

Officer Report On Planning Application: 14/02647/OUT

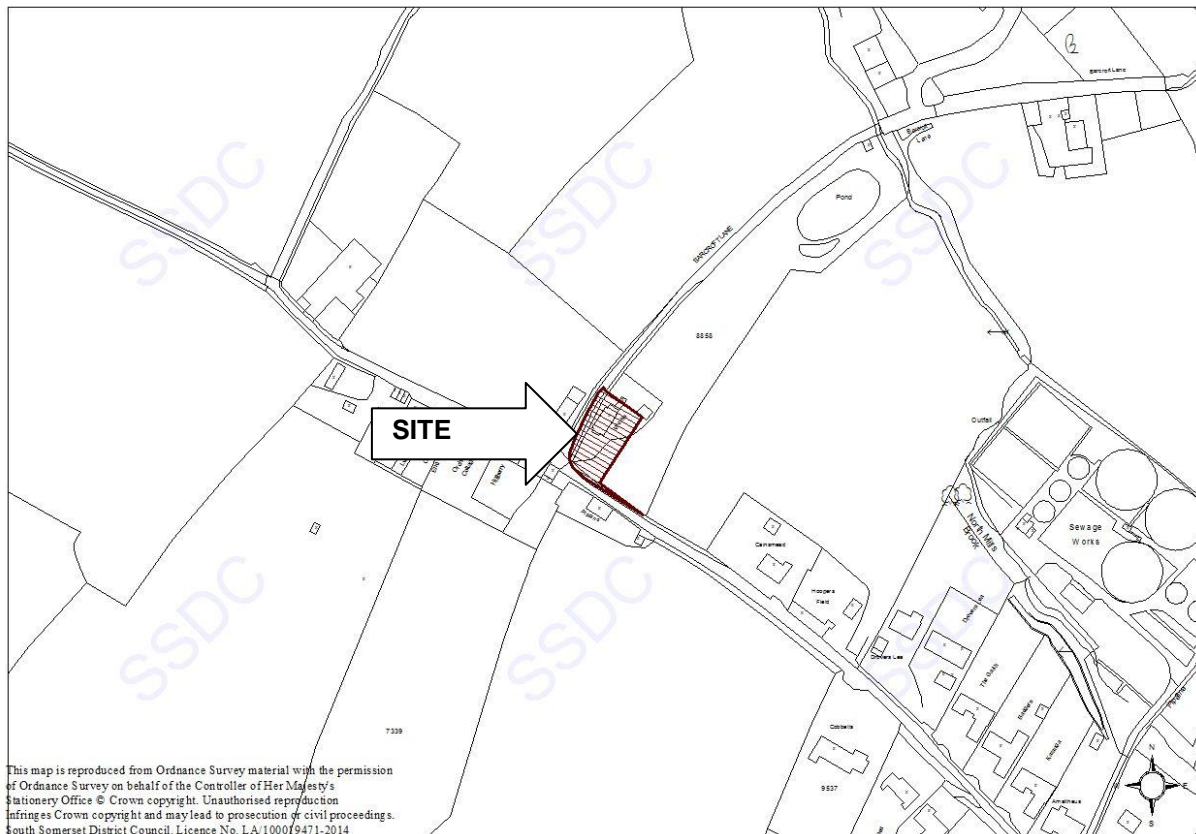
Proposal :	Demolition of garage and workshop and the erection of 1 No. dwellinghouse and garage (Outline). (GR 342836/117554)
Site Address:	Land Adjacent To Barcroft Lane, South Petherton.
Parish:	South Petherton
SOUTH PETHERTON Ward (SSDC Members)	Cllr P A Thompson Cllr B R Walker
Recommending Case Officer:	Louisa Brown Tel: (01935) 462344 Email: louisa.brown@southsomerset.gov.uk
Target date :	29th July 2014
Applicant :	Mr & Mrs N Screen
Agent: (no agent if blank)	Paul Dance, Foxgloves, 11 North Street, Stoke Sub Hamdon, Somerset TA14 6QR
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO 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 However, the adopted local plan is increasingly out-of-date and policy ST3 is not consistent with the NPPF, as it is overly restrictive particularly in light of Paragraphs 54 and 55 of the NPPF, which aim to facilitate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, and in light of objections raised locally.

SITE DESCRIPTION AND PROPOSAL





This is an application seeking outline consent for the demolition of garage and workshop and the erection of 1 no. dwellinghouse and garage. The site is located on the northern side of Droeway on the edge of South Petherton. The site is made up of a rendered single storey workshop and garage with an additional detached metal storage shed. There is access to the site at the entrance to Barcroft Lane, it is proposed to block up this entrance and create a new access fronting the site onto Droeway.

The area is characterised by a partially built up area along a country lane. There are residential properties to the southeast and southwest. The properties in the area vary in age and style and overall dimensions. As you head towards the centre of South Petherton to the southeast the residential development becomes denser as you enter the designated Development Area. To the north and northwest of the site is open countryside.

HISTORY

07/01294/FUL: erection of a tractor/trailer shed (retrospective) - withdrawn

96/00383/FUL: the construction of a wildlife pond - approved 27/03/96

880071: the continued use of land as an agricultural forge - approved 26/02/88

831221: Use of land adjoining agricultural forge for the repair of agricultural/horticultural machinery and household items - refused 16/09/83

821256: the use of barn as an agricultural forge - approved 16/02/83

781115: formation of vehicular access at junction of Barcroft Lane and Droeway - approved 20/07/78

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.

For the purposes of determining current applications the Local Planning Authority considers that the relevant development plan primarily comprises the saved policies of the adopted South Somerset Local Plan (2006). However, the emerging Local Plan which will replace the adopted Local Plan is in an advanced stage of adoption. The proposed 'Submission South Somerset Local Plan (2006 - 2028)' was submitted to the Planning Inspectorate for Independent Examination in January 2013. A series of Examination Hearing Sessions were held during May and June 2013, which resulted in the Inspector issuing a Preliminary Findings Letter to the Council outlining some issues of concern. The Examination resumed in June 2014 following additional work being undertaken by the Council to address the Inspector's concerns. It is anticipated that the emerging Local Plan will be ready for adoption early in 2015. Having regard to the advanced stage in the adoption of the emerging Local Plan, emerging policies can be afforded some weight in determining the application

Relevant Development Plan Documents:

Government Guidance:

National Planning Policy Framework

Chapter 6: Delivering a wide choice of high quality homes

Chapter 7: Requiring Good Design

Chapter 11: Conserving and enhancing the natural environment

South Somerset Local Plan (Adopted April 2006):

Saved Policy ST1 – Rural Centres

Saved Policy ST3 - Development Area

Saved Policy ST5 - General Principles of Development

Saved Policy ST6 - The Quality of Development

Saved policy EC3 - Landscape Character

ENVIRONMENTAL IMPACT ASSESSMENT

None required

CONSULTATIONS

South Petherton Parish Council: Recommend approval

Highways: Standing Advice

Environmental Protection unit: No observations

REPRESENTATIONS

Four neighbours were notified and a site notice displayed. Two letters of objection have been received the issues raised were;

- Workshop should have originally been demolished, but condition ignored
- Will all landowners be able to carry out further property development
- Prevention of encroachment into and development of agricultural land is supposedly a priority under the councils own policies.
- There is little evidence that policies are maintained with parity
- The site is not part of the applicants residential curtilage

- The erection of a dwellinghouse would be an improvement of the site if limited to single storey - anything higher would dominate the area visually and the height should be conditioned.
- The curtilage should be extended to include other sheds and the orchard so that the sheds can be removed as part of this permission.
- The field surrounding the site will have no access to it, access should be through the curtilage of the proposed dwellinghouse, but the application does not show this.
- The access is for the highway authority to assess but the visibility splays should be strictly enforced as the access is onto a narrow road.
- Allowing this application may lead to other application in the area being allowed.

CONSIDERATIONS

This application will go before the Area West Committee as it is a departure from the local plan. The key considerations of this application to be assessed are the principle of residential development in the proposed location, the access and highway safety, impact on residential amenity and visual amenity.

Principle of development:

The site lies outside of the defined development area, it should be noted 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. A recent appeal decision made (ref: APP/R3325/A/14/2217950) makes reference to the use of policy SS2 of the emerging local plan, the Inspector stated;

"The council point out that Policy SS2 has not been questioned by the Local Plan Inspector's preliminary findings and was not debated at the reopened examination in June 2014. I therefore conclude that emerging policy SS2 can be given substantial weight. The council's also concedes that the proposed development cannot '....be dismissed out of hand....' as 'unsustainable' because it is outside the present settlement boundary....Such development could also be appropriate even were a five year housing land supply now to be in place, as weight should still be given to the contribution it would make to the provision and choice of housing in South Somerset....I conclude that the proposed development must therefore be considered against paragraph 14 of the Framework, i.e. permission should only be refused if significant and demonstrable adverse impacts outweigh a presumption in favour."

The comments above must be taken into consideration when assessing this application. South Petherton is considered a suitable location for 'modest' development within the limits of the emerging policy SS2. It is considered that the above statement along with the underlining golden thread of the NPPF for promoting sustainable development makes the proposal acceptable in principle.

With the presumption in favour of the site being developed then all other key considerations should be addressed, which will follow within this report.

Objections have been raised with regard to how our policies are dealt with and non-compliance with previous consents at the site. However as explained above Local Plan policies are changing in accordance with advice from central government. In any case each application should be assessed on their individual merits, regardless of previous history on the site and in

line with the relevant appropriate policies.

In addition to the concerns raised the agent has confirmed through email dated 22 August 2014 that the shed on site, shown within the blue line, will be removed from site within 3 months of the occupation of any dwelling agreed.

Highway Safety:

The site benefits from an existing access which is located at the entrance to Barcroft Lane. It is proposed to block up this access and relocate it to the frontage of the site onto Droveaway in order to achieve better visibility to the south east and northwest. Droveaway is a narrow lane that may benefit from a speed limit of 30mph based on it being a partially built up area. The highway authority has advised that their Standing Advice is applied.

On assessing the site it was evident that the approach to the site was on a narrow lane that was in need of some repairs and due to these factors it would be considered that speeds above 20mph would not be safely achieved. Based on a road with a speed limit of 20 mph the necessary visibility splays in each direction 2.4 metres back from the carriageway edge would be 25 metres. The plans clearly indicate that at least 33 metres can be achieved.

It is considered that on balance the site can accommodate the necessary visibility splays to exit from the site safely and that the proposed new access is an improvement on the one currently in existence for the workshop. The plans also clearly show that there would be enough room within the site for off road parking and turning to exit the site in a forward gear.

Neighbour concern has been raised over the lack of access to the orchard adjoining the site. The plans clearly indicate that there will be access from the parking and turning area to the orchard and the agent has confirmed this in an email dated the 22 August 2014. However only access to the site is to be agreed as part of this application and the additional access will be for reserved matters.

Visual Amenity:

The overall appearance and layout of the site is for reserved matters. In respect of this application we can only assess the principle of a dwelling on the site and the new access.

The Landscape Officer has verbally been consulted and confirmed that on balance he has no objection to the loss of hedgerow to create the new access and visibility splays based on the general character of the lane. There is also no objection to the overall height of a new dwellinghouse at this stage and the possibility of a two-storey dwelling is not considered to be unacceptable in this location, but will however be dependent upon the overall design at reserved matters which could possibly affect the overall height.

Subject to a satisfactory detailed design at the reserved matters stage, the proposal is considered to have no adverse impact on visual amenity in compliance with saved policies ST5 and ST6 of the South Somerset Local Plan.

Residential amenity:

The site has no immediate residential properties to the north, east and west. To the south is the lane and residential dwellinghouses. Concern has been raised over the possible height of the proposed dwelling and request made that a condition is imposed to limit it to a one-storey dwellinghouse.

Whilst the site is on an elevated position from the adjoining lanes there are no close adjoining residential properties and the overall character of Droveaway is mixed with single storey and two-storey dwellinghouse and as such it is considered unreasonable to restrict the height at this stage. The design of the dwelling, including height, would be assessed at the reserved matters stage.

Subject to a satisfactory detailed design at the reserved matters stage, the proposal is considered to have no adverse impact on residential amenity in compliance with saved policies ST5 and ST6 of the South Somerset Local Plan.

Conclusion:

It is considered that the proposed outline consent for a detached dwellinghouse with access to be agreed at this stage is acceptable by reason of location and access and does not adversely affect visual amenity, residential amenity or highway safety.

RECOMMENDATION

Approve with conditions

01. South Petherton by reason of its size and provision of services and facilities is considered a sustainable location in principle for appropriate development. The erection of a dwelling on this site, close to the settlement limit would respect the character of the locality with no demonstrable harm to residential amenity, visual amenity or highway safety. As such the proposal complies with relevant policies EC3, ST1, ST6 and ST5 of the South Somerset Local Plan (Adopted April 2006) and the aims and objectives of the NPPF.

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: To accord with the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2010.

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.

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

03. Approval of the details of the appearance of the building(s), the landscaping of the site, Layout and Scale (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To accord with the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2010.

04. The development hereby permitted shall be carried out in accordance with the following approved plan:

Drawing no. 14/1416/01

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

05. Before the dwelling hereby permitted is first occupied, a properly consolidated and surfaced access shall be constructed (not loose stone or gravel) details of which shall have been submitted to and approved in writing by the Local Planning Authority. The access shall be constructed in accordance with the agreed design and shall be maintained in the agreed form thereafter at all times.

Reason: In the interests of highway safety further to policy ST5 of the South Somerset Local Plan.

06. The entrance gates shall be hung to open inwards only and set back 5 metres from the carriageway edge as shown on the approved drawing no. 14/1416/01 and thereafter shall be maintained in that condition at all times.

Reason: In the interests of highway safety further to policy ST5 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 2.4 metres back from the carriageway edge on the centre line of the proposed access and extending 33 metres to the East and West as shown on the approved plan, drawing no. 14/1416/01. Such visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be maintained at all times.

Reason: In the interests of highway safety further to policy ST5 of the South Somerset Local Plan.

08. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before first occupation of the dwelling hereby permitted and thereafter maintained at all times.

Reason: In the interests of highway safety further to policy ST5 of the South Somerset Local Plan.

09. The dwelling hereby permitted shall not be occupied until the existing access has been stopped up and its use permanently abandoned in a manner to be agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with policy ST5 of the South Somerset Local Plan (2006).

10. The gradient of the access shall not be steeper than 1 in 10. Once constructed the access shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety and in accordance with policy ST5 of the South Somerset Local Plan (2006).

11. The metal shed located to the north of the red site line, within the blue ownership line, shall be removed within 3 months following the occupation of the new dwelling.

Reason: in the interest of amenity of future occupiers and in the interest of visual amenity and to accord with saved policy ST6 of the South Somerset Local Plan (2006).
