

Officer Report On Planning Application: 14/03375/FUL

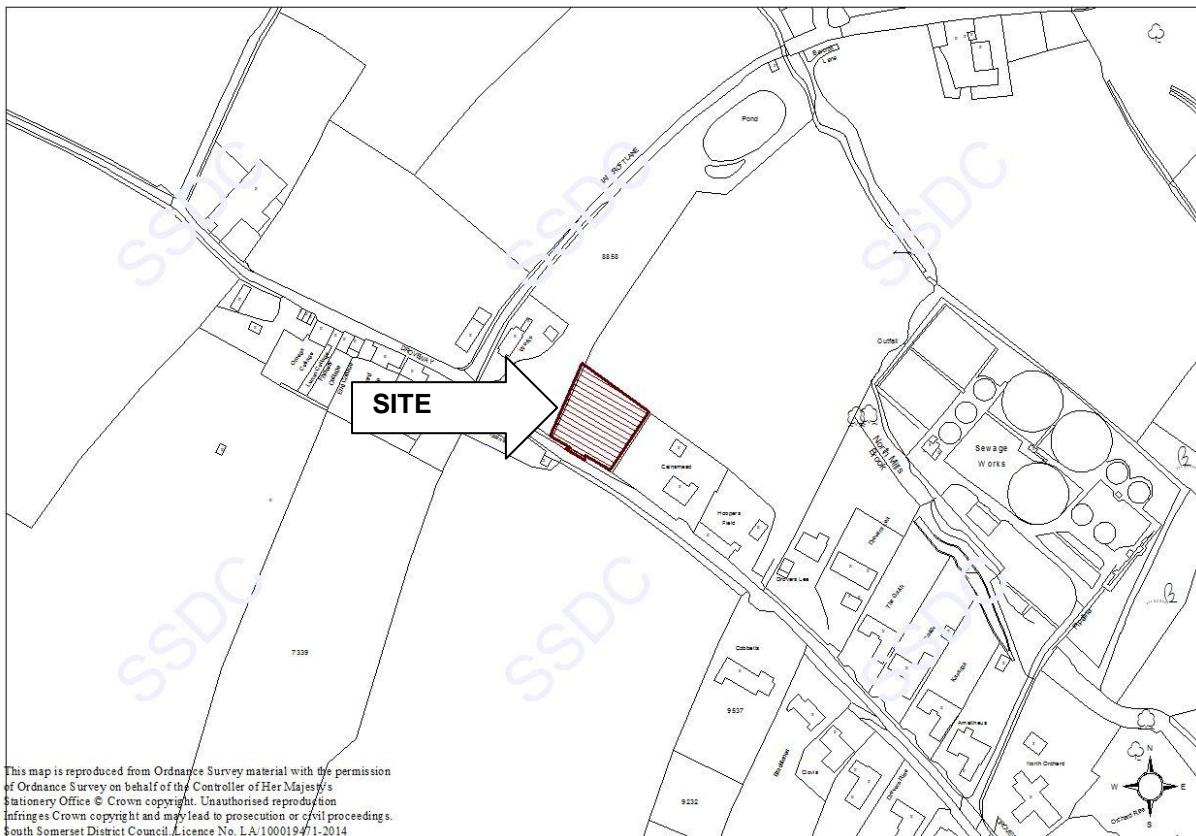
| | |
|--|--|
| Proposal : | Erection of 2 No. detached dwellinghouses, garages and parking with associated access and landscaping (GR 342879/117503) |
| Site Address: | Land Adjacent Cainsmead, North Street, South Petherton. |
| Parish: | South Petherton |
| SOUTH PETHERTON Ward (SSDC Members) | Cllr Paul Thompson Cllr Barry Walker |
| Recommending Case Officer: | Diana Watts Tel: (01935) 462483 Email: diana.watts@southsomerset.gov.uk |
| Target date : | 19th September 2014 |
| Applicant : | Mr & Mrs P Russell & Mr E Cox |
| Agent: (no agent if blank) | Mr Matt Frost, Motivo, Alvington. Yeovil, Somerset BA20 2FG |
| 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 However, the adopted Local Plan is increasingly out-of-date and policy ST3 is not consistent with the NPPF, as it is overly restrictive particularly in light of paragraphs 54 and 55 of the NPPF, which aim to facilitate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 concerns raised locally.

SITE DESCRIPTION AND PROPOSAL





This is a full application seeking planning permission for the erection of 2 detached houses and garages. The site is located on the northern side of Droveaway on the edge of South Petherton. The site is 0.1 ha and forms part of a larger field. It is bounded by hedgerows on three sides and lies approximately 90m from the Development Area.

The area is characterised by a partially built up country lane. There are residential properties to the south-east and the north-west. The properties in the area vary in age, style and scale. Cainsmead itself is a rendered bungalow on a large plot but as you head towards the centre of South Petherton to the southeast, the residential development becomes more dense and traditional. Immediately to the north, south-west and northwest of the site, there is open countryside and beyond this, further to the north-west, there is a cluster of traditional stone houses positioned close to the road.

The proposed houses would have 3 bedrooms and a detached double garage each, located to the rear of the site. A new vehicular access is proposed in the centre of the site onto the Droveaway to serve both houses. The roadside hedgerow would be removed in order to provide visibility and a new native species hedgerow would be planted behind the visibility splays. The hedgerows to the east and west side boundaries would be retained and protected during construction, and a new native hedgerow planted on the rear boundary. The houses would be faced in natural hamstone to the front and one side elevation, with buff coloured brick elsewhere. Double Roman clay tiles would be used on the roof on plot 2 and natural slate tiles on plot 1. Windows would be timber and painted.

The following supporting information has been submitted:

Planning Statement,
 Tree Report,
 Ecological Assessment and
 Transportation and Highways Appraisal

HISTORY

None

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:

Saved policies of the South Somerset Local Plan (April 2006):

Policy ST1 - Rural Centres
Policy ST3 - Development Area
Policy ST5 - General Principles of Development
Policy ST6 - The Quality of Development
Policy EC1 - Protecting the best and most versatile agricultural land
Policy EC3 - Landscape Character
Policy EC8 - Protected Species

Policy related material considerations

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

ENVIRONMENTAL IMPACT ASSESSMENT

None required

CONSULTATIONS

South Petherton Parish Council: Recommend approval

Highways: Standing Advice

Ecologist: No comments or recommendations to make

Arboriculturist: The trees and hedgerows within and adjoining this site have modest arboricultural and ecological values, worthy of a degree of care.

I consider the potential impact of the proposal to be acceptable, although I would be grateful if you would consider imposing a landscaping scheme of new tree & hedgerow planting, as well as some simple protection measures to avoid accidental damage by construction-related activities. Tree protection condition suggested.

Landscape Architect: The site lays within the scope of the peripheral landscape study of South Petherton, which was undertaken during June 2008. This study reviewed the settlement's immediate surrounds with the objective of identifying land that has a capacity for development, looking both at the character of the town's peripheral landscape, and the visual profile and relationship of open land adjacent the town's edge. For the detailed evaluation I would refer you to;

<http://www.southsomerset.gov.uk/planning-and-building-control/planning-policy/evidence-base/district-wide-documents/peripheral-landscape-studies/>

The outcome of the study is represented by 'figure 5 - landscape capacity', which is a graphic summary of the preceding evaluation. Fig 5 indicates that the field within which this site lays that is subject of this application, is evaluated as having a moderate capacity to accommodate built development. Whilst this is an evaluation that might indicate some scope for development, it is not the favoured location for growth within the town from a landscape perspective. However, it is acknowledged that the site is at the field's edge within its western corner, and other linear development already characterises the lane along that same field edge. The need to remove the existing roadside hedge is of some concern, though it is acknowledged that a series of interventions for residential access also characterise the lane both to southeast and northwest. Consequently, I do not envisage significant landscape impact, and thus raise no grounds for objection. If minded to approve, please condition a planting proposal for a new roadside, and rear garden, hedgerows, to define and contain the plots.

REPRESENTATIONS

Four nearby neighbours were notified and a site notice displayed. One letter of representation has been received making the following general observations:

- This application follows the adjacent application by Hillberry; can we guess the next one? How about the paddock opposite?
- Council policy states agricultural land is a finite resource; question how this is interpreted

CONSIDERATIONS

This application is to be considered by the Area West Committee as it is a departure from the Local Plan. The key considerations of this application are the principle of residential development in the proposed location, highway safety, impact on residential amenity and visual amenity.

Principle of development

The site lies outside the defined development area and 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, which aim to facilitate appropriate and

sustainable housing to meet local need and enhance/maintain the vitality of local communities. 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. The site is located on the edge of an existing settlement, which contains a wide range of facilities, including numerous shops, a school, a church, recreational facilities, pubs, doctors surgery and hospital. The centre of the village is within walking distance (approx. 680m).The proposed location is therefore, considered to be a sustainable location for new residential development in line with the definition contained within the NPPF. It is considered that the above statement, together with the underlining golden thread of the NPPF for promoting sustainable development, make the proposal acceptable in principle.

Comments from a local resident have been made with regard to precedent and loss of agricultural land. It is appreciated that further applications might be made in the area on the basis that this is considered to be a sustainable location (Members will note that an application 14/02647/OUT to the north-west is also being considered) but each case must be assessed on its individual merits and particular attention should be paid to assessing the impact on the rural landscape and character of the area. As far as the loss of agricultural land is concerned, this land is grade 2 agricultural land. The NPPF states that the LPA needs to take into account the economic and other benefits of the best and most versatile agricultural land and where significant development is necessary poorer quality shall be used in preference to higher quality. This is a relatively small part of a large field which can still be used for agriculture and it is not considered that this development is 'significant' as detailed in the NPPF. Therefore this proposal is not considered to conflict with policy EC1 and the NPPF.

Highway Safety

A Parking Strategy has been adopted and Standing Advice published in 2013. In addition, the National Planning Policy Framework, introduced in 2012, states that development should only be refused where the impact of the development on highway safety would be severe.

The Parking Strategy requires 2.5 spaces per dwelling and there is ample space for 4 vehicles per house on the site. The parking provision is therefore considered acceptable and meets the adopted Parking Strategy.

The Highway Authority has referred the Local Planning Authority to the published Standing Advice. This gives advice on the standards, such as the dimensions required for turning, parking space and visibility. The driveway, parking and turning areas are considered acceptable in terms of their dimensions and layout to enable vehicles to exit the site in a forward gear.

The application proposes to create a new vehicular access onto the lane which is an unclassified road. It would involve the removal of the roadside hedge to provide visibility.

Droeway is a narrow lane (approx. 3m wide in front of the site) with no footway or street lighting in the vicinity of the site, terminating about 240m to the west of the site, where it is considered that speeds above 20mph would not be safely achieved. Based on a speed limit of 20 mph, the necessary visibility splays in each direction (2.4 metres back from the carriageway edge in the centre of the access) would be 25 metres. The plans indicate that this can be achieved (2.0m back). The Manual for Streets document states that a 2.0m distance can be used in some lightly trafficked, slow speed areas and the proposal is therefore considered to be acceptable in terms of highway safety in this location.

Visual Amenity

Droeway is a rural lane characterised by hedgerows both sides of the road in the vicinity of the site. Some linear development already characterises the lane along the same field edge and a number of houses exist beyond the site to the north-west. As highlighted by the Landscape Architect, the need to remove the existing roadside hedge is of some concern, although it is acknowledged that a series of interventions for residential access also characterise the lane both to south-east and north-west and that the proposal includes a replacement native hedgerow set back from the roadside. In addition, the site levels are such that they fall away from the road, helping to reduce the impact of the new houses. Consequently, it is considered that the proposal would not have a significant landscape impact, subject to a landscaping condition to ensure that the plot is appropriately screened and contained.

The proposed houses have a traditional form with steep pitched roofs, subservient rear 'extensions' and detailing drawn from the local vernacular. The proportions are relatively modest with the main building being 6.4 deep, 4.5m high to eaves and 7.4m to ridge, in keeping with cottage scale buildings. The proposed materials, including the use of natural hamstone, clay and natural slate roof tiles and timber openings are considered acceptable.

Residential amenity

The only immediate neighbouring property to the site is Cainsmead to the south-east. Significant space would be retained to the side of this bungalow and the plans have been amended to remove the first floor windows proposed on the side elevation of the nearest plot, plot 2. With the intervening hedgerow retained, it is considered that there would be no loss of privacy or light to Cainsmead. The next nearest property is Pippins, a house on the opposite side of the road, located to the north-west of the site. It looks out onto land adjacent to the application site and it is not considered to be adversely affected by the proposal. It is also felt to be far enough away not to affect the privacy of the proposed houses. No objections have been received from either neighbour.

Conclusion

It is considered that the proposal would be a modest continuation of the existing linear settlement pattern in a sustainable location, which would safeguard the character of the area, residential amenity and highway safety.

RECOMMENDATION

Approve with conditions

01. South Petherton, due its size and provision of services and facilities is considered a sustainable location for appropriate development. The proposed erection of two houses on this site, close to the settlement boundary 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, ST5 and ST6 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 before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing nos. 3401/001A, 3401/002B, 3401/003B, 3401/004, 3401/005A, 3401/006, 3401/007 and N6027-01 received 8 September 2014 and 25 July 2014.

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

03. The area allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

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

04. Before the dwellings hereby permitted are first occupied, a properly consolidated and surfaced access shall be constructed (not loose stone or gravel for the first 5m) 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 that condition thereafter.

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

05. The entrance gates shall be timber and installed in accordance with drawing no. 3401/001A unless otherwise agreed in writing by the Local Planning Authority and thereafter shall be maintained in that condition at all times.

Reason: In the interests of visual amenity and highway safety, in accordance with policies ST5 and ST6 of the South Somerset Local Plan 2006.

06. There shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of lines drawn 2.0 metres back from the carriageway edge on the centre line of the proposed access and extending 25 metres to the East and West as shown on the approved plan, drawing no.3401/001/A. 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, in accordance with policy ST5 of the South Somerset Local Plan 2006.

07. 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 dwellings hereby permitted and thereafter maintained at all times.

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

08. The development hereby approved shall not be commenced unless details of site vegetative clearance, ground-works, heavy machinery entering site or the on-site storage of materials and a scheme of tree & hedgerow protection measures have been submitted to and agreed in writing by the Local Planning Authority and it shall include the following details:

The installation & specification details of rigidly-braced HERAS panel protection fencing; and a requirement for a pre-commencement site meeting to be held between the appointed building/groundwork contractors, and the Council's Tree Officer (Phillip Poulton - 01935 462670), in order to ensure compliance with the agreed tree protection measures.

Upon approval by the Local Planning Authority, the measures specified within the agreed scheme of tree and hedgerow protection shall be implemented in their entirety for the duration of the construction of the development, inclusive of landscaping operations.

Reason: To preserve the health, structure and amenity value of existing landscape features (trees) in accordance with policy ST6 of the South Somerset Local Plan 2006 and those statutory duties defined within the Town & Country Planning Act, 1990.

09. The development hereby permitted shall not be commenced unless there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include details of the boundary hedgerows to be retained, together with measures for their protection during the course of the development, additional planting to enhance the boundary planting and details of any changes proposed in existing ground levels. All planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased 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. The landscaping scheme shall include details of the height at which the hedgerows would be retained/maintained and details of the new hedgerows of native species on the front and rear boundaries of the site as indicated on drawing no. 3401/001A.

Reason: To safeguard the character and appearance of the area in accordance with policy ST6 of the South Somerset Local Plan 2006.

10. No development hereby approved shall be carried out unless the following details have been submitted to and approved in writing by the Local Planning Authority:

- a. details of the natural stone, brick, watertabling, slate and clay tiles, (including the provision of samples where appropriate) to be used for the external walls, roofs and chimneys;
- b. a sample panel of stonework, to be prepared for inspection on site, to show the final appearance and finish of the stone external walls comprised in the development;
- c. details of the design of the windows to show the frame profile/proportions and that they would be balanced together with details of their colour/finish together with the colour/finish of the doors, and
- d. details of all lintels, window cills, eaves/fascia board detailing, porch boarding, guttering, downpipes and other rainwater goods, including their material, colour and finish.

Once approved, such details shall be fully implemented unless otherwise agreed in writing by the Local Planning Authority, and thereafter retained and maintained.

Reason: To safeguard the character and appearance of the area in accordance with policy ST6 of the South Somerset Local Plan 2006.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows shall be formed at first floor level on the side elevations of the houses hereby approved, without the prior express grant of planning permission.

Reason: To safeguard the amenities of the area in accordance with policy ST6 of the South Somerset Local Plan 2006.
