the local plan, and the aims and objectives of the NPPF.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be carried out in accordance with the following approved plans: GMA-0027-01B received 17 July 2017.

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

02. Details of the appearance and landscaping (herein after 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: As required by Section 92(2) of the Town and Country Planning Act 1990.

03. 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 3 years from the date of this permission or not later than 2 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.

04. No works shall be undertaken until there has been submitted to and approved in writing by the Local Planning Authority, a scheme of landscaping. Such a scheme shall include individual species, size at the time of planting, whether container-grown, cell-grown, root-balled or bare-rooted and the approximate date of planting. The installation details regarding the construction of tree pits, staking, tying, strimmer-guarding and mulching shall also be included in the scheme.

All planting comprised in the approved details of landscaping shall be carried out in the next planting and season following the commencement of any aspect of the development hereby approved; and any trees or plants which within a period of ten years from the completion of the development die, are removed or become in the opinion of the Council, seriously damaged or diseased, they 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: To secure the planting of new trees and shrubs and in the interests of visual amenity in accordance with the Council's statutory duties relating to The Town & Country Planning Act, 1990 (as amended)[1] and the following policies as stated within The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

05. Before the development hereby permitted is commenced, foul and surface water drainage details to serve the development (including details of how surface water will be prevented from discharging onto the highway), shall be submitted to and approved in writing by the Local Planning Authority and 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 local amenities and highway safety in accordance with policies TA5 and EQ2 of the South Somerset Local Plan.

06. Before the dwelling hereby permitted is first occupied, the access over the first 6 metres of its length shall be properly consolidated and surfaced (not loose stone or gravel) details of which shall have been submitted to and approved in writing by the Local Planning Authority, before works are carried out on the access.

Reason: In the interests of highway safety and in accordance with policy TA5 of the South Somerset Local Plan.

07. There shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the accesses and extending to points on the nearside carriageway edge 43m either side of the accesses. Such visibility shall be fully provided before the development hereby permitted is first brought into use and shall thereafter be maintained at all times.

Reason: In the interests of highway safety and in accordance with policy TA5 of the South Somerset Local Plan.

08. The area allocated for parking and turning on the submitted plan (including the proposed garage), drawing no. GMA-0027-01B received 17 July 2017, shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles used in connection with the development hereby permitted.

Reason: In the interests of highway safety and in accordance with policies TA5 and TA6 of the South Somerset Local Plan.

09. Any entrance gates shall be hung to open inwards and set back a minimum distance of 5m from the highway at all times.

Reason: In the interests of highway safety and in accordance with policy TA5 of the South Somerset Local Plan.

Informatives:

01. Development, insofar as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary (diversion/stopping up) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.
02. Please be advised that subsequent full or reserved matters approval by South Somerset District Council will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice.

You are required to complete and return Form 1 Assumption of Liability as soon as possible and to avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place Please complete and return Form 6 Commencement Notice.

You are advised to visit our website for further details <https://www.southsomerset.gov.uk/cil> or email cil@southsomerset.gov.uk