

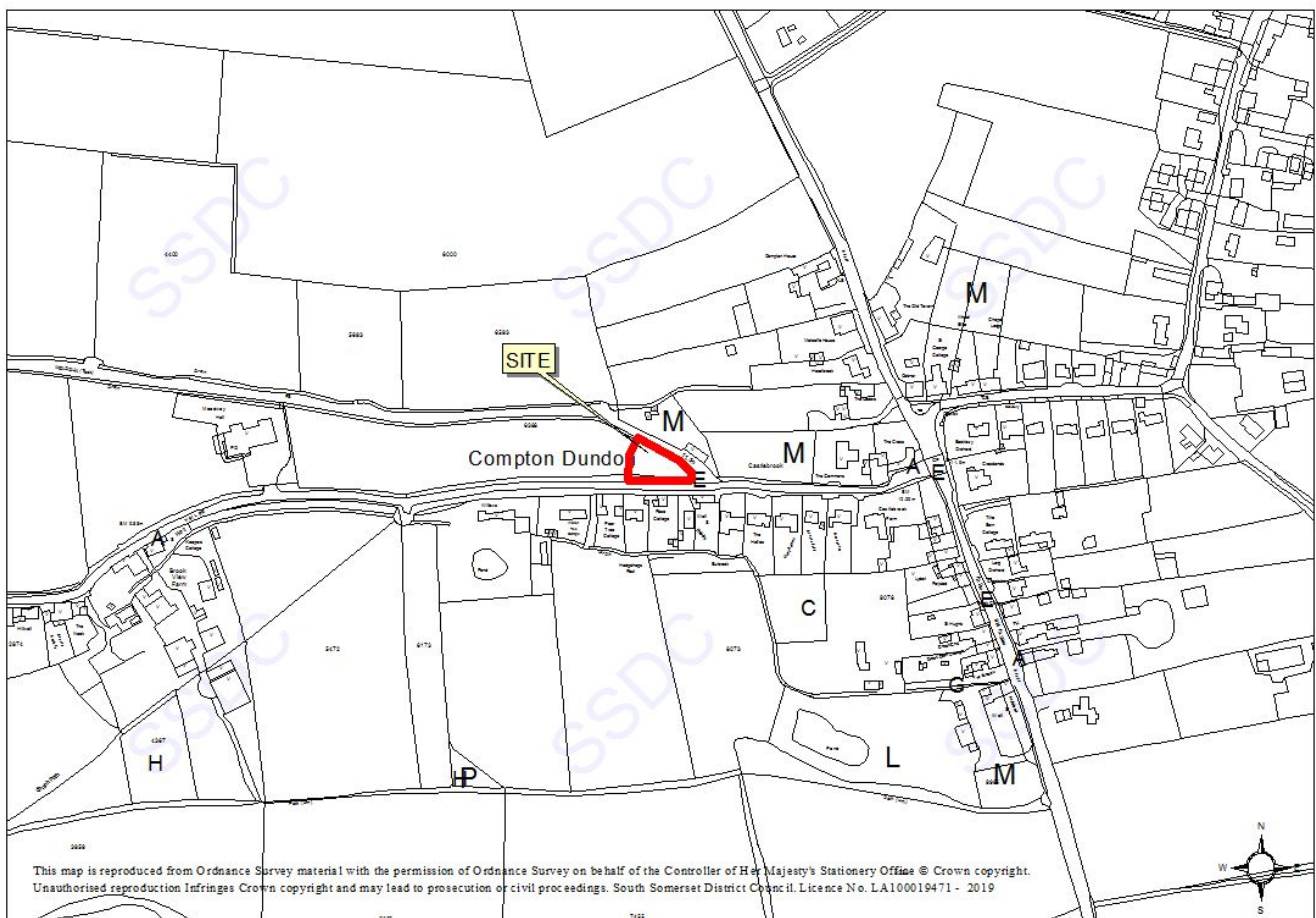
## Officer Report On Planning Application: 19/02417/FUL

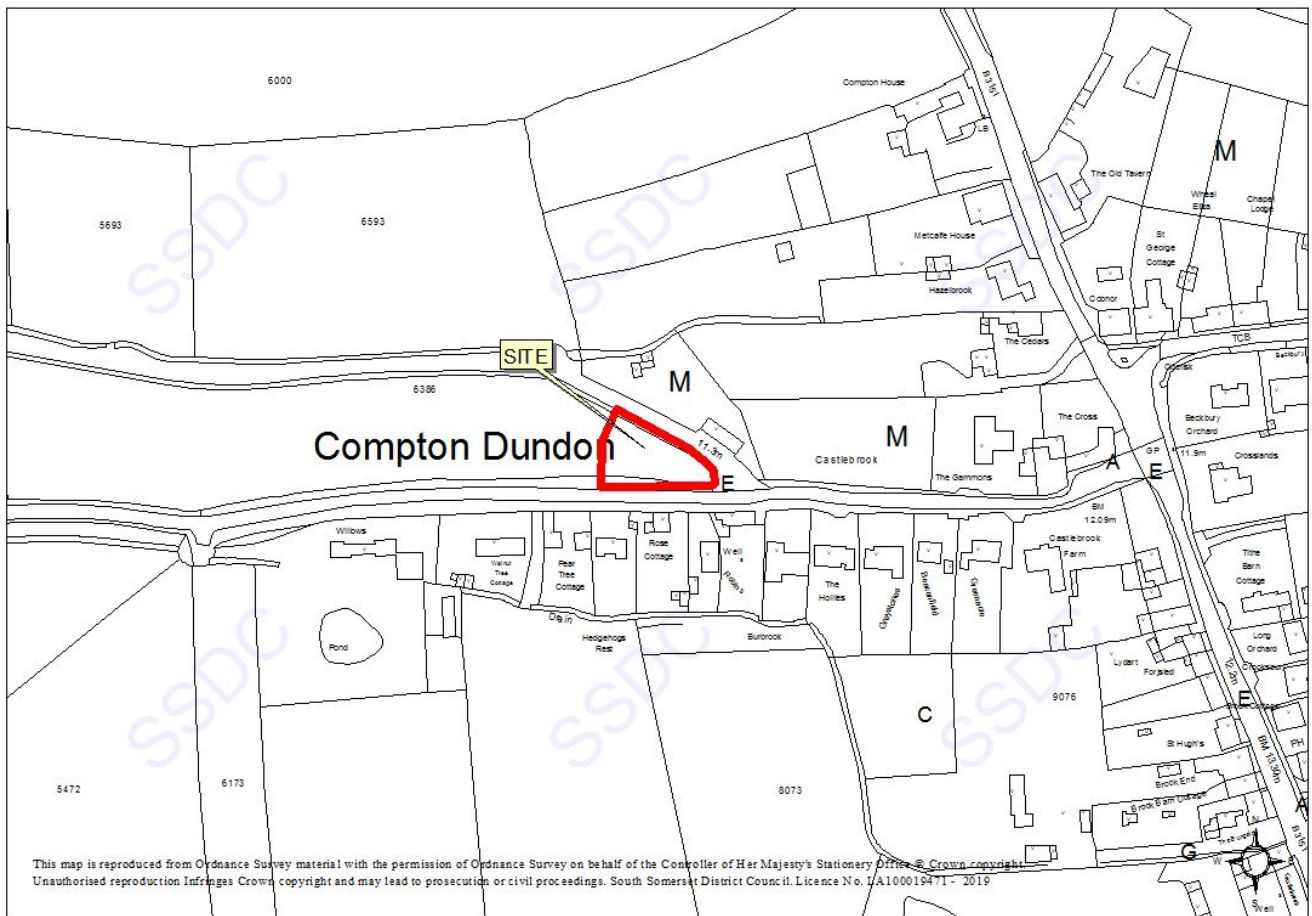
<b>Proposal :</b>	The erection of one dwelling with garage, access and landscape planting.
<b>Site Address:</b>	Land Adjacent Ham Lane, Compton Dundon.
<b>Parish:</b>	Compton Dundon
<b>WESSEX Ward (SSDC Members)</b>	Cllr Tim Kerley Cllr Dean Ruddle
<b>Recommending Case Officer:</b>	Colin Arnold
<b>Target date :</b>	13th November 2019
<b>Applicant :</b>	Mr Robert Stacey
<b>Agent: (no agent if blank)</b>	Greenslade Taylor Hunt, Winchester House, Deane Gate Avenue, TAUNTON TA1 2UH
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL TO COMMITTEE

This application is referred for Committee consideration at the request of the Ward Members with the agreement of the Area Chairman in order to allow the planning issues to be debated.

### SITE DESCRIPTION AND PROPOSAL





This is an application for the erection of one dwelling with garage, access and landscape planting at land adjacent to Ham Lane, Compton Dundon.

This application should be read also in context with planning application 19/01598/FUL which is a pending application for 7 dwellings on the neighbouring field (in the same ownership) It is understood that this proposed dwelling is being dealt with separately because it is allocated for the applicants son and family to live in if approved and built. The site under consideration takes the form of an agricultural field and forms part of a gap between this site and the village hall/playing fields.

The proposed dwelling is blue lias stone faced to the road (Ham Lane) and south east elevations with rendered elevations to the remainder. It is set in a fairly large plot which is commensurate in size with opposing properties plot sizes.

The site is currently an agricultural yard and has a concrete panel garage building with a crinkle tin roof upon it. There are wood piles and gravel piles upon it and it is in obvious current use as a working yard.

There is an existing access to the yard which is to be stopped up as part of this proposal - a new access is proposed to the west.

## HISTORY

19/01598/FUL - The erection of seven dwellings with access and landscape planting provision (adjacent

site) - currently under consideration.

## **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, SS1, SS2, SS4, SS5, TA1, TA5, TA6, EQ1, EQ2, EQ4

National Planning Policy Framework  
Chapters 2, 4, 5, 8, 9, 11, 12, 14, 15,

National Planning Practice Guidance  
Design, Natural Environment, Rural Housing, Planning Obligations

Policy-related Material Considerations  
Somerset County Council Parking Strategy (September 2013)  
Somerset County Council Highways Development Control - Standing Advice (June 2017)

## **CONSULTATIONS**

### **Parish Council:**

'Although the Parish Council realise that they have to consider this application in isolation to neighbouring pending applications, disappointment was expressed that this was not being considered in one application with the 7 other dwellings on the neighbouring plot of land as this would be a fairer representation of the reality of the proposals.

The Parish Council consider that a 2 storey building is too tall for this plot as it would dominate the landscape, having a negative impact on the opposite property through overlooking and loss of privacy. The Parish Council would be more sympathetic to a 1.5 storey building. If there were to be rooms in the roof, the northerly facing windows would overcome this concern, especially if the development was moved back from the road towards the back of the plot.

Concern was also raised about the access onto Ham Lane and loss of the hedge. It was suggested that the access was moved to the corner of the plot by the yard so that the hedge can be left intact and the new vehicular access is not directly opposite 'Hedgehogs Rest'

The Parish Council agreed that they could not support this application in its current form, but would be more sympathetic to a 1.5 storey building with its access moved to the corner of the plot to preserve the hedge and reduce the impact on the homes opposite.

If the access is to remain in its proposed position it was requested that bridge was included rather than a pipe, to overcome the drainage along the highway.

In accordance with Policy SS2, if the development does go ahead, it was requested that the developer is asked to pay contribution towards the restoration of the Church Path which runs opposite the site in order to enhance the community facility.'

**SCC Highway Authority:**

Standing advice applies.

**SDDC Highway Consultant:**

SCC comment: see PROW L 7/25 SDDC Highways Consultant's comments: I have no significant highways issues to raise with this scheme. The site is in a sustainable location, the traffic impact of one further dwelling on the local highway network would not be significant or severe. The proposed means of access appears acceptable in terms of its location, width and the extent of the visibility splays (no obstruction greater than 600mm). I would, however, seek that the entrance gates are set back a minimum distance of 5m from the edge of the carriageway, that the area between the gates and the carriageway is properly consolidated and surfaced (not loose stone/gravel) and that appropriate drainage measures are installed to prevent surface water from discharging onto the highway unless the access falls into the site. These aspects of the design could be conditioned. The proposed level of car parking and turning is acceptable. A S.184 license will be required from SCC to form the entrance.

**SCC Archaeologist:**

As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.

**REPRESENTATIONS**

10 letters of objection:

- does not adhere to Paragraph 12. 130 of the NPPF which states:
- "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents."
- The proposed building by reason of its size, height and location within the plot would have an unacceptably adverse impact on the amenities of the properties immediately adjacent to the site and the surrounding area by reason of overlooking, loss of privacy and visually overbearing impact.
- It is yet another poorly designed, urban style house which has no place in a rural village. They would get to look at pretty cottages out of their windows, what do we get?
- Too large in context of other properties in the area
- Overlook the opposite properties
- No need for new access there is a large existing one
- Hedge is home to great crested newts

- Increase in traffic on road already used by HGVs and tractors
- Loss of open rural views which are characteristic of Compton Dundon
- Impact on historic outlook and setting
- house that looks like it was plucked from a town estate at the expense of the local visual amenity
- in the last few years plans for 40 new houses have been approved in the village
- the old hedge is rich in wildlife and should not be removed.
- the fact that the proposed build would be a two storey house with south facing windows, situated to the front of the proposed plot, in my view, is just criminal!

### 3 letters of support

- I have had connections with the village for 50+ years firstly as a headmaster, latterly as a resident and have noted that the children of the village have been unable to stay here due to the high cost of the properties that come onto the market
- The applicant - would obviously benefit his work with the animals he farms on the plot and he keeps the whole site in a neat and tidy manner.
- We believe the applicant has taken into account the positioning of the property the potential impact it may have on the neighbouring properties
- We also note that the property will incorporate 'natural materials and design features'
- We recognise that the proposed development does sit beyond an access track which provides a natural boundary from the existing properties on that side of the road but we do believe this utilises the area well.
- We have no objections whatsoever to this proposal.

## **CONSIDERATIONS**

### **Principle of Development**

The site is located to the west of Compton Dundon. Policy SS1 (Settlement Strategy) of the Local Plan highlights the areas where new development is expected to be focused, grouping certain towns and villages into a hierarchy, of settlements including the Strategically Significant Town (Yeovil), Primary Market Towns, Local Market Towns and Rural Centres. All other settlements, including Compton Dundon, are 'Rural Settlements', which policy SS1 states "will be considered as part of the countryside to which national countryside protection policies apply (subject to the exceptions identified in policy SS2. Policy SS2 states:

"Development in Rural Settlements (not Market Towns or Rural Centres) will be 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.

Development will be permitted where it is commensurate with the scale and character of the settlement, provides for one or more of the types of development above, and increases the sustainability of a settlement in general. Proposals should be consistent with relevant community led plans, and should generally have the support of the local community following robust engagement and consultation. Proposals for housing development should only be permitted in Rural Settlements that have access to two or more key services listed at paragraph 5.41 (i.e. local convenience shop, post office, pub, children's play area/sports pitch, village hall/community centre, health centre, faith facility, primary school)."

Usually applications in locations such as this would be considered against the settlement strategy contained within Local Plan policies SS1 and SS2, however the Local Planning Authority are currently unable to demonstrate a five year supply of housing sites. In the context of the National Planning Policy Framework these policies should be considered out of date, as they are relevant to the supply of housing. In such circumstances, it is advised that planning permission should be granted unless *1) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or 2) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.*

As a starting point, in the current policy context, Compton Dundon is a settlement that does contain at least two of the key services listed in paragraph 5.41 of the Local Plan and therefore is considered to be a generally sustainable location, in terms of policy SS2. Specifically there is a public house, part time Post Office, children's play area, village hall, church and car sales place. Taking this into account, and noting the lack of 5 year land supply, it is considered that the development of this site for residential purposes could be acceptable in principle, subject of course to the assessment of other appropriate local and national policy considerations, to determine whether there are any adverse impacts that would significantly and demonstrably outweigh the benefits. These are discussed below.

### **Scale and Appearance**

In a village which has a large amount of natural stone as a building material it is important to note that the proposed dwelling is faced with blue lias stone (a locally sourced type of stone) to its publicly viewable elevations (namely the south east and south west elevations. This is not within a conservation area so it would be unreasonable to insist on the building being solely in stone and render is considered accepted for the remaining elevations (and render is also considered acceptable on elements in the adjoining proposal for seven houses also)

In terms of appearing overbearing (a point raised by the objectors) - one has to look at the surrounding development which (across the road on the denser built development side) is a mixture of two storey properties (including cottage types which are smaller) and bungalows - so the addition of this two storey property will not appear overbearing in the street scene in any way.

### **Residential Amenity**

In terms of residential amenity the objectors raise overlooking as an issue - but any overlooking that will occur would be across the road which is a common situation across the country was a whole and not a valid reason for refusal. There will also be no undue overlooking should the adjoining proposal for seven houses be approved.

The current use of the land appears as an agricultural yard/workshop area which presumably had an

element of noise associated with it - a residential use would actually in that sense improve the residential amenity for the neighbours by potentially being a quieter use of the site.

### **Highway Safety**

The SSDC Highways consultant has raised no objection to the proposal also noting that the site is in a sustainable location. The consultant also suggests a number of conditions all of which are supported and listed below. The existing access which is to be stopped up is lacking in visibility to the west and the proposed new access has the required visibility splays for the speed limit of the road and is in accordance with highway standards (so in essence an improvement on the status quo)

### **Ecology**

An ecologists report was submitted with the application which related to the entire site has led to the conditions being suggested as below in order to protect any existing wildlife and enhance the development in an ecological sense. It should be noted that the existing southern boundary hedge is to be retained as part of this proposal. The wood and rubble piles will need to be searched for wildlife before removal.

Response to contributor's comments (not already covered above)

If the hedge does contain great crested newts (the ecological report did not identify this) they will be protected by the proposed conditions relating to ecology.

As the SSDC Highways consultant noted - the extra traffic from a single dwelling house would be a negligible increase in traffic using Ham Lane.

The loss of open rural views is an important point. However, the is no 'right to a view' in planning law and the balancing exercise of having to provide more housing (in the absence of a five year housing supply) means that the balance falls in favour of providing much needed housing.

The 'old hedgerow' as mentioned by the objector to be rich in wildlife is to be retained and untouched by this proposal.

Whilst it is admirable that this will allow a local young person to remain within the village (which is usually prohibitive because of the high price of the housing in the village) it has to be pointed out that this is not a 'tied' dwelling as such - it is open market and could, in theory, be occupied by anyone with the means to purchase it.

### **Planning Obligations**

As of 3rd April 2017, the Council adopted CIL (Community Infrastructure Levy), which is payable on all new residential development (exceptions apply) should permission be granted, an appropriate informative will be added, advising the applicant of their obligations in this respect.

### **Conclusion**

Whilst this application is linked with the neighbouring proposal in as much as it is from the same applicant - it has to be dealt with on its own merits (because in theory the neighbouring application may be refused for example) it is a small application for a single plot in a sustainable location and is perfectly reasonable and acceptable in all aspects - the recommendation is duly for approval.

## **RECOMMENDATION**

To grant permission subject to appropriate conditions.

01. The proposal by reason of size, scale and materials, is acceptable as it respects the character of the site and its surroundings, and has no detrimental impact on local ecology, residential amenity or highway safety. As such, the proposed development is considered to accord with the aims and objectives of policies SD1, TA1, TA5, TA6, EQ2 and EQ4 of the South Somerset Local Plan 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:

Main drawing refs: 2641A-DR-A-050-

002 - Site Plan  
003 - Ground floor plan  
004 - First floor plan  
005 - SW and NW Elevations  
006 - NE and SE Elevations  
007 - Location Plan

Site Survey job no. 7880 (x3)

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

03. The area allocated for parking on the submitted plan number 2641A - DR-A-050-002-Site Plan shall be kept clear of obstruction and shall not be used other than for parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety and in accordance with policies TA5 and TA6 of the South Somerset District Local Plan 2006-2028

04. 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 the development is first brought into use and thereafter maintained at all times.

Reason: In the interests of highway safety and in accordance with policies TA5 and TA6 of the South Somerset District Local Plan 2006-2028

05. There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the vehicular access and extending to points on the nearside carriageway edge



43 metres in both directions. Such visibility shall be fully provided before the development hereby permitted is brought into use and shall thereafter be maintained at all times.

Reason: In the interests of highway safety and in accordance with policies TA5 and TA6 of the South Somerset District Local Plan 2006-2028

06. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority by the ecologist

Reason: In the interests of nesting wild birds and in accordance with policy EQ4 of the South Somerset Local Plan.

07. Badgers could be encountered during and post development. Appropriate impact avoidance and briefing of contractors and information for home occupiers should be provided as per the following conditions:

- All contractors on site must be appropriately briefed by the Site manager, indicating that badgers are legally protected and must not be disturbed.
- Any construction excavations over 1 metre deep and left open overnight must be either cover plated or have a means of escape should a badger fall in. A suitable means of escape is a rough wood plank slowly inclined from the base of the excavation to the surrounding ground level.
- Any construction opening larger than 125mm diameter or equivalent, must not be left open overnight.
- New home occupiers must be advised by the Developer that badgers are active in the vicinity and that badgers and badger setts are legally protected.

Reason: To ensure compliance with the Protection of Badgers Act 1992, which affords badger setts protection from intentional or reckless interference and in accordance with Policy EQ4 of the South Somerset District Local Plan.

08. Potential resting places for reptiles were found on site in the form of log piles and other material, as such:

- Any features, such as the spoil pile on the western edge of the site, which potentially afford resting places for reptiles and/or amphibians will be dismantled by hand, piles should be removed from the site in phases; beginning from the centre of the pile moving slowly outwards to give any protected species present time to disperse away and to avoid being isolated from ecological corridors that will provide a means of escape.

Reason: In the interests of biodiversity and in accordance with Policy EQ4 of the South Somerset District Local Plan.

09. The entrance gate(s) shall be set back a minimum distance of five metres from the edge of the adjoining carriageway and the sides of the access shall be splayed from the centre of the access at such distance from the carriageway edge at an angle of 45 degrees. These works shall be fully implemented before the access concerned is first brought into use.

Reason: In the interests of highway safety and in accordance with Policies TA5 and TA6 of the South Somerset District Local Plan

10. The development hereby permitted shall not be commenced until the surfacing materials of the access drive and turning and parking areas have been approved in writing by the Local Planning Authority and such areas properly drained, consolidated and surfaced in accordance with those approved details.

Reason: In the interests of highway safety and in accordance with Policies TA5 and TA6 of the South Somerset District Local Plan.

**Informatives:**

01. Please be advised that approval of this application by South Somerset District Council will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice.

You are required to complete and return Form 1 Assumption of Liability as soon as possible and to avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place. Please complete and return Form 6 Commencement Notice.

You are advised to visit our website for further details <https://www.southsomerset.gov.uk/cil> or email [cil@southsomerset.gov.uk](mailto:cil@southsomerset.gov.uk) .

02. The SSDC Highway consultant advises:

A S.184 license will be required from SCC to form the entrance

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