

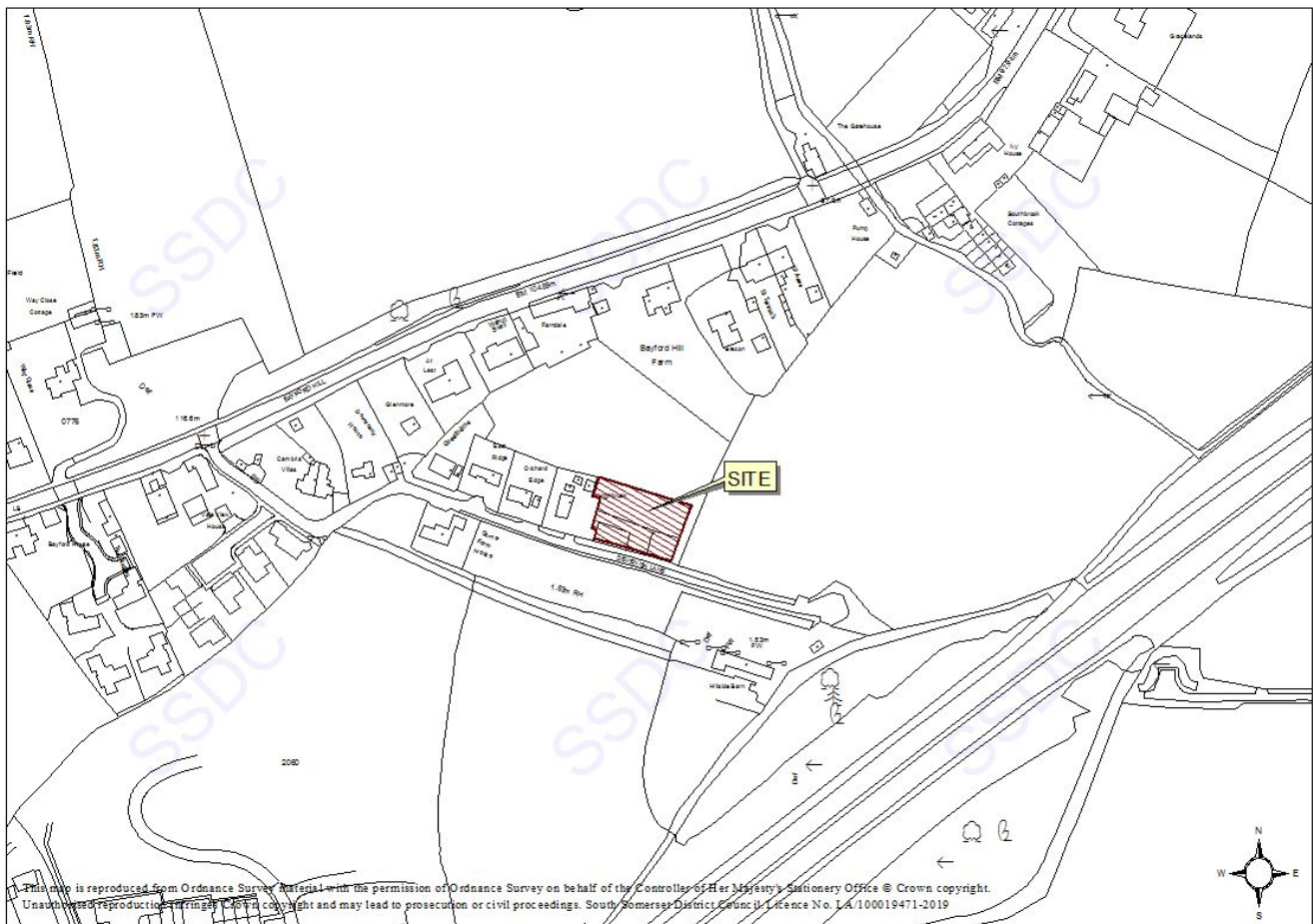
## Officer Report On Planning Application: 18/02145/OUT

<b>Proposal :</b>	Outline application for the erection of a two storey detached dwelling with new vehicular access onto Devenish Lane
<b>Site Address:</b>	Land Adj Highbrook Devenish Lane Bayford
<b>Parish:</b>	Stoke Trister
<b>TOWER Ward (SSDC Member)</b>	Cllr Mike Beech
<b>Recommending Case Officer:</b>	Richard Hawkey Tel: 01935 462578 Email: richard.hawkey@southsomerset.gov.uk
<b>Target date :</b>	10th October 2018
<b>Applicant :</b>	Mr Shaun Paul
<b>Agent: (no agent if blank)</b>	Mr Tim Downes Little Orchard Station Road Ansford Castle Cary BA7 7PD
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL

The application is before the committee at the request of the ward member, and with the agreement of the area chair, as the ward member considers the proposal to comply with policy SS2.

### SITE DESCRIPTION AND PROPOSAL



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The proposal seeks outline consent (with all matters reserved) for the erection of a two storey detached dwelling with new vehicular access onto Devenish Lane on land adjacent to Highbrook, Devenish Lane, Bayford, Wincanton.

The site is located immediately to the north of Devenish Lane which is a single track no through road. The site is currently undeveloped and consists of a grassed field with the boundary adjoining the lane being defined by a hedgerow to a height of approximately 2metres. There are a number of trees to the north and east of the site which provide some screening to the site. The proposed building plot is located at the end of a line of development extending along the north side of Devenish Lane and the land is open and undeveloped to the north and east of the site. To the south the land is currently undeveloped although there are previous consents for dwellings although these are now time expired.

The plans show the type of development proposed for the site in terms of elevations, floor plans and site layout, although these matters are reserved for later consideration.

## HISTORY

None for the application site although the following consent for land located opposite the current site has the following consents approved although these are now time expired:

17/00867/S73 Application to vary condition No. 02 (approved plans) of 14/00479/FUL for amendments to site layout and design of dwellings. Permitted 24th August 2017

14/00479/FUL Proposed erection of 3 dwellings. Permitted 17th October 2014

There are also refusals relating to the site opposite the current application site.

The most recent of these are:

16/00677/FUL Erection of 3 dwellings and ancillary works.

Refused 12th August 2016. The reasons for refusal related to:

- Loss of a significant parish hedgerow boundary
- Unacceptable narrowing of an historic cartway
- Lack of outward landscaping to soften the impact of the development

15/03731/FUL Erection of 3 dwellings and ancillary works.

Refused 5th October 2015. The reasons for refusal related to:

- The increased heights scale and design of dwellings and the prominence and sensitivity of the location
- Reduction in the width of a public right of way

## **POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF (July 2018) 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).

The policies of most relevance to the proposal are:

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

Policy SD1 - Sustainable Development

Policy SS1 - Settlement Strategy

PolicySS2 - Development in Rural Settlements

Policy EQ2 - General Development

Policy EQ4 - Biodiversity

Policy TA5 - Transport Impact of New Development

Policy TA6 - Parking Standards

### **National Planning Policy Framework**

Chapter 2 - Achieving Sustainable Development

Chapter 5 - Delivering a Sufficient Supply of Housing

Chapter 12 - Achieving Well Designed Places

Chapter 15 - Conserving and Enhancing the Natural Environment

## **CONSULTATIONS**

**Stoke Trister Parish Council** - "A site meeting was attempted on 28th September 2018. Access to the site was immediately denied by, we believe, Mrs Paul on the grounds that they are running a business. We can say however that access is extremely difficult. During the 20 minutes we were there 2 large delivery vehicles struggled to get in and out of Highbrook. We are concerned that this application does not meet policy SS2 of the local Plan. Therefore Stoke Trister with Bayford Parish Council recommend refusal of this application."

**SSDC Ecologist:** "I have considered this application and I don't have any comments or recommendations to make."

**SCC Highways:** "Standing Advice applies."

**SSDC Highways Consultant:** "While this is an outline application with all matters reserved I would prefer details of the means of access to be submitted at this stage showing the width of the proposed access point, its surfacing and the extent of visibility splays. I am mindful that there have been a number of developments approved along Devenish Lane in recent years so an assessment on the lane to accommodate additional traffic would be useful. The assessment should detail the number of dwellings using the lane (current and with planning permission), its width measured at regular intervals and the standard of the junction onto Bayford Hill."

In response to additional information provided by the applicant:

"I visited the site on Monday. The first length of Devenish Lane is sufficiently wide for two cars to pass on another. There are then a couple of sharp bends - the first to the left and then to the right. Forward visibility through the bends is restricted but this in turn leads to be very low vehicle speeds. There are one or two places where vehicles can pass. The surface of the road is in a relatively poor state but as the road is recorded as an unclassified highway, this would be a maintenance issue that the County Council will need to assess and address.

The erection of one more dwelling, likely to be the last dwelling that could be erected off Devenish lane, would in my opinion not lead to a severe traffic impact nor be unacceptable in terms of highway safety.

In the event that permission is granted, I recommend conditions are imposed securing:

1. A 2.4m back and parallel visibility splay across the site frontage - maximum height of 900mm
2. The first 5m of access to be properly consolidated and surfaced (not loose stone or gravel)
3. The implementation of drainage measures to ensure surface water does not discharge onto the highway
4. Sufficient parking in line with the SPS optimum standards."

**SSDC Ecology:** - "I have considered this application and I don't have any comments or recommendations to make."

## **REPRESENTATIONS**

One letter of objection has been received in which the following comments were made:

- We wish to raise concern about any extra traffic due to any further developments that would necessitate the use of the lane access. It is a single track lane with dangerous corners and dangerous exit onto the main road.

## **CONSIDERATIONS**

### **Principle of Development**

The proposed application site forms part of the rural settlement of Bayford although this location is in proximity to the eastern boundary of the settlement area of Wincanton as defined by the South Somerset Local Plan Proposals Map (as shown by Map 14). Although forming part of the rural settlement of Bayford, policy SS2 of the adopted local plan this settlement would be considered as part of the countryside. In order for the principle of residential development to be considered acceptable such proposals would need to meet the criteria set out by that policy. One of which would be to meet an identified housing need, particularly affordable housing. The proposal is contrary to that part of the policy however as SSDC cannot currently demonstrate a five year housing land, elements of the policy must be considered out of date. As such, it is considered that the LPA cannot rely on this aspect of policy SS2 in regard to what the development must provide (i.e. meeting an identified housing need). As such only limited weight can be applied to this adverse impact in the planning balance.

Policy SS2 also requires development to be commensurate with the scale and character of the settlement and increase the sustainability in general. This proposal relates to outline consent for one dwelling. The site is at the end of a line of existing development stretching down Devenish Lane and the indicative plan supplied with this current application shows that a dwelling broadly in line with the size and scale of other nearby dwellings could be accommodated on the site. As this is an outline application matters such as dwelling design do not fall to be considered. However a reserved matters application would enable careful consideration of this aspect.

Policy SS2 also requires that proposals for housing development should only be permitted in rural settlements that have access to two or more key services as detailed by the local plan. As the settlement of Bayford has a pub and a public meeting place (services that are both listed by the policy as key services) it is considered that this criteria is also met.

It should be noted that opposite the application site adjacent to the southern side of Devenish Lane is a currently vacant site on which previous consents for residential development have been permitted. The most recent of these

was issued in 2017 and was to vary the approved plans to a 2014 consent. These consents have both now lapsed. The original 2014 consent was granted for the following reason:

"The proposal, by reason of its size, design, materials and location, represents appropriate infill which is designed to respect the character of the area, causes no demonstrable harm to residential amenity and highway safety and does not foster growth in the need to travel in accordance with the aims and objectives of policies ST2 and ST6 of the South Somerset Local Plan (Adopted April 2006) and the NPPF."

Whilst in both 2015 and 2016 two further applications were submitted for this adjacent site and both were refused neither application was refused on the basis of the site being in an unsustainable location instead it was design matters which resulted in their refusal.

### **Visual Amenity / Residential Amenity**

Although this is an outline application, the indicative plan submitted as part of the application does demonstrate that a dwelling commensurate in size to others nearby may be adequately located on the site. It would also be possible to locate it on the site such that it would be located a similar distance back from the line of the lane as other buildings in this location area. Furthermore the design and access statement submitted in support of the application states that it is the intention to retain the hedge line fronting onto Devenish Lane which would also help to reduce any visual impact of development taking place on this site. I consider that careful design of a dwelling on this site would be able to ensure a development that could comply with policy EQ2 of the local plan.

### **Highways**

There is an existing field access from the site onto Devenish Lane which would be altered to create the access for the development of this site for residential purposes. Somerset County Council (Highways Department) have not raised objection to the proposed development of the site with one additional dwelling and have stated that their Standing Advice applies. A site visit has been undertaken by the SSDC Highways Consultant to assess the suitability of the access along Devenish Lane. His comments are detailed in full above, however he has not raised an objection to the proposal on highway safety matters and has suggested appropriate conditions. These conditions may be applied to any future reserved matters application to ensure a suitable standard of access is achieved.

The size of the proposed site is such that it would be possible to provide sufficient car parking on site to comply with the Somerset Parking Strategy. The proposal is in compliance with policies TA5 and TA6 of the adopted local plan.

### **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 Sport, Arts and Leisure (Policy SS6 as the same principle applies).

The proposed development is however subject to the Community Infrastructure Levy. It must be for the developer to establish, at the appropriate juncture, whether any exemptions or relief applies.

### **Conclusion**

The proposed development would represent a sustainable form of development that, subject to the approval of reserved matters, would respect the character of the area and cause no demonstrable harm to highway safety in accordance with the aims and objectives of the National Planning Policy Framework and policies SD1, SS1, SS2,

EQ2, EQ4, TA5 and TA6 of the South Somerset Local Plan.

## **RECOMMENDATION**

Approve for the following reason:

01. The proposed development would represent a sustainable form of development that, subject to the approval of reserved matters, would respect the character of the area and cause no demonstrable harm to highway safety in accordance with the aims and objectives of the National Planning Policy Framework and policies SD1, SS1, SS2, EQ2, EQ4, TA5 and TA6 of the South Somerset Local Plan.

## **SUBJECT TO THE FOLLOWING:**

01. The development hereby permitted shall be carried out in accordance with the following approved plans: 1402/001 received 9th July 2018

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

02. Details of the access, scale, 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. 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 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 in accordance with policy EQ2 of the South Somerset Local Plan (2006 - 2028).

## **Informatives:**

01. 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](mailto:cil@southsomerset.gov.uk)

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