

Officer Report on Planning Application: 20/00536/REM

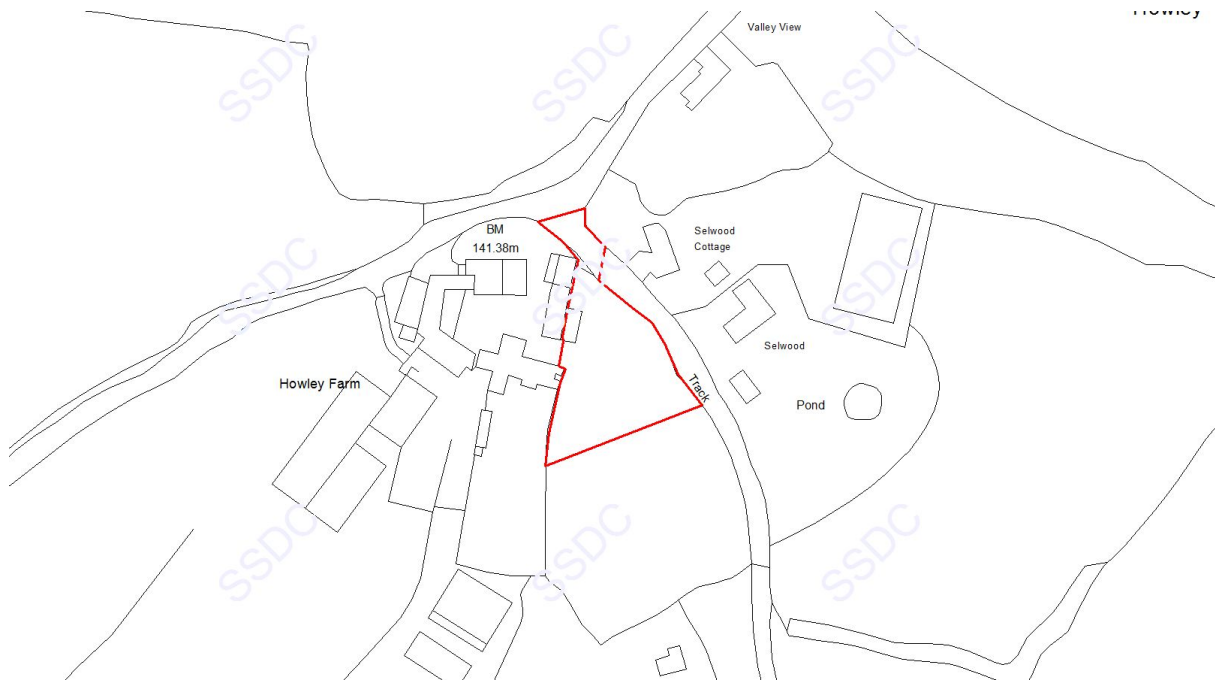
Proposal:	Application for reserved matters following outline approval of 18/03895/OUT seeking approval of access, appearance, landscaping, layout and scale
Site Address:	Howley Farm, Howley, Chard
Parish:	Whitestaunton
BLACKDOWN, TATWORTH & FORTON Ward (SSDC Member)	Cllr M Wale and Cllr J Kenton
Recommending Case Officer:	Louisa Brown Tel: (01935) 462344 Email: louisa.brown@southsomerset.gov.uk
Target date:	6th April 2020
Applicant:	C Edwards
Agent: (no agent if blank)	Mrs Tamsyn Froom, Tamsyn Froom Architecture The Old Dairy Pudleigh Wadeford Chard TA20 3BL
Application Type:	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to committee by the Ward Members with the agreement of the Area Chair to allow discussion of the planning issues.

SITE DESCRIPTION AND PROPOSAL





This is a reserved matters application for the erection of a detached dwellinghouse, in respect of application 18/03895/OUT, which agreed the principle of the development of 1 no. agricultural with all matters reserved. This application seeks agreement to the access, appearance, landscaping, layout and scale.

The site is located to the southwest of Howley and to the south of the highway on a piece of land that slopes upwards from the north to the south. There is an orchard to the south of the site. To the west is the original farmhouse and barns which are Grade II listed, to the east across the lane are detached residential properties. A mature hedge runs along the east boundary. There is an existing access in the north corner of the site.

The site is located within an Area of Outstanding Natural Beauty.

HISTORY

18/03895/OUT: outline application for the erection of an agricultural workers dwelling with all matters reserved - approved 16/05/19

Various consents for agricultural buildings in relation to the operation of the farm.

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.

In relation to listed buildings Section 72 of the Listed Building and Conservation Areas Act places a statutory requirement on local planning authorities to 'have special regard to the desirability of preserving or enhancing the character and appearance' of the conservation area.

Section 66 of the Listed Building and Conservation Areas Act requires that planning authorities have 'special regard to the desirability of preserving the building or its setting'.

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.

South Somerset Local Plan (2006-2028)
Policy SD1 - Sustainable Development
Policy SS1 - Settlement Strategy
Policy SS2 - Rural Settlements
Policy SS4 - District Wide Housing Provision
Policy SS5 - Delivering New Housing Growth
Policy EQ2 - General Development
Policy EQ3 - Historic environment
Policy TA1 - Low Carbon Travel
Policy TA5 - Transport impact of new development
Policy TA6 - Parking Standards

National Planning Policy Framework
Chapter 5: Delivering a sufficient supply of homes
Chapter 6: Promoting a strong, competitive economy
Chapter 12: Achieving well-designed places
Chapter 16: Conserving and enhancing the historic environment

National Planning Practice Guidance
Design
Historic Environment

Other material considerations
National Design Guide - September 2019
Somerset County Council Parking Strategy (September 2013)
Highways Development Control - Standing Advice (June 2015)

ENVIRONMENTAL IMPACT ASSESSMENT

None required

CONSULTATIONS

Whitestaunton Parish Council:

No comments received or extension of time requested.

Blackdown Hills AONB:

"I can confirm that we do not wish to submit detailed comments on this occasion. It is noted that the proposal reflects considerations highlighted at the outline stage regarding height and design, and appears to have taken account of the site context and surroundings, such that this proposal does not raise significant landscape concerns in respect of the AONB. Nevertheless, matters of detail relating to entrance gates and fencing for example should be appropriate to the agricultural context."

SSDC Conservation Officer:

Verbally stated that there is a low to medium level for substantial harm.

Rights of Way:

No objection subject to informatives and further states;

"The local planning authority needs to be confident that the applicant can demonstrate that they have an all-purpose vehicular right to the property along path CH 29/7. If they are unable to and permission is granted, then the local planning authority could potentially be encouraging criminal activity through permitting driving on a public path without lawful authority.

Please note that any proposed changes to the surface of the PROW will require authorisation from SCC Rights of Way team."

Forestry Commission:

On this occasion due to the scale of the proposed development and the distance from the ancient woodland we have no comments to make. We would like to refer you to the standing advice 'Ancient woodland, ancient trees and veteran trees: protecting them from development' that we prepared jointly with Natural England.

Ecology:

No objection subject to recommended condition for biodiversity enhancements.

SCC Highways:

Standing advice

SSDC Highway Consultant:

"I refer to the comments I made at Outline stage, specifically the following: 'I believe sufficient visibility at this point of access could be achieved simply by trimming back the hedgerow (edged blue) immediately to the east of the access. The first 5m of access must be properly consolidated and surfaced. At the point where the lane meets the public highway, it would appear sufficient visibility is available in both directions given the likely low speed of traffic on the approaches to this point but this should be checked on site by the planning officer. Adequate on-site parking and turning should be made available within the site.' The above points of detail are still relevant. I can confirm that the proposed level of on-site parking and turning is acceptable."

REPRESENTATIONS

Two neighbours were notified and a site notice displayed. Three letters of support have been received, one refers to the design and its reduced visual impact due to its scale and location and all three refer to the need for a dwelling in this location for the family and farming business. The principle of the development has been agreed at outline.

CONSIDERATIONS

The principle of the housing has been approved on the outline application, and as such is not under consideration as part of this application. This application is submitted to agree the access, appearance, layout, scale and landscaping.

Visual amenity, impact on historic environment and AONB:

Layout:

Advice was given at outline stating that the dwelling should be located near to the east boundary of the site, so as to pull it away from the listed building. This proposed scheme sites the dwelling centrally within the site and near to the listed farmhouse. Due to the layout and the topography of the site retaining walls are required to the south of the building.

It is considered that the dwelling's location/layout when assessed with the setting of the listed building will lead to 'low - medium' less than substantial harm to the significant of the heritage asset, however this does not mean there is no harm.

Scale and Appearance:

The dwelling will be 1.5 stories high, which is in accordance with the relevant conditions on the outline consent. The overall style is a 'T' shape property finished in natural stone, render and cladding. It is accepted that the materials match those used in the area, however there is concern over the scale and appearance, this is compounded by its location near to the listed building. The proposed dwelling does not appear subservient to the listed farmhouse, which sits at a lower level than it, in addition the 'T' shape design has been done to try and match the listed farmhouse, and it is considered that this detracts from the listed buildings prominence.

Landscaping:

Existing hedgerows on the east and west boundaries will be retained and the orchard trees to the south. The driveway and part of the area around the proposed dwelling will be gravel with the other areas laid to lawn. It is considered that the landscaping is acceptable.

Conclusion of impact on visual amenity and historic environment:

During the life of this application alternative designs have been looked at with the agent and one was agreed on, which positioned the dwelling along the east boundary and had an agricultural appearance similar to the barn to the north of the site, which is listed through association. However amended plans to the agreeable design were not submitted.

The AONB have raised no objection in regard to its impact on the landscape, but equally have stated they do not wish to provide detailed comments.

The application has been submitted with a Design and Access Statement but there is no reference within it to the impact of the scheme on the listed building.

The NPPF advises that applicants describe in their application the significance of any heritage assets affected, including any contribution made by their setting. Applicants should include analysis of the significance of the asset and its setting, and, where relevant, how this has informed the development of the proposal. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on its significance. Paragraph 190 states that "Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."

It is considered that at this stage an adequate justification has not been made. Furthermore it is considered that the current location and design would lead to 'low-medium' less than substantial harm to the significant of the heritage asset. Paragraph 196 of the NPPF states that if harm is identified this should be weighed up against any public benefit of the development. In this instance there does not appear to be any public benefit which would override the harm caused and as such the proposal would be contrary to policies EQ2 and EQ3 of the south Somerset Local Plan and the NPPF.

Residential amenity:

The proposed dwelling will be 1.5 stories high. Based on its location, orientation and fenestration it is considered that there will be no adverse impact on residential amenity, by reason of over bearing, loss of light or loss of privacy in accordance with policy EQ2 of the South Somerset Local Plan.

Highway safety:

There are no objection raised on highway safety grounds. Right of Way have stated that part of the access runs over a right of way and the applicant should ensure they have a vehicular

right of way across it. As their map shows this to be at the main junctions from the lane to the main highway and not along the land to access the drive to the proposed dwelling it is considered to add this as an informative.

The plans show the parking and turning area which the SSDC highway Consultant has stated are acceptable.

Policy TA1 requests that all new development meet certain criteria. It is considered reasonable in this instance to condition that the development includes an electric charging point for vehicles in connection with the development.

It is considered that the proposed parking is acceptable and in accordance with policy TA6 of the South Somerset Local Plan and the implementation of the necessary condition will also enable the development to be in accordance with policy TA1 of the South Somerset Local Plan.

Community Infrastructure Levy:

This development is liable for CIL and Form 1 has been submitted

RECOMMENDATION

Refuse

SUBJECT TO THE FOLLOWING:

01. The proposed dwelling by reason of layout, scale and appearance adversely affects visual amenity and has been identified as having a 'low-medium' less than substantial harm on the setting of a listed building which has not been adequately justified and there does not appear to be any public benefit which would override the harm caused, as such the proposal is contrary to policies EQ2 and EQ3 of the South Somerset Local Plan and Chapter 16, in particular paragraphs 190 and 193-196, of the NPPF.

Informatives:

01. In accordance with paragraph 38 of the NPPF, the council, as local planning authority, approaches decisions on proposed development in a positive and creative way, working proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area 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 no pre-application advice has been sought. Concerns over the design were raised with the agent during the life of the application and alternative designs were informally looked at. An alternative design was agreed in principle by the Planning Officer and the agent informed, however the applicant wished to proceed with the original plans and no amended plans were formally submitted.