

## Officer Report On Planning Application: 15/01761/FUL

<b>Proposal :</b>	Erection of a 1.5 storey dwellinghouse and associated detached garage/annex on land adjacent to Brick House, works to a low level wall, and demolition of small dilapidated structure (GR:340628/124727)
<b>Site Address:</b>	Land Adjacent To Brick House, East Street, Drayton.
<b>Parish:</b>	Drayton
<b>CURRY RIVEL Ward (SSDC Member)</b>	Cllr Tiffany Osborne
<b>Recommending Case Officer:</b>	Nicholas Head Tel: (01935) 462167 Email: nick.head@southsomerset.gov.uk
<b>Target date :</b>	17th June 2015
<b>Applicant :</b>	Mr & Mrs J Lock
<b>Agent: (no agent if blank)</b>	Mr Richard Rowntree, Lake View, Charlton Estate, Shepton Mallet BA4 5QE
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL TO COMMITTEE

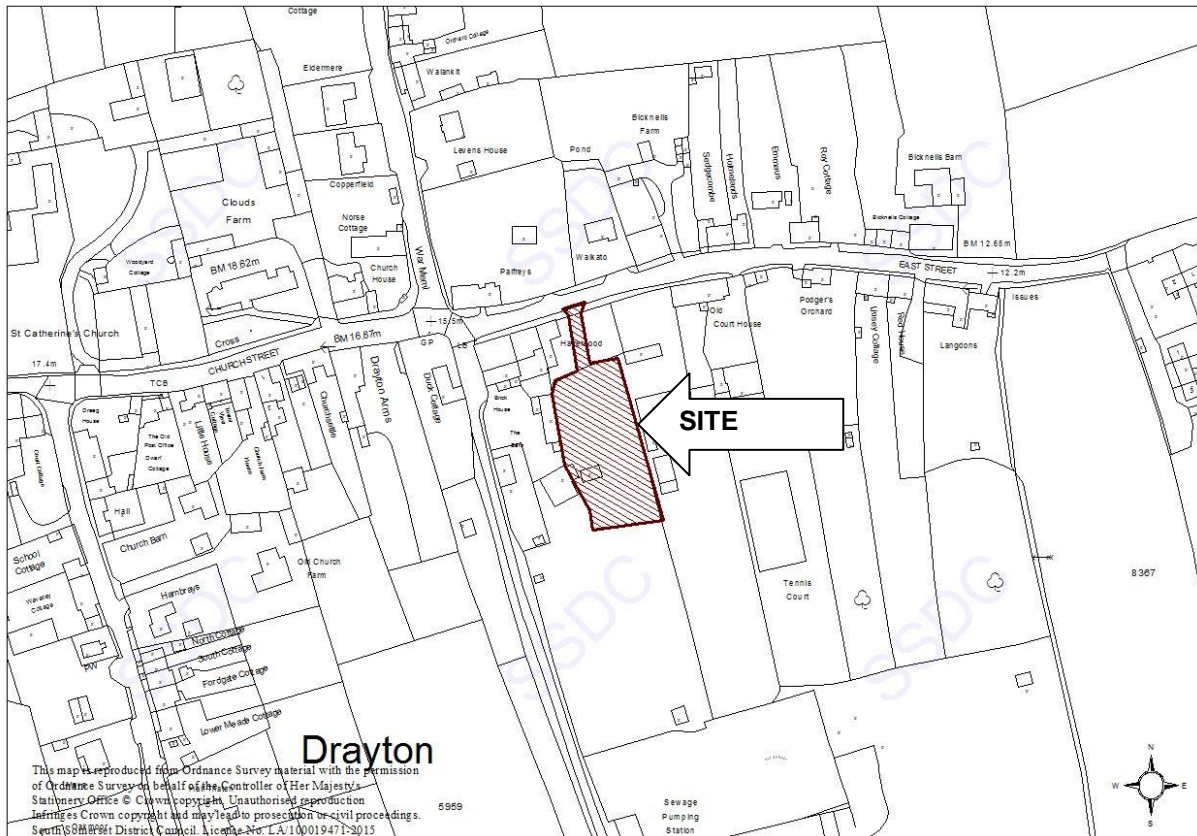
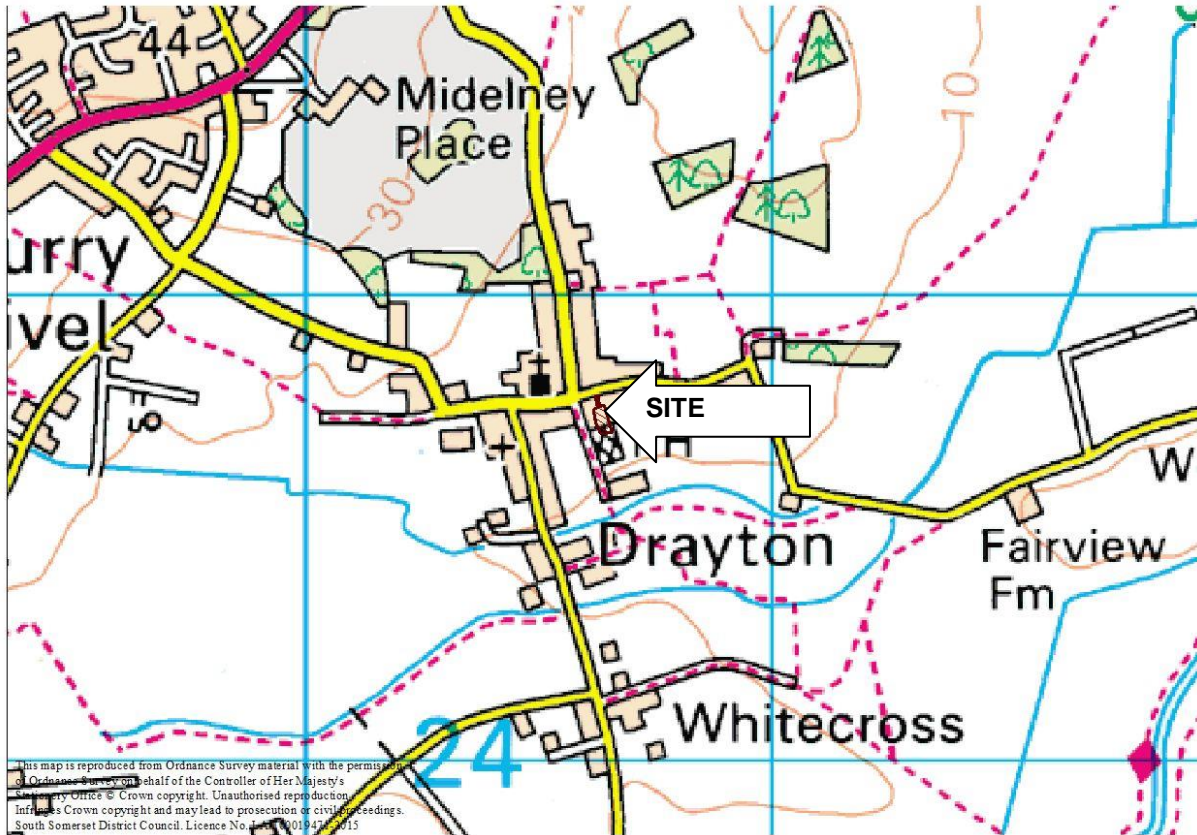
The report is referred to the Committee at the request of the Ward Member in order to facilitate a full discussion of the policy and other issues raised by the application.

### UPDATE - Late Submission of Comments by the Parish Council

After the officer report had been submitted to the Ward Member and finalised, the following revised comment/recommendation was submitted by the Parish Council:

*Approved with full support – This allows the current occupiers to downsize whilst remaining in their own community and also freeing up a larger property which could be for a family that would support Village amenities. This satisfies a housing need for downsizing. The proposed property is outside of the conservation area and is of an appropriate size and in an appropriate location in relation to the surrounding properties.*

# SITE DESCRIPTION AND PROPOSAL



The site is located within the conservation area, on the south side of East Street. It forms part of the land associated with two attached listed buildings, Brick House and The Old Beams, which front onto East Street, at the intersection with a small unadopted lane giving access to farm buildings to the south of the site. At the eastern end of the two listed buildings, a further dwellinghouse is attached. This has access onto East Street, at the eastern end of this row of houses.

The land under consideration is currently an open paddock, with traditional agricultural buildings immediately to the west (part of the land associated with Brick House). To the east is a dwellinghouse (barn conversion).

Permission is sought for the erection of a detached, 3-bed, 2-storey dwellinghouse, and a separate 2-storey outbuilding, comprising garaging for 3 cars and an upper storey residential annex.

## **HISTORY**

13/04649/COL - Application for a Certificate of Lawfulness; the work taken place has formed a material start to approved planning consent 10/04262/FUL - permitted  
10/04262.FUL - Alterations and the erection of a replacement extension, formation of access and car parking/turning area - permitted with conditions

Historic permission referred to by applicant: 96786 - OUTLINE: Erection of a dwelling and garage and formation of a vehicular access - permitted, 29 November 1973. This was never implemented.

## **POLICY**

The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the adopted local plan now forms part of the development plan. As such, decisions on the award of planning permission should be made in accordance with this development plan, unless material considerations indicate otherwise. Legislation and national policy are clear that the starting point for decision-making is the development plan, where development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

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

SD1 Sustainable Development  
SS1 Settlement Strategy  
SS2 Development in Rural Settlements  
TA5 Transport Impact of New Development  
TA6 Parking Standards  
EQ2 General Development  
EQ3 Historic Environment

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

4. Promoting sustainable transport  
6. Delivering a wide choice of high quality homes  
7. Requiring good design

## 12. Conserving and enhancing the historic environment

**National Planning Practice Guidance** - Department of Communities and Local Government, 2014.

### **Policy-related Material Considerations**

Somerset County Council Parking Strategy, March 2012 and September 2013.  
Somerset County Council Highways Standing Advice, June 2013.

South Somerset Sustainable Community Strategy (2008-2026)

### **CONSULTATIONS**

**Parish Council:** No observations.

**Highways Authority:** Standing Advice Applies.

**SSDC Conservation Officer:** An objection is raised: *There are a number of listed buildings to the north of the site. The conservation area comprises a wide strip across the road frontage. The access to the application site crosses this, with the majority of the new dwelling and garden being to the rear an area of garden/paddock.*

*This paddock area is clearly seen from the road, and is within the setting of the conservation area: The view south is a rural view of a large grassed area. It is also seen looking back at the conservation area, and the listed buildings, from the farm track which runs to the west of the site. This is a pleasant open area of rural character essential to the setting of the conservation area and gives the principle listed buildings and their historic outbuildings a spacious context.*

*The applicant refers to the land being brownfield as it was previously glass houses. These were built post 1930 and were there approximately 60 years. I understand that horticulture is not brownfield land. The glass houses are no longer there, and it is not relevant to argue that something that has gone needs to be taken into account at this time. We determine the application on the basis of what we have before us, not on what was gone a decade or more ago. Indeed the loss of the glasshouses may well have improved the setting of the listed buildings and the conservation area. The 1970's consent for a house was prior to the designation of the conservation area, and based on policies and practice at that time.*

*I can see that the agent has taken some care to pick up on local features when designing the front of the building, but it remains large and with an excess of roof lights. I also note that there is a desire to downsize from Brick House. This remains a large house with annex making a total of four bedrooms, and a ground floor area that dwarfs many family houses. It is unclear how it might be proposed to detail any subdivision of the garden area adjacent to the road.*

*You will be aware of an appeal which was dismissed for a similar style of development at Podgers Orchard which has some similarity.*

*In my view the proposals runs contrary to the historic grain of development and intrudes on the setting and views out of and into the conservation area, and on the spacious settings of the principle listed buildings and their outbuildings. The proposal is harmful and I see no justification to outweigh the strong statutory presumption against development and the great weight given to the conservation of heritage assets by the NPPF.*

**County Rights of Way Officer:** No comment received.

**County Archaeologist:** *The site lies within the Drayton Area of High Archaeological Potential as defined by the recently adopted South Somerset Local Plan Policy (EQ3). It also lies close to the historic core of the settlement. It is therefore possible that this development could impact upon heritage assets associated with the early development and later establishment of the village.*

*For this reason I recommend that the applicant be required to provide archaeological monitoring of the development and a report on any discoveries made as indicated in the National Planning Policy Framework (Paragraph 141). This should be secured by the use of model condition 55 attached to any permission granted.*

## **REPRESENTATIONS**

Three letters of support have been received, making the following main points:

- the dwelling would not have any negative impact on the surrounding area;
- the dwelling would not affect neighbouring residents;
- the building would complement the existing structures and the immediate area, maintaining the character of the village.

## **CONSIDERATIONS**

### **Principle of Development: Policy SS2**

The site falls within a rural settlement with few local facilities and services. Under Policy SS2 of the Local Plan, development is strictly controlled, and limited to that which:

- Provides employment opportunities appropriate to the scale of the settlement; and/or
- Creates or enhances community facilities and services to serve the settlement; and/or
- Meets identified housing need, particularly for affordable housing.

The proposal would not provide (other than in the short term for the construction industry) employment opportunities with any relationship to the settlement. It would also not create or enhance community facilities. The occupants of a single dwelling might use the services of the local Pub, for example, but this cannot be viewed to any significant degree as enhancing local services or facilities.

The applicant's statement makes reference to 'community consultation and support', being 'thoroughly carried out through the development of the design'. This does not signify that the proposal meets an identified local need, endorsed by the community. The Parish Council has chosen to record that it has 'no observations' on the application. The proposal is not considered, in the spirit of the Policy, to meet an identified, locally endorsed housing need (the best example of which would be affordable housing).

Critically, Policy SS2 requires any development to:

- be commensurate with the scale and character of the settlement; and
- increase the sustainability of the settlement in general.

Whilst a single dwelling might be commensurate with the character of the settlement, it has not

been demonstrated that this new dwelling would in any way increase the sustainability of the settlement.

The principle of the erection of a new dwellinghouse is therefore not accepted, and the proposal is considered to be contrary to Policy SS2 of the Local Plan.

### **Visual Impact: Character and Appearance of the Setting**

The site forms an important part of the setting of the Conservation Area; and it falls within the curtilage of listed buildings.

The Conservation Officer has set out a detailed objection to the proposal, on the basis of its impact on the character and appearance of the conservation area, and the setting of the listed buildings.

It should be noted that an extant, implemented permission does exist on the part of the site closest to the road (see history above, permission 10/04262/FUL). Whilst this permission allows the creation of an access to the highway (already in position on site) and a single-storey extension to Hazlewood (the easternmost of the three attached dwellings), the essential openness to which the Conservation Officer refers would still remain, together with views through into the paddock beyond.

The view of the Conservation Officer is endorsed. There is a clear character established, with development largely focused closer to the main through roads, and substantial open agricultural land to the rear. Whilst there are dwellings situated back from the highway, these are largely converted agricultural buildings. The insertion of a large dwellinghouse (and substantial outbuilding), with its main roof ridge running east-west and effectively closing off any view through to open land fails to respect or enhance the character of this setting, and is therefore considered contrary to guidance with the NPPF and Policy EQ3 of the Local Plan.

### **Historical Character**

The applicant makes repeated reference to the site as being 'brownfield' land, whilst noting that the extensive greenhouses that previously occupied the site were removed in the 1990s. Horticulture is an agricultural activity, and the glass houses referred to did not change the use of the land from agricultural use. For planning purposes, this land cannot therefore be regarded as 'previously developed' or 'brownfield'. It is a 'greenfield' site. For over 15 years (as evidenced by aerial photos), the site has been open and free of any structures, which has endorsed the agricultural character and established grain of development to which the Conservation Officer refers. Similarly, the previous consent granted for a dwellinghouse in the 1970s carries little weight, never having been implemented, and having been approved prior to the numerous changes to policy that have resulted in the current Local Plan and the NPPF.

### **Impact on Heritage Assets**

Aside from the impact on the setting of the listed buildings, the proposal would require demolishing part of an existing wall, which appears to be of historical significance and is listed as part of the curtilage. No background research of any consequence has been offered by the applicant to demonstrate the historical significance of this structure, which would appear to have existed on site for some time (it appears to be on both the 1888 and 1903 maps).

It is also noted that no evidence has been supplied in relation to the brick structure further south on the site, which is proposed for demolition as part of the redevelopment of the site. From a site examination the structure would appear to be largely modern. It does not appear

on historical maps in the Council's possession.

### **Impact on Residential Amenity**

The building is located in such a way as to avoid any harmful overlooking or overshadowing. It is not considered that any harm to residential amenity would result.

### **Impact on Highway Safety**

The proposal would make use of an existing approved access, with good visibility. The proposal provides adequate off street parking and on-site turning space. It is not considered that there would be any highway safety reason for refusal of the application.

### **EIA Regulations**

Not relevant.

### **Conclusion**

The proposal fails to respect the character and appearance of the conservation area and the setting of a number of listed buildings. It furthermore fails to comply with the requirements of Policy SS2 of the Local Plan, which seeks to impose strict control over development in rural settlements. It is accordingly recommended for refusal.

### **S.106 AGREEMENT**

Not relevant.

### **RECOMMENDATION**

Refuse.

### **FOR THE FOLLOWING REASONS:**

01. The proposal represents development in a rural settlement that has failed to demonstrate any local benefit or enhancement of sustainability of the settlement. The development has not demonstrated that it has the support of the local community following robust engagement and consultation. In these respects, the proposal represents unsustainable development in this rural settlement where development is strictly controlled, and is contrary to Policy SS2 of the South Somerset Local Plan 2006 - 2028, and the aims of the NPPF.
02. The proposal represents an unsatisfactory intrusion of new development into an important visual gap in the built form in this historically important part of the village, thereby harming the setting and designated heritage assets. It fails to respect the significance and the special historical character and local significance of the setting, which includes the curtilage and setting of listed buildings, and the setting of the conservation area. In these respects, the proposal is contrary to the aims of the NPPF, and Policies EQ2 and EQ3 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 was advised in pre-application advice that there would be an objection in principle to the erection of a dwellinghouse on this site, on the grounds of the impact on the setting. In considering the application, there were no minor or obvious solutions to overcome the significant concerns caused by the proposals.

---