

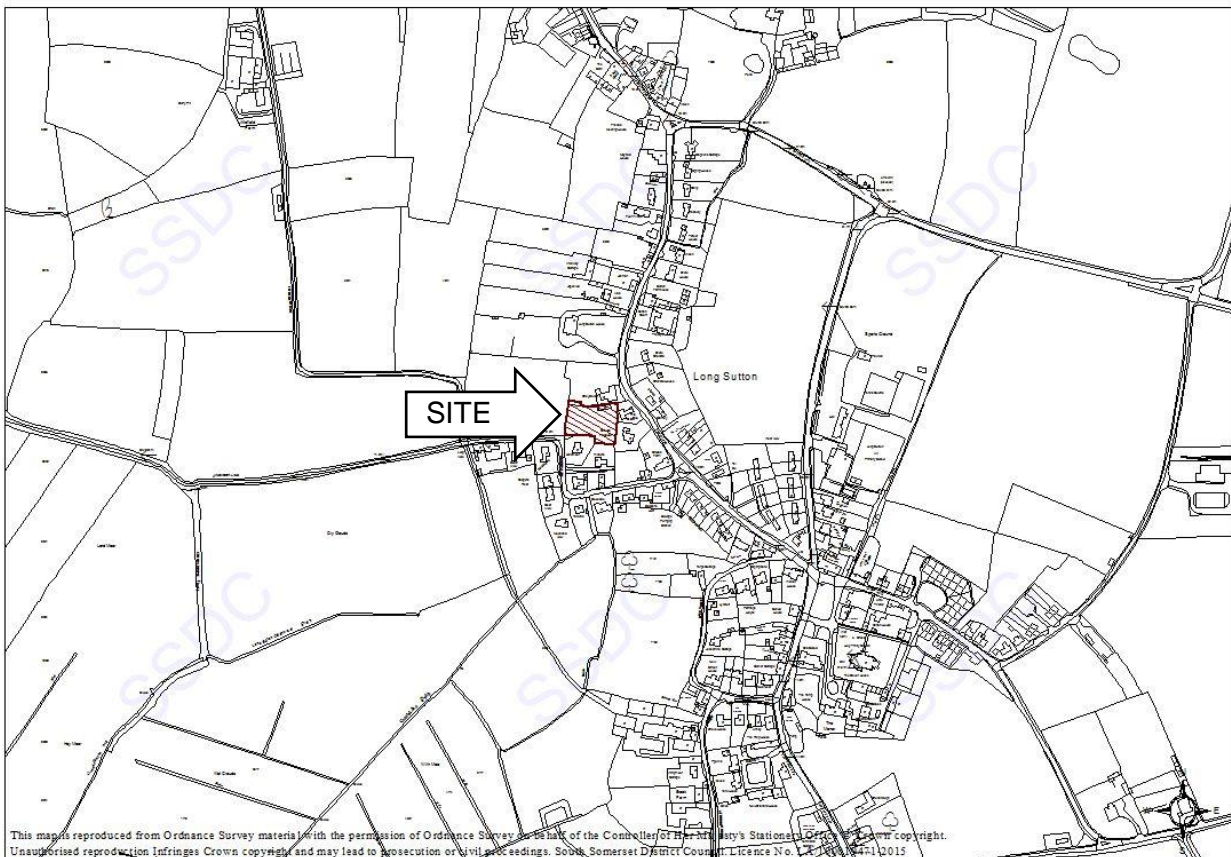
## Officer Report On Planning Application: 15/00986/FUL

<b>Proposal :</b>	Erection of a detached dwelling and change of use and alterations of existing annexe building to form a separate dwelling (Part Retrospective) (Revised Application) (GR 346639/125581)
<b>Site Address:</b>	Land South Of Greystones ,Off Crouds Lane, Long Sutton.
<b>Parish:</b>	Long Sutton
<b>TURN HILL Ward (SSDC Member)</b>	Cllr S Pledger
<b>Recommending Case Officer:</b>	Alex Skidmore Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
<b>Target date :</b>	24th April 2015
<b>Applicant :</b>	SCHSE Mr N Gould
<b>Agent: (no agent if blank)</b>	
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL

The application has been referred to Area North Committee by agreement with the Vice Chair to allow the issues raised locally to be discussed further.

### SITE DESCRIPTION AND PROPOSAL





## **POLICY**

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

SD1 - Sustainable Development

SS2 - Rural Settlements

TA5 - Transport Impact of New Development

TA6 - Parking Standards

EQ2 - General Development

EQ3 - Historic Environment

EQ4 - Biodiversity

EQ7 - Pollution Control

National Planning Policy Framework

Part 4 - Promoting sustainable transport

Part 6 - Delivering a wide choice of high quality homes

Part 7 - Requiring good design

Part 8 - Promoting healthy communities

Part 10 - Meeting the challenge of climate change, flooding and coastal change

Part 11 - Conserving and enhancing the natural environment

Part 12 - Conserving and enhancing the historic environment

## **CONSULTATIONS**

**Long Sutton Parish Council:** No objection subject to the following conditions:

- No connection to the public sewer;
- A robust ground water management plan together with a sewage treatment facility to the satisfaction of Wessex Water, the Environment Agency, Environmental Health and SSDC's building control department, and to be governed by a 106 agreement;
- Construction traffic to access the site via Littlefield Lane rather than Crouds Lane;
- Restriction on working hours to between 8.00 am to 5.00 pm week days, no working at weekends or bank holidays; and
- The development to be completed within 18 months of commencement.

The Parish Council would like the application to be decided by Area North Committee.

**County Highways:** Referred to their standing advice which seeks visibility splays of 43m in either direction and a minimum of 2.5 parking spaces per dwelling, the gradient of the access no greater than 1:10, no discharge of surface water into the highway.

**County Archaeology:** No objections.

**Wessex Water:** Latest comments - The application has chosen to provide a private treatment plant to service foul water disposal for the new dwelling. There are recorded

surface water systems in this location and the use of sustainable drainage systems are preferred under Part H Building Regulations. These proposals will not require any approvals from Wessex Water.

Initial comments - We have previously expressed concerns over public sewer capacity affected by rising groundwater levels following prolonged rainfall. Our concerns remain over these groundwater issues.

Long Sutton is a location where there are local flood risk issues of sewer flooding influenced by high groundwater table. Wessex Water will continue to seek agreement with the Local Lead Flood Authority upon an appropriate ground water management strategy to assist in managing the impact on sewer flooding. Please note that the grant of planning permission will confer a right of connection to the public sewer system under the Water Industry Act 1991. Therefore we advise that the planning authority should be satisfied that the proposed drainage arrangements can be implemented.

**SSDC Drainage Engineer:** No objections or concerns to the proposed soakaways to discharge and deal with the surface water requirements.

**SSDC Building Control:** Expressed an opinion that both storm water and foul drainage can be disposed of in the way specified.

**Environmental Protection:** The proposed foul and surface water drainage scheme will fall under the regulations of the Environment Agency and require their consent for discharge issues.

**Environment Agency:** The proposal does not fall within any category we wish to comment on. The applicant has sent in directly details regarding the foul drainage scheme which has been forwarded to our national permitting centre.

**Natural England:** No objection.

**Ecology:** No objection. I note the comments about the loss of trees etc. made by objectors, and confirm that I do not have any comments or recommendations to make. I note Natural England consider the development unlikely to have any significant impact upon the nearby SSSI, with which I agree.

**Conservation Officer:** No objections, subject to conditions.

**Landscape Officer:** No landscape objection. An Ash is to be retained by the entrance to the site along with a short stretch of hedgebank which will need protection during construction. If minded to approve please condition such protection.

## REPRESENTATIONS

Written representations have been received from nine near neighbours raising the following concerns and objections:

- The existing sewage system is inadequate, effluence overflows and sometimes I cannot use my toilet, this is caused by water infiltrating into the foul water system. Wessex Water has stopped all new developments linking to the main sewer, the applicant has failed to proposed a detailed alternative. I need assurance (that can be enforced) that this development will not affect my home in any way.

- Where will the sewage system and rainwater pump be situated? Will there be problems with contamination of the ground, noise and smell? What if this private system fails?
- Where will the excess water end up?
- Object to a private septic tank being near my property.
- The porosity tests are flawed.
- The ground around Crouds Lane is clay so any drainage off the porous paving stones would be ineffective in heavy rainfall.
- The development being carried out in Crouds Lane has resulted in damaged grass verges, road surfaces and walls due to heavy lorries that are too large for this narrow lane.
- There are no passing places along Crouds Lane other than residents drives which causes irritation and nuisance. Any increase in vehicles will exacerbate this problem causing congestion and a highway hazard.
- The lane is not built for the huge lorries that are currently using it to gain access to Long Sutton House. The road surface is breaking up and there are concerns over the strength of the small bridge.
- Crouds Lane must be cleaned daily if this scheme is approved.
- Crouds Lane is the most used road in the village for recreational purposes.
- We have already had four years of disruption as a result of the applicant's building activities.
- Wish to see the garden returned to its former state and the trees brought back.
- Concerned that the applicant is proposing a unilateral agreement instead of the 106 agreement sought by the Parish Council.
- The LPA must have regard for local democracy (the opinions and wishes of residents affected by the proposal) explicit in The Community Right to Challenge and Localism Act (2012).
- There should be restrictions on hours of work during construction if approved.
- If approved every one of the conditions proposed by the Parish Council is essential.
- This is an intrusive backdoor development which does not comply with national or local planning guidelines. It brings no employment to the village and does not enhance or create local business or amenities (policy SS2). It will however increase greenhouse gases, traffic movements (there are virtually no buses) and will destroy wildlife habitat in an area that is within 270m of an SSSI.
- Loss of amenity as a result of overlooking from the new house.
- Loss of amenity resulting from CCTV, house lights, street lighting, security lights, car headlights.
- Increased noise and activity from the future householders.
- The house is very large compared with local properties.
- Intrusive backland development.
- The site is former garden to grade II listed Greystones and had been planted with native trees 30 years ago providing a natural haven for all sorts of flora and fauna. This planting has been destroyed by the applicant to the likely detriment of bats. The proposed replacement planting in the form of laurel hedging does not make up for this loss.
- This will set a precedent for building on greenfield garden land.
- The applicant claimed that he consulted the local community on the design of this property but I was never consulted.

Seven sets of written representations in support of the application have also been received (two appear to be employees of the applicant and three appear to be tenants) making the following observations:

- Crouds Lane is a quiet public highway which gives access to numerous other properties and caters for a variety of traffic including tractors, delivery vehicles etc and is suitable to serve this development.
- Impacts resulting from the construction activities can be managed to reduce their impact locally.
- The design is excellent and proposed to use traditional materials.
- Loss of tree planting - the site is not in a conservation area and the trees had no protection orders on them. There were some residents complaining about loss of light, root structure damage and safety features.
- There are new planting schemes proposed.
- Much wildlife still visits this site.
- Surface water drainage issues can be addressed by sustainable solutions. It is unfair to single out one development for objection on this basis.
- My employer spends a considerable amount of money each year in the local economy and employs several local staff, all of which provides an economic benefit to the area.
- The scheme now meets all of the objectors comments and will provide two additional units, one for a family and one a starter home or for someone wanting to down size.
- The proposal respects our residential amenity (Greystones).

## **CONSIDERATIONS**

This application is seeking full planning permission to erect a detached two-storey dwelling and to carry out alterations to and convert a domestic annexe to a separate dwelling.

### Principle

The application site is located close to the built up heart of Long Sutton, a rural settlement, where it is a short walk from a variety of local services including the village shop, school, pub, church and village hall, as such it is accepted that it is a relatively sustainable location. Local Plan Policy SS2 states that development in rural settlements should be strictly controlled and limited to that which helps to make the settlement more self-contained / sustainable or meets a specific local housing need, this proposal for open market housing however fails to comply with this requirement.

Further to the above, the National Planning Policy Framework (NPPF) requires council's to identify a supply of deliverable sites sufficient to provide five years' worth of housing against their housing requirements. In September however it was confirmed that this council could no longer demonstrate a 5 year housing supply and as such policy SS2, whilst not technically superseded or silent, must be afforded considerably reduced weight in the assessment of new development schemes in rural settlements. In these circumstances some small scale growth of these settlements may be acceptable subject to the usual planning considerations such as highway safety, visual amenity, residential amenity etc.

The proposal before us seeks the conversion of an existing residential annexe, that was originally sought to serve the adjacent property known as Greystones, to a modest two-bedroom dwelling and to erect a larger four-bedroom family house. In this regard, whilst not meeting a specific local housing need, it will undoubtedly make a small but positive contribution towards improving both Long Sutton's as well as the wider district's range and availability of housing stock and the council's responsibility of meeting their housing requirements as set out within the NPPF.

The proposed scheme, for the reasons set out further on in this report, is not considered to result in any other significant material harm. The scale of the scheme is not considered to be at odds with the scale and character of Long Sutton and overall it is accepted that in this instance the wider benefits resulting from this proposal outweigh concerns relating to its lack of compliance with policy SS2. The principle of the development is therefore considered to be acceptable.

#### Visual amenity

The application site is positioned to the rear of properties facing on to Shute Lane to the east and is also nestled between existing built form to the north and south and it is accepted that the proposal will not be at odds with the established pattern of development in the vicinity.

Some modest alterations are sought to the annexe building as part of its conversion to a separate dwelling, none of these alterations are considered to be harmful to the setting of the adjacent listed building (Greystones), or to cause any other significant visual amenity concerns.

With regard to the new build dwelling, this is of a relatively traditional design, proposing to use traditional building materials including local natural stone and a mixture of slate and reclaimed tiles. The house is quite substantial in scale but can be easily accommodated on this generous sized plot and is not out of keeping with the scale and form of surrounding development and therefore also poses no substantial visual amenity concerns.

It is noted that within neighbour representations reference is made to the clearance of vegetation from the site, including mature tree and shrub planting, prior to the application being made. Whilst this might be disappointing there were no controls in place to restrict such works being carried out, i.e. the site is not within a conservation area and not subject to any tree preservation orders, as such the applicant was at liberty to carry out these clearance works.

#### Residential amenity

The scheme is not considered to cause any new demonstrable harm to neighbour amenity. The modest single storey scale nature of the annexe conversion ensures it will not result in any new loss of privacy or other concerns to neighbouring properties. It will be served by a small but adequate private garden area and have an acceptable level of amenity.

The position of the new build dwelling is set in from the boundaries and will be more than 11m from the neighbouring dwelling to the south and 30m from the neighbouring properties to the east and will not therefore cause any significant loss of light or overbearing concerns. A first floor window is proposed within the two side gables however these only serve bathrooms and a condition to ensure they are fitted with obscure glazing and fixed closed will ensure that they do not result in any privacy issues.

Local comments have been made in relation to a series of developments being undertaken in the area and the resulting loss of amenity due to noise and other disturbance from these activities. In view of these comments it is not considered unreasonable to restrict when deliveries and construction works can be carried to between 08.00-18.00 Monday to Fridays only with no works / deliveries being carried out at weekends or bank holidays.

#### Drainage and flooding

Wessex Water, who are responsible for the mains drainage system, has commented that the public sewer capacity in the area is a problem and advise that the development will need to be served by its own foul and surface water drainage system. This issue is also highlighted by numerous comments made by local residents who appear to be suffering considerable

problems at times of high rainfall.

In response to these concerns the applicant has submitted details relating to how both clean and foul drainage will be dealt with on site utilising a private sewage treatment plant and soakaways, the applicant has also indicated an intention to implement rainwater harvesting which will reduce overall discharge levels. SSDC's drainage engineer, building control and environmental health have all been consulted on this matter, as has the Environment Agency and Wessex Water none of whom has raised any objection to these proposals. On this basis it is accepted that it has been demonstrated that the proposal can be served by an appropriate drainage scheme without resulting in harm to the environment or nearby properties and that subject to the imposition of a condition to secure a detailed drainage scheme the application should not be objected to for this reason.

The site is not located within flood zone 1 and is not therefore considered to be at risk of flooding and there is no evidence to such that the proposal will lead to an increase in flood risk to others.

#### Highway safety

Numerous concerns have been made in relation to increased traffic along Crouds Lane, which gives access to the site, including increased traffic generally as well as the impact of construction traffic. Crouds Lane is a fairly narrow, single track lane with limited passing opportunities, however, it already serves as access to at least 17 other properties in the village and as a through road out of the village. It is not considered that the traffic generated by the future occupants of these two additional dwellings will lead to an unacceptable increase in traffic using the lane or to problematic conflicting traffic movements. With regard to construction traffic, this will be only for a limited period of time, the highway authority has not raised any objections in this regard. On this basis there is no evidence to support the arguments that the proposed access arrangements via Crouds Lane will lead to any substantive highway safety concerns.

The level of parking and turning on site meets the requirements set out within the Somerset Parking Strategy and in all other respects the proposal is considered to broadly accord with the highway authority's standing advice and to therefore be acceptable from a highway safety perspective.

#### Other matters

The Parish Council has asked that in the event the application is approved that a condition be imposed to insist the development is completed within 18 months of commencement. It is very unusual for such a condition to be imposed, in this instance there is not considered to be any particular exceptional reasons to justify this requirement.

A neighbour has made reference to the need for LPA's to have regard to local democracy as set out within The Community Right to Challenge and Localism Act (2012). The comments made in relation to this application by local residents and the Parish Council have been fully considered in the assessment of this application. However, without any clear identifiable harm resulting from the proposal and the reduced weight that must now be given to the LP housing policies including policy SS2 as a result of the loss of SSDC's 5-year land supply it is not considered that the schemes lack of strict compliance with policy SS2 is sufficient on its own to sustain a refusal of this application.

Other local comments relate to the loss of ecology following the clearance of the vegetation on the site. There is no evidence to demonstrate that this site clearance resulted in harm or loss of habitat to any protected species and the proposal itself is not considered to cause any significant ecology concerns.



Policy HG4 of the local plan requires developments of between 1-5 dwellings to make a financial contribution towards affordable housing provision within the district. In rural settlements such as this such provision is 10% equivalent of affordable housing provision on the site which equates to £40 per square metre of the floor area of the new build dwelling. The applicant has accepted this requirement and the need for it to be secured through an appropriate legal agreement.

### Conclusion

Notwithstanding the concerns raised by local residents, the proposed development is not considered to result in any substantive harm to visual amenity, residential amenity, highway safety, drainage and flooding or any other environmental concern. Whilst not strictly according with the requirements of policy SS2, given the LPA's inability to demonstrate a 5-year housing land supply, this must be accorded limited weight. It is considered that this proposal will make a positive contribution to the choice and availability of housing in the area and that this wider benefit outweighs this policy concern. For these reasons the application is recommended for approval.

## **RECOMMENDATION**

Grant permission subject to the prior completion of a section 106 planning agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to secure a financial contribution towards affordable housing at a rate of £40 per square metre of the internal floor area of the new build dwelling.

### Justification:

The proposed residential development, by reason of its location, scale, design and materials, represents the efficient and appropriate use of this site that will make a positive contribution to the district's housing supply whilst respecting the setting of the adjacent listed building and without causing any demonstrable harm to visual amenity, residential amenity, highway safety, drainage and flooding and the environment and therefore accords with the aims and objectives of policies SD1, TA5, TA6, EQ2, EQ3, EQ4 and EQ7 of the South Somerset Local Plan and the provisions of the National Planning Policy Framework.

## **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:

- location plan;
- drawings numbered 4220(P)03D, 4220(P)16, 4220(P)05C, 4220(P)11C, 4220(P)14 Proposed Floor Plans, 4220(P)14 Proposed Elevations and 4220(P)13; and
- drawings numbered P5436/100 and P5436/101 received 13/10/2015.

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

03. No work shall be carried out on site unless particulars of the following have been submitted to and approved in writing by the Local Planning Authority:
- a. details of materials (including the provision of samples where appropriate) to be used for the external walls and roofs;
  - b. a sample panel, to be prepared for inspection on site, to show the mortar mix and coursing of the new natural stone walls;
  - c. details of the recessing, materials and finish for all new external windows and doors;
  - d. details of the rainwater goods and eaves and fascia details and treatment;
  - e. details of all boundary treatment;
  - f. details of all hardstanding.

Once approved such details shall be fully implemented unless agreed otherwise in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the area in accordance with policy EQ2 of the South Somerset Local Plan.

04. The development hereby permitted shall be served by a private foul and surface water drainage system (i.e. shall not connect to the mains drainage system), details of which shall be submitted to and agreed in writing by the local planning authority before the development is commenced. Such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation the approved scheme shall be permanently retained and maintained thereafter.

Reason: To safeguard the local ground water quality, environmental health and neighbour amenity to accord with policies EQ2 and EQ7 of the South Somerset Local Plan.

05. 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 indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels (to include section drawings as appropriate). 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.

Reason: In the interests of visual amenity to accord with Policy EQ2 of the South Somerset Local Plan.

06. No works shall commence unless details of the internal ground floor levels of the two-storey dwelling have been submitted and agreed in writing by the local planning authority. The development thereafter shall be carried out in accordance with the agreed details.

Reason: In the interest of visual amenity to accord with Policy EQ2 of the South Somerset Local Plan.

07. Before the dwellings hereby permitted are first occupied, the access over the first 5m of its length shall be properly consolidated and surfaced with tarmac unless otherwise agreed in writing by the Local Planning Authority.

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

08. Before the dwelling is occupied and the access is first brought into use, provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto any part of the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority and thereafter maintained in this fashion at all times.

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

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

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

10. 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 in accordance with policy TA5 of the South Somerset Local Plan.

11. There shall be no construction works (including the operation of any machinery) or any associated deliveries or despatching of any construction materials carried out outside the hours 08.00 to 18.00 Mondays to Fridays and none shall be carried out at any time on Saturdays, Sundays, Bank or Public Holidays.

Reason: In the interest of residential amenity to accord with policy EQ2 of the South Somerset Local Plan.

12. Prior to the two-storey dwelling hereby permitted being first brought into use the first floor windows within the north and south elevations shall be fitted with obscure glass (and fixed closed) and shall be permanently retained and maintained in this fashion thereafter.

Reason: In the interest of residential amenity to accord with policy EQ2 of the South Somerset Local Plan.

13. 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 windows or other openings shall be formed above ground floor level within the north or south elevations of the two-storey dwelling hereby permitted hereby permitted without the express grant of planning permission.

Reason: In the interest of residential amenity to accord with policy EQ2 of the South Somerset Local Plan.

**Informatives:**

01. The applicant is reminded that the foul drainage system will require the separate agreement of the Environment Agency.
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