

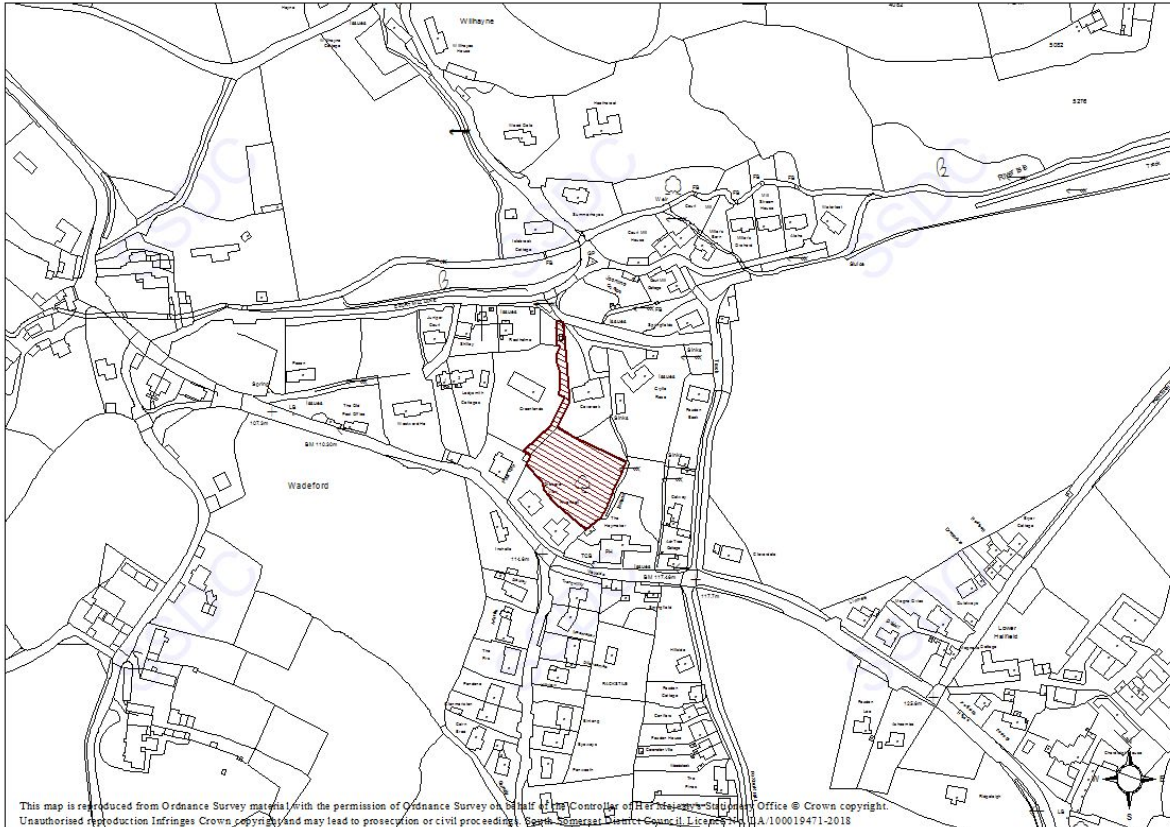
## Officer Report On Planning Application: 18/00746/OUT

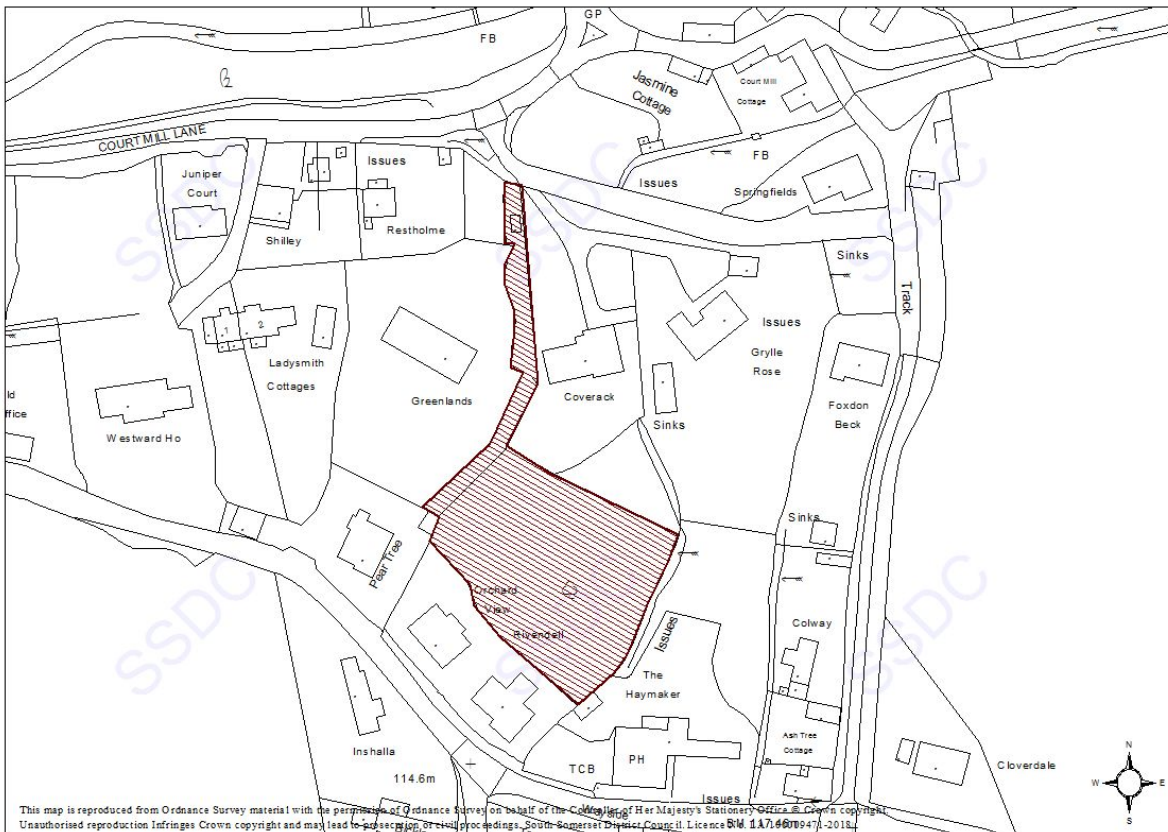
<b>Proposal :</b>	The erection of a 1 No. dwelling and detached garage with associated parking.
<b>Site Address:</b>	Pear Tree Wadeford Chard
<b>Parish:</b>	Combe St Nicholas
<b>BLACKDOWN Ward (SSDC Member)</b>	Cllr M Wales
<b>Recommending Case Officer:</b>	Alex Skidmore Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
<b>Target date :</b>	30th April 2018
<b>Applicant :</b>	Mr & Mrs G Turner
<b>Agent: (no agent if blank)</b>	Paul Rowe Caparo 11 Mervyn Ball Close Chard Somerset TA20 1EJ
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL

This application has been referred to Area West Committee at the request of the Ward Member and with the agreement of the Area Chair to allow further debate of the considerations in this case, in particular the sustainability concerns.

### SITE DESCRIPTION AND PROPOSAL





This application is seeking outline planning permission and is seeking to agree the access arrangements but with all detailed matters (appearance, landscaping, layout and scale) reserved for later consideration.

The application site is a small relic orchard comprising approximately 0.26 hectares. The site is on sloping ground and retains just a few old fruit trees and is surrounded by a public house to the southeast, with residential development to all other sides. Access is proposed through the grounds of the neighbouring property Greenlands located immediately to the west and along an unmade-up track that leads down the hill (between existing residential properties) to the north and then egresses on to Court Mill Lane, which is a narrow lightly trafficked single track unclassified lane. Whilst the application site is in flood zone 1, the access and this section of Court Mill Lane is located within flood zone 3. There is a mature tree that is subject to a Tree Preservation Order growing within the grounds of Greenlands close to the adjoining boundary with the application site. The proposed new access track will pass close to this tree alongside the adjoining boundary.

## HISTORY

None.

## POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, and 12 of the NPPF indicate it is a matter of law that applications are 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 - Development in Rural Settlements

TA5 - Transport Impact of New Development

TA6 - Parking Standards

EQ2 - General Development

EQ4 - Biodiversity

EQ5 - Green Infrastructure

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 health communities

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

Part 11 - Conserving and enhancing the natural environment

## CONSULTATIONS

**Combe St Nicholas Parish Council:** No objections. The proposed dwelling will be overlooked in the current layout, but subject to satisfactory measures regarding access and environmental issues the Councillors have no objections.

**Highway Authority:** Referred to their standing advice.

**SSDC Highway Consultant:** Consider the sustainability of the site in terms of access / connectivity to any local services and facilities. The approach to the site needs to be assessed in terms of width, it would appear access would be via a private access road, the first section of which appears to be shared. More details should be submitted. Visibility splays at the point where the private access road meets Court Mill Lane needs to be identified and assessed. On-site parking would need to accord with the Somerset Parking Strategy optimum standards.

**Ecologist:** I have noted comments from contributors that regard the site to be an orchard which is a 'priority habitat' that should be protected against development. I have seen your photos of the site.

Planning policy (NPPF and Local Plan policy EQ4) does expect some protection for priority habitats, and Traditional Orchards are listed as a priority habitat. Historical maps (1930) show this site as being an orchard, as too were the majority of the adjacent and nearby fields which are now residential properties.

The definition of Traditional Orchards for priority habitat purposes includes fruit trees within permanent grassland, managed in a non-intensive way. A Natural England inventory of traditional orchards used a minimum threshold of five trees. This site may therefore just about meet the definition of priority habitat, although it hasn't been included in the Natural England inventory (checked on MAGIC).

I note the site is just a small remnant of the former orchard presence in the vicinity, and is within a predominantly residential area. As traditional orchards go, the trees are small and few, and overall the site is small and unremarkable. I consider it unlikely that the site will be significant for the wildlife it supports.

On balance I suggest the site's status as priority habitat is borderline that shouldn't be afforded much weight when determining the outcome of this application.

**Tree Officer:** The redline drawing includes what has been described as an existing access that lies across the radial root protection area of a protected walnut tree (subject to the SSDC (Combe St

Nicholas 2) Tree Preservation Order 1985). The walnut appears to be located within the garden of an adjoining property called Greenlands. There does not appear to be an obvious existing track and I am a little concerned what might be intended.

Considering the generous plot size for the single dwelling I see no reason why some efforts could not be made to preserve as many of the orchard trees as is reasonably practicable. The topography of the site does appear to make the proposed dwelling rather over-looked, so retaining some mature tree cover and providing new tree and hedge-plantings seem rather desirable. If consent is granted please consider imposing conditions to secure a scheme of tree and hedgerow protection and also a landscaping condition.

## **REPRESENTATIONS**

Written representations have been received from 6 separate households, 2 in support of the application and 4 objecting or raising concerns.

Comments made by those with concerns / objections includes:

- The proposed access on to Court Mill Land is inadequate and presents an additional and potentially dangerous traffic hazard along a narrow lane which is already over utilised.
- Environmental / ecological harm caused by the removal of several fruit trees in a traditional orchard setting. A comprehensive environmental impact assessment should be considered to take into account the disruption to wildlife habitat.
- Impact to drainage and soil erosion as a result of disturbance to topsoil and subsoil during construction works.
- There is a manhole cover over the drains serving the properties of Foxdon Beck and Springfields at the proposed access. As there will be a lot of transport with heavy materials and equipment going over this position care will need to be taken with appropriate reinforcement.
- A bungalow would be preferable to a house and less detrimental to adjoining properties.
- Increase in noise and air pollution resulting from the construction works as well as vehicle movements post construction.
- The boundary line between our property, Rivendell and the site is misplaced.
- The proposed development would significantly reduce the residential amenity of our property (Rivendell) and neighbouring properties and would have a detrimental effect on our quality of life.
- The proposal sites the proposed house at the highest point in the orchard and the roof line would be most intrusive (into our views).
- It includes an unnecessarily long driveway and introduce noise pollution.
- This is a traditional order and the apples are harvested most years. Orchards are high biodiversity habitat and designated as a Priority Habitat and listed in the Natural Environment and Rural Communities Act (NERC Act) 20016. Failure to recognise this as a bio-diversity rich habitat would be to ignore this and a raft of other statutory instruments and guidance.
- We recognise that a balance needs to be struck between the provision of new housing and the protection of green spaces. The South Somerset Local Plan states that one role of the planning system is to protect and enhance our natural environment and to help biodiversity. The construction of one expensive dwelling will not make any perceptible difference to the housing stock and no amount of landscaping by the developer can mitigate the damage that the destruction of this orchard and its resulting impact to residential amenity and biodiversity.

Comments made by those in support include:

- The land is currently unused, the most practical thing would be to construct a house here, especially in view of the housing deficit.
- It is to be built on unused land which the Government has announced as a priority.

- The site is sustainable because of the 99 bus operated by First with a stop on the road nearby. An additional home will ensure this service remains in place to service the transportation needs of the residents.
- The proposal appears to infill an area already surrounded by housing. Once constructed the traffic will not vary in any significant way to current flow / volumes. Access to the site is no more complicated than that to the existing properties.
- The design placement of the building is respectful of the nearby community.

## **CONSIDERATIONS**

This application is seeking outline planning consent for the erection of a single dwelling and to agree the access arrangements, with all other detailed matters (appearance, landscaping, layout and scale) reserved for later consideration.

### **Principle**

The village of Wadeford is a very small settlement which, with the exception of a pub, is devoid of local facilities or services. Whilst in terms of its proximity Wadeford is relatively close to the nearby settlement of Combe St Nicholas where there are additional local services, the two settlements are two distinct and separate conurbations with no paved footway or cycle links to connect them, for this reason it is not considered appropriate to consider Wadeford as a satellite settlement of Combe St Nicholas. The effect of the site being so close to Chard and within 1.8 miles of the centre of Chard where a wide range of facilities and services, and in particular a greater choice of shopping and town centre type uses, is likely to act as a greater draw to future residents than those found within Combe St Nicholas. This combined with the modest nature of the proposed scheme means that the contribution that the proposal might otherwise make towards supporting the services found in Combe St Nicholas and the vitality of this community is likely to be minimal.

For these reasons Wadeford is considered to be an unsustainable location and therefore an inappropriate location for new build residential development. The proposal is for an open market house that is not sought to meet an identified local need. On this basis the proposal is considered to be an unsustainable form of development that is contrary to the aims and objectives of LP policy SD1 and the provisions of the NPPF and to be, in principle, unacceptable. The application should therefore be recommended for refusal.

### **Ecology**

It has been queried by a number of local residents as to whether the site should, as a traditional orchard, be treated as a priority habitat and therefore be protected against development. The Council's Ecologist however is of the opinion that only a remnant of the former orchard remains and that the remaining trees are small and unremarkable, this along with the fact that the site is surrounded by mainly residential development that the site is unlikely to be significant for the wildlife that it supports. He therefore concludes that the site's status as a priority habitat is borderline and should not be afforded much weight when determining the outcome of this application.

### **Visual amenity / character**

The site is not located within a conservation area, nor are there any listed buildings within its immediate vicinity that could be affected by the proposed development.

The application site is a small relic orchard that is situated on the northeast side of Wadeford Road, set back from the road behind existing development and is surrounded by built development to all sides. The orchard is on a sloping site and is now in a rather neglected state with just a handful of old fruit trees remaining that offer little by way of amenity value to the locality. In essence the site has the appearance more of an area of open green space than an orchard. The pattern of development in the locality is neither linear nor regular in character but rather is quite random with a mix of plot sizes and the gaps between and with a jumble of roadside and backland positions.

This 'green space' is not considered to represent an important gap / space within the area and given the mixed nature of the surrounding development and the advanced stage of decline in the condition of the orchard, the loss of this site to a modest scale of development is not considered to cause any demonstrable harm to the character of the area. The layout plan that accompanies this application is only indicative but clearly illustrates that the site has capacity to accommodate this scale of development without appearing an overdevelopment of the site and there is no reason why an acceptably designed scheme that respects this site and the locality could not be achieved through a reserved matters application.

### **Residential amenity**

The neighbouring properties to the south (Rivendell and Orchard View) are raised up above the level of the site which along with their close proximity to the adjoining boundary and open boundary treatment along this side means that these properties currently enjoy a fairly commanding view across the site. The generous nature of the site means however that it should be possible to design and layout a scheme comprising a single dwelling which allows the future residents a suitable level of amenity without causing any demonstrable harm to the amenity of these neighbours. The boundary treatment to all other sides is predominantly made up of native hedgerow planting which in places is quite thin and in particular on the north boundary with the property known as Coverack could afford views into the rear of this property. Again, however, this issue could easily be addressed through the addition of further boundary treatment and through the layout of the detailed scheme and as such is not considered to be of significant concern.

Other concerns raised by local residents include:

- Increase in noise and air pollution resulting from the construction works as well as vehicle movements post construction - it is inevitable that construction works would bring some disruption to local residents however given the modest scale of the scheme such works would only be for a relatively short duration and are unlikely to give rise to any demonstrable amenity concerns of this nature.
- The proposal sites the proposed house at the highest point in the orchard and the roof line would be most intrusive (into our views) - No one has a 'right' to a view and the loss of a view is not a matter for which this proposal could be resisted. The lower level of the site to this neighbour means that whilst their outlook will naturally be affected there is no reason why it should result in the neighbour becoming enclosed by high development that might be unduly overbearing or cause some other substantive amenity concern.
- It includes an unnecessarily long driveway and introduce noise pollution - the new drive will pass between two neighbouring properties and will pass close the neighbouring property known as Coverack. The drive however is only sought to serve a single dwelling and the level and type of traffic associated with a single domestic property will be relatively low and not considered to cause any demonstrable harm to the amenity of the name.

### **Highway safety**

As noted above the access to the proposed development is proposed through the grounds of Greenlands to the west and along a fairly narrow track to the north where it will egress on to Court Mill Lane. It is unclear when this track was last utilised as at the time of visiting the site the track was not properly surfaced and appeared to have been recently cleared.

The Highway Authority has referred to their standing advice which requires an access drive to be a minimum of 3m wide, the access to be served by visibility splays of 43m in either direction (in a 30 mph zone), the access to be appropriately surfaced and drained and for the scheme to be served by a level of parking and turning on site that accords with their Parking Strategy.

The width of the track and the extent of the applicant's control over this land was queried during the course of the application and the applicant has submitted a further plan showing the access drive in more detail which demonstrates that the 3 metre width is feasible. The access on to Court Mill Lane does

not fully comply with HA's visibility splay guidance however due to the quiet nature of the lane and slow traffic speeds it is considered that the access, which already serves several other neighbouring properties, is acceptable and safe as a means of access to serve the proposed development. The other outstanding issues are matters that would need to be dealt with at reserved matters stage and as such are not of concern for this application. On this basis the proposal is not considered to give rise to any substantive traffic or highway safety concerns.

### **Other matters**

The site is located within flood zone 1 and is therefore at low risk of flooding and there is no reason why the redevelopment of this site should lead to the increase in flood risk elsewhere.

Other neighbour comments raised during the course of the application:

- Impact to drainage and soil erosion as a result of disturbance to topsoil and subsoil during construction works - there is no evidence that the site has any sort of pre-existing drainage or soil conditions that might be an issue for or could be exacerbated by the development.
- There is a manhole cover over the drains serving the properties of Foxdon Beck and Springfields at the proposed access - there is no reason why this should be a problem for the development or why the development should impact on this negatively.
- The boundary line between our property, Rivendell and the site is misplaced - there is no evidence to support this claim and the position of the redline area appears to tally with the position of the existing boundary treatment. The granting of a planning consent would not in any case over-ride land ownership issues, which is a separate legal matter to be dealt with separately by the relevant parties.

### **Conclusion**

As detailed above, Wadeford is a very small settlement that is devoid of the necessary day-to-day services for it to qualify as a Rural Settlement. Furthermore, it is not sufficiently well related to the nearby village of Combe St Nicholas to be considered a satellite settlement to this neighbouring village, as such Wadeford is considered to be an unsustainable and therefore inappropriate location for new build residential development. The proposal is for a single open market house that is not required to meet an identifiable local need, as such there is no overwhelming demonstrable need for a house in this location which might over-ride these sustainability concerns.

For these reasons the application is recommended for refusal as it is considered to be contrary to the aims and objectives of sustainable development as set out with LP policy SD1 and the provisions of the NPPF.

### **RECOMMENDATION**

Refuse for the following reason:

#### **SUBJECT TO THE FOLLOWING:**

01. The location of the proposed development is remote from day-to-day services and facilities, as a consequence occupiers of the new development are likely to be dependent on private vehicles for most of their daily needs. The proposal is not sought to meet any identified local need and so will not contribute to increasing the sustainability of this settlement and it is considered that such fostering of growth in the need to travel is contrary to the aims and objectives of sustainable development as set out within policy SD1 of the South Somerset Local Plan and the provisions 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, the applicant/agent did not take the opportunity to enter into pre-application discussions and there were no minor or obvious solutions to overcome the significant concerns caused by the proposals.

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