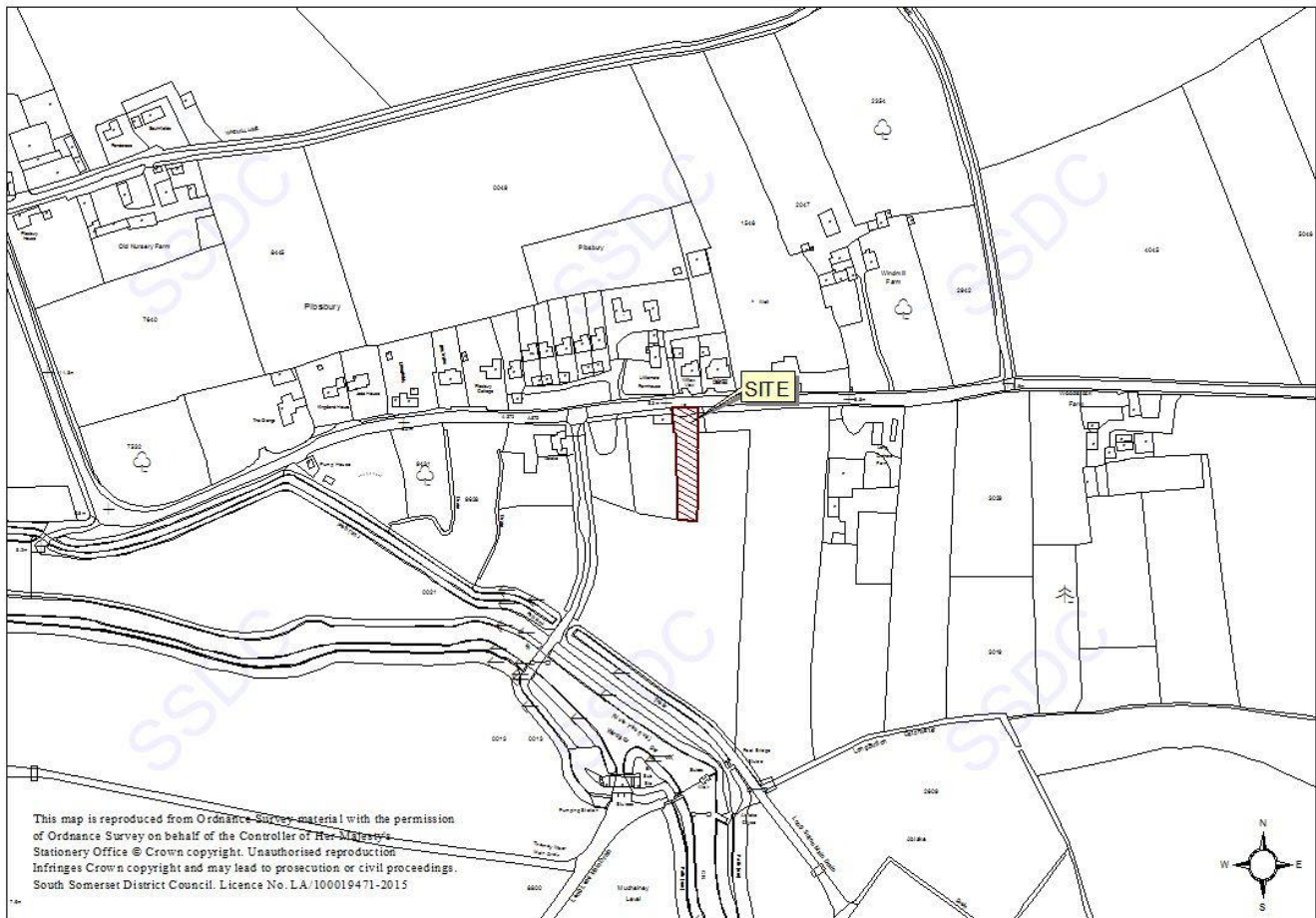


## Officer Report On Planning Application: 17/04060/FUL

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| <b>Proposal :</b>                            | The erection of 1 No. detached dwelling.   |
| <b>Site Address:</b>                         | Land Opposite Autumn Leaves Pibsbury Langport                                    |
| <b>Parish:</b>                               | Huish Episcopi   |
| <b>LANGPORT AND HUISH Ward (SSDC Member)</b> | Cllr C Aparicio Paul   |
| <b>Recommending Case Officer:</b>            | John Millar<br>Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk       |
| <b>Target date :</b>                         | 17th November 2017   |
| <b>Applicant :</b>                           | Sarah Vickery  |
| <b>Agent:<br/>(no agent if blank)</b>        | David Parkin Architectural Services,<br>4 Wilton Road, Yeovil, Somerset BA21 5XP |
| <b>Application Type :</b>                    | Minor Dwellings 1-9 site less than 1ha   |

### REASON FOR REFERRAL TO COMMITTEE

This application is referred to committee with the agreement of the Ward Member and the Area Chair to enable the issues raised to be fully debated by Members.





## SITE DESCRIPTION AND PROPOSAL

The site is located to the south of the A372, at the centre of Pibsbury, a settlement comprising a small group of buildings between Langport and Long Sutton. Pibsbury comprises a group of mainly modern dwellings to the north side of the road, with the south side being sparsely developed, with little built form, although this has changed slightly in the immediate vicinity of the site, with three dwellings approved on this site, and those to the west, one of which has now been built.

There are no local services within the settlement and it is located approximately 1km from the western edge of Huish Episcopi and Langport. The site comprises a single storey building, formerly used as a workshop, otherwise is cleared ready to develop. Planning permission was originally granted for the erection of a single storey dwelling on the site, with retention of the existing building as garaging. Further planning permission have been granted for the erection of two detached dwellings and the use of the existing single storey building as tourist accommodation, or as ancillary accommodation in association with one of the approved dwellings. One of the approved dwellings has now been constructed, and most recently planning permission was granted under 17/00167/FUL, to allow a reduction in the size of the as yet unbuilt dwelling approved on this application site.

This application is for the sub-division of the application site, and erection of a second dwelling to the eastern part of the plot.

Another application has been submitted concurrently (17/04236/S73) to vary condition 2 of planning permission 17/00167/FUL, to allow the re-siting and redesign of the approved dwelling.

## HISTORY

- 17/04236/FUL: Application to vary condition no. 2 (Approved Plans) of 17/00167/FUL for the re-siting and design of dwelling - Pending consideration.
- 17/00167/FUL: Erection of a new detached dwelling with garage - Permitted with conditions.
- 17/00166/FUL: Application to convert storage barn into holiday accommodation - Permitted with conditions.
- 15/04458/S73: Application to vary conditions 2 (approved drawings) 3 (materials) of planning application 15/00514/FUL - Permitted with conditions.
- 15/00514/FUL: Erection of 2 detached dwellings with garaging and parking together with vehicular access - Permitted with conditions.
- 12/03862/FUL: Erection of a 3 bedroom single storey dwelling with retention of the existing building for garaging (revised scheme 12/02168/FUL) - Refused, subsequently allowed on appeal.
- 12/02168/FUL: Demolition of existing building (B1 Use) and erection of a 3 bedroom single storey dwelling with two car parking spaces - Permitted with conditions. (Note: This removed the employment use in close proximity to the residential properties across the road. The permission sought demolition of the existing building that the subsequent application sought to retain.)
- 11/03576/COL: Application for a Certificate of Lawfulness for the proposed use of the building for B1 (office/ light Industrial) Use - Permitted.
- 10/00820/COL: Certificate of Lawfulness for the existing use of the building for Use Class B8 (storage) - Refused, subsequently allowed on appeal.
- 06/00964/COU: Retention of Existing Building and Use for Office purposes (B1) - Refused and subsequent appeal dismissed.
- 00/01743/COU: Variation of condition 3 of 952092 to allow part use for purposes ancillary to Autumn Leaves - Refused and subsequent appeal dismissed.
- 952092: Amendment to 940912 to allow use of stable block by original occupier under 940913 - Permitted with conditions.
- 940912: Erection of block of 3 stables on site of former filling station - Permitted with conditions.

## 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
- EQ2 - General Development
- EQ4 - Biodiversity
- TA5 - Transport Impact of New Development

### **National Planning Policy Framework**

- Core Planning Principles - Paragraph 17
- Chapter 4 - Promoting Sustainable Transport
- Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

Chapter 11 - Conserving and Enhancing the Natural Environment

### **National Planning Practice Guidance**

Design

Natural Environment

Rural Housing

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

Somerset County Council Parking Strategy (September 2015)

Somerset County Council Highways Development Control - Standing Advice (June 2013)

## **CONSULTATIONS**

**Parish Council:** The Council feels that, as there are now several large single houses in this area in Pibsbury, the replacement of the original decision's similar sized dwelling with two much smaller houses will look incongruous and thus recommends refusal.

**SCC Highway Authority:** The proposal would represent an increase of vehicle movements to and from the site. The average dwelling generates 6-8 vehicle movements per day and this application would double the vehicle movements to and from the site. However, the additional vehicle movements that this proposal would generate would not place the highway over capacity and this aspect of this planning application would not raise an objection from the Highway Authority.

The access has already been considered by the Highway Authority in the previous application and there no objections to the principle of the access arrangements. However, the access would need to have sufficient width to allow for two way vehicle movements to prevent vehicles waiting on the highway which could represent a significant highway safety concern.

The applicant must ensure that the access is fully consolidated, i.e. no loose stone or gravel to prevent loose material being deposited onto the carriageway which could represent a potential highway safety concern.

The applicant would need to ensure that under no circumstance should water be allowed to be discharged onto the highway.

Taking the above into account, the Highway Authority would not raise an objection to the planning application, subject to the imposition of relevant conditions.

**Natural England:** No objection.

**SSDC Ecologist:** Following the identification of a badger sett on the site, a badger survey and mitigation was requested. The following comments were made:

14th November 2017 I've noted the recent badger survey report (Country Contracts, November 2017).

This identifies a significant sized badger sett and it appears that the sett would occupy approximately half of the proposed rear garden of plot 1A (it wouldn't be possible to include as part of any 'formal' garden).

Generally it is preferable to retain badger setts in-situ, but it is clear that the house could potentially be built without significant harm or disturbance to the badger sett.

However, retaining the sett will clearly reduce the back garden area by approximately half. Furthermore, due to the proximity to the sett, the remainder of the back garden is likely to suffer from significant disturbance (digging of small foraging holes or extension of the sett) unless a secure boundary feature, (e.g. a solid wall rather than fence), plus an underground barrier, is erected to prevent badger entry. Any such proposals would need to allow badgers continued access to and from their setts, and construction of such may need to allow a buffer around the sett (and be done under licence).

Relocation of the sett seems unlikely to be an option in this case. To provide any development benefit, a replacement sett would need to be provided on adjoining land. It would also require a licence from Natural England. It's uncertain whether Natural England would licence a local relocation of the sett.

Therefore given retention of the badger sett, it appears the future amenity of the householder would be compromised (given also the presence of the holiday let in the front garden). I therefore question whether it's appropriate to squeeze two properties into this plot given the badger sett has now diminished the size of the plot.

Furthermore, boundary tree and hedge planting to help screen the new dwellings could also be compromised to some extent by the sett (although this depends on proximity of the sett to the boundary, but digging to plant trees will be restricted or require a licence in the immediate area of the sett).

#### Primary recommendation

Whilst I have no overall objection, the badger sett does represent a significant constraint on the site.

If this could be an issue for the overall viability/suitability of the proposal, then it could be appropriate to request further detailed layout plans at this stage, to detail the extent of sett containment works (with detailed input and verification from an ecological consultant), and consequently give a better indication of the remaining land available for development. Circular 06/2005 advises:

It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. ..., the survey should be completed and any necessary measures to protect the species should be in place, through conditions and/or planning obligations, before the permission is granted.

#### Secondary recommendation

If instead you're minded to approve, then I recommend submission of further badger mitigation details should be the requirement of a condition:

The development shall not commence until there has been submitted to, and approved in writing by the Local Planning Authority, a badger mitigation plan detailing measures for pre-commencement update surveys, minimising disturbance and harm to badgers, construction phase protection of badger setts (including physical measures), enabling badgers continued access within their territory as appropriate for their welfare, and details of sett containment works and barriers to minimise conflict between badgers and householders. The works shall be implemented in accordance with the approved details and timing of the plan, unless otherwise approved in writing by the local planning authority.

Reason: For the conservation and protection of legally protected species in accordance with Policy EQ4 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981, and Protection of Badgers Act 1992.

8th January 2018 I'm satisfied with the outline mitigation proposals for badgers. This indicates a partial sett closure to reduce the current area of the sett, but the rear 15 metres of each property to be 'reserved' predominantly for the badger sett, with installation of an underground barrier to prevent future expansion of the sett into the new rear gardens. Further detail will be the subject of a licence application

to Natural England. Because of the proximity of the development to the badger sett, and risk of incidental harm to badgers from construction activity, I recommend a condition:

No development shall commence until a licence from Natural England has been issued for the partial closure of the badger sett, and a copy of the licence, along with proposed measures to protect badgers against harm from construction (e.g. protective fencing, signage, ecological supervision, method statement), plus details of all fencing, or other boundary treatments, within and bordering the site has been submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved badger protection measures and boundary treatments unless otherwise approved in writing.

Reason: For the protection of badgers in accordance with the Wildlife and Countryside Act 1981 and the Protection of Badgers Act 1992.

**SSDC Landscape Architect:** I recollect this site from earlier applications, and I note the principle of development is already established for a single dwelling on a larger site that incorporates the reduced plot now before us. The intention for this larger site is now the construction of two detached units, of which this is the second.

As I have set out before, Pibsbury lays in a countryside context outside the built-up areas of Langport and Huish Episcopi, and is characterised by a limited ribbon of development, which is primarily to the north side of the road (the A372) and residential in character, whilst to the south of the A372, the land is primarily a mix of small fields/paddocks, along with a couple of sporadic small building groups irregularly interspersed along the roadside amongst the field systems. It is on this southern side of the road that the application site lays.

Whilst recent consents have increased the number of residences on this southern side of the road, built form is primarily related to existing farm/commercial units, and in most part this southern side of the road is not characterised by residential form, but rather the mix of fields and pastures that act as a buffer and transition from the wider open moor to the south. The introduction of two two-storey buildings - one by this application, the second two weeks further into the system - will be both contrary to the local settlement pattern, to thus be at variance with local character; and at two-storey height, will be visually intrusive in views toward and from the moors. The site has also lost some of its woody surround, such that little visual enclosure is currently on offer. Consequently whilst I accept that the permitted position of a singular dwelling, the introduction of two closely-spaced two-storey forms is urban in appearance; and not in-keeping with the rural character of the locality, and thus contrary to LP policy EQ2.

## REPRESENTATIONS

Six local residents have written in objection to the proposal, with the following main points raised:

- This application is misleading, as it only refers to the erection of one dwelling, however two dwellings are proposed. By submitting two separate applications, it is difficult to fully understand the development proposed overall.
- The construction of one dwelling on this site is supported locally, however two is not. The intensive use of the site is inappropriate to the semi-rural location, giving an almost urban appearance.
- The proposed dwellings are not traditional, and do not respect the character of the area, as suggested in the submitted design and access statement.
- The existing dwelling has been built with very little landscaping to soften the hard modern building. The proposed two dwellings and additional car parking leaves little scope to improve this situation.
- The with only one integral garage now proposed on the adjoining dwelling (17/04060/FUL), there will be multiple car parking on the overall site, serving three dwellings (the two proposed, and the approved holiday-let), which will create an unattractive common car park area.

- Planning Officer advice suggesting that the provision of two dwellings on this site affect the visual impact of the site and be at odds with local development character has been ignored.
- The application is similar to 16/03605/FUL, for two dwellings to the west, which was refused by Area North Committee in October 2016.
- A previous planning decision on land to the east was refused recently due to the development not being sustainable. The criteria appear to be no different.
- There are existing badger setts and drainage ditched within and adjacent to the site, which should not be disturbed.

Four letters of support have also been received from local residents, raising the following main points:

- The proposal has been planned sympathetically and will enhance the area.
- Two smaller properties would be less imposing than one larger property and would be in keeping with other properties in Pibsbury, which are all of varying smaller sizes.
- The detached houses are of the same design as the existing house and both fit well within a sizeable plot.
- Two smaller houses will be more affordable than one big house. The proposal will benefit the area more than if an empty eye sore is left. If the development is not profitable it will not be built.

## **CONSIDERATIONS**

### **Principle of Development**

The application site is located in within the settlement of Pibsbury, which is a small group of dwellinghouses, with no local services. The nearest key services available are those within Huish Episcopi and Langport, the developed edge of which is approximately 1km to the west. The nearest service, the public house at Huish Episcopi, is approximately 1.4km away, with Huish Episcopi Academy and the centre of Langport further away. Planning Officer's advice has been consistent in that Pibsbury is viewed as a settlement remote from key local services, where development is not acceptable in principle, as it would not accord with the aims of sustainable development identified within the Local Plan and National Planning Policy Framework. It is noted that some development has previously been approved on this site, and the adjoining site to the west, where Members of Area North Committee resolved to approve applications involving what was viewed as being appropriate infill development. It should also be noted that the proposed development of two houses on land to the west (16/03605/FUL) was refused at Area North Committee, as this was deemed to constitute over development of the site in a form that was a dominant and visually intrusive development that failed to respect the established character and appearance of the locality. A separate application for the retrospective provision of a dwelling on land further to the east of the application site (16/00621/FUL) was also refused by Area North Committee, with a subsequent appeal dismissed on the grounds that Pibsbury was indeed remote from key local services and therefore an unsustainable location for additional unjustified residential development.

This application is for the erection of an additional dwelling, for which no special justification has been made. The applicant advises that there is now a need to build two properties on this plot, as the property built on plot 2 was too big and unable to be sold for the original valuation, with its price ultimately reduced significantly at a loss to the applicant. An independent estate agent has similarly advised that two smaller properties would be more likely to be sold than one larger one. While there is sympathy for the applicant's position, this is not sufficient justification to outweigh the overriding in-principle objection to providing another dwelling in this unsustainable location. As demonstrated by the grant of planning permission 17/00167/FUL, the Local Planning Authority would be supportive of the provision of a smaller, appropriately sited and designed dwelling to improve the likelihood of sale at an appropriate price in comparison to build costs, however the provision of an additional dwelling on this site not considered to be appropriate.

## **Scale and Appearance**

Planning permission has been granted for the erection of two dwellinghouses on the application site (plot 1) and that to the west (plot 2), with the latter constructed. A later planning permission (17/00167/FUL) amended the approved dwelling on plot 1 to reduce its size. A subsequent application is now being considered concurrently to this one (17/04236/S73), seeking to reduce the size of the approved dwelling further, which will leave a portion of the site to the east available for the erection of another dwelling, as submitted in this planning application. It is noted that these applications are submitted separately so this application is not for two dwellings, however the separate proposal does carry some weight in assessment of this scheme.

As discussed, in previous applications, the south side of the A372 differs dramatically from the more densely developed north side, with minimal built form mainly limited to a few sporadic small groups of buildings irregularly interspersed along the roadside amongst the field systems. The existing openness of the southern side of the road has been eroded somewhat following the approval of three houses in recent years, however these large dwellings do generally sit centrally in relatively large plots, allowing a degree of openness and views southwards into open countryside to be retained, thereby ensuring some correspondence with local character. The submitted scheme will reduce the gaps between the existing approved, and built, development schemes, due to the siting of the proposed dwelling to the far east of the site, and sub-division of the wider site to leave space for the erection of this dwelling alongside the other proposed dwelling. Notwithstanding the fact that the other dwelling is not being considered in this particular application, just the proposal now submitted, as well the cumulative impact of a second dwelling, if approved, the proposal would lead to an unacceptable increase in the density of development within the site, with amount of development increased width-wise. This increased level of development within the plot, comprising increased massing and density, will further compromise the remaining openness of the site, and is out of keeping with the established character, appearance and rural context of the locality.

It is further noted that by being sited centrally within the larger plot, there are greater opportunities to provide screening at the site boundaries, reducing the overall impact of the built form. This proposal, which pushes development right up to the extremities of the site, width-wise, limits the potential for landscaping, further exacerbating the harm anticipated by increasing the amount of development within the plot. The applicant argues that the large oak tree to the east of the site has now been removed, providing increased width to the plot, however for the above reason, this is not seen as a positive allowing for increased spread of built form. If anything, the loss of this landscaping feature serves to further highlight the impact of the loss of openness to the site that would be brought about by infilling with greater levels of built form, and without leaving sufficient space to provide adequate mitigation.

Looking further at the design, this is of a similar style to the approved dwellings, however the reduction in width along with the depth of the property does move away from the more characteristic wider fronted, less deep properties on the northern side of the road, and deep but wider fronted properties approved to the west, further failing to reinforce local distinctiveness of the setting.

## **Highway Safety**

As with the original scheme, there are no concerns in respect to highway safety. The County Council Highway Authority have noted the increased use of the access, however do not consider that this would be such a significant increase so as to cause unacceptable harm to highway safety. Should permission be granted, suitable highway conditions are suggested to ensure that the access is properly consolidated, visibility is provided and drainage provision put in place.

## **Residential Amenity**

The proposed development is located at sufficient distance from any other nearby property, and would



be appropriately oriented and designed in respect to the proposed dwelling to the west, to avoid any unacceptable impact on residential amenity

## **Ecology**

Since the last application, it has been brought to the Local Planning Authority's attention that there is significant badger activity on site. This has been verified, with further information submitted in the way of a badger survey and mitigation.

Having confirmed that there is an extensive badger sett on the southern part of this site, and that to the west, a mitigation proposal has been put forward that involves the partial closure of the set and installation of a galvanised wire mesh screen below ground for the width of the site, thereby deterring badger spread further northwards. The Council's Ecologist has accepted the mitigation proposal and raised no objections, subject to appropriate conditions in relation to the developer obtaining the necessary licence from Natural England and protection measures being agreed and put in place during construction.

## **Conclusion**

Notwithstanding the presence of an existing extant consent for a dwelling on this site, the proposed amendments to the scheme are considered to be unacceptable with the resulting scheme failing to appropriately respect the character and appearance of the locality and its rural context.

## **RECOMMENDATION**

Refuse

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

01. The proposal, by reason of its siting, design, scale and massing, fails to respect the established character and appearance of the locality, or to reinforce local distinctiveness of the setting, contrary to the aims and objectives of policies SD1, SS2 and EQ2 of the South Somerset Local Plan (2006-2028) and the National Planning Policy Framework.
02. The proposal would represent new residential development in a rural location, remote from key local services, for which an overriding essential need has not been justified. The proposed development therefore constitutes unsustainable development that is contrary to policies SD1, SS1 and SS2 of the South Somerset Local Plan (2006-2028) and to the aims and objectives of the National Planning Policy Framework.

### **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, there were no minor or obvious solutions that could be applied during the course of the application to overcome the reasons for refusal.