

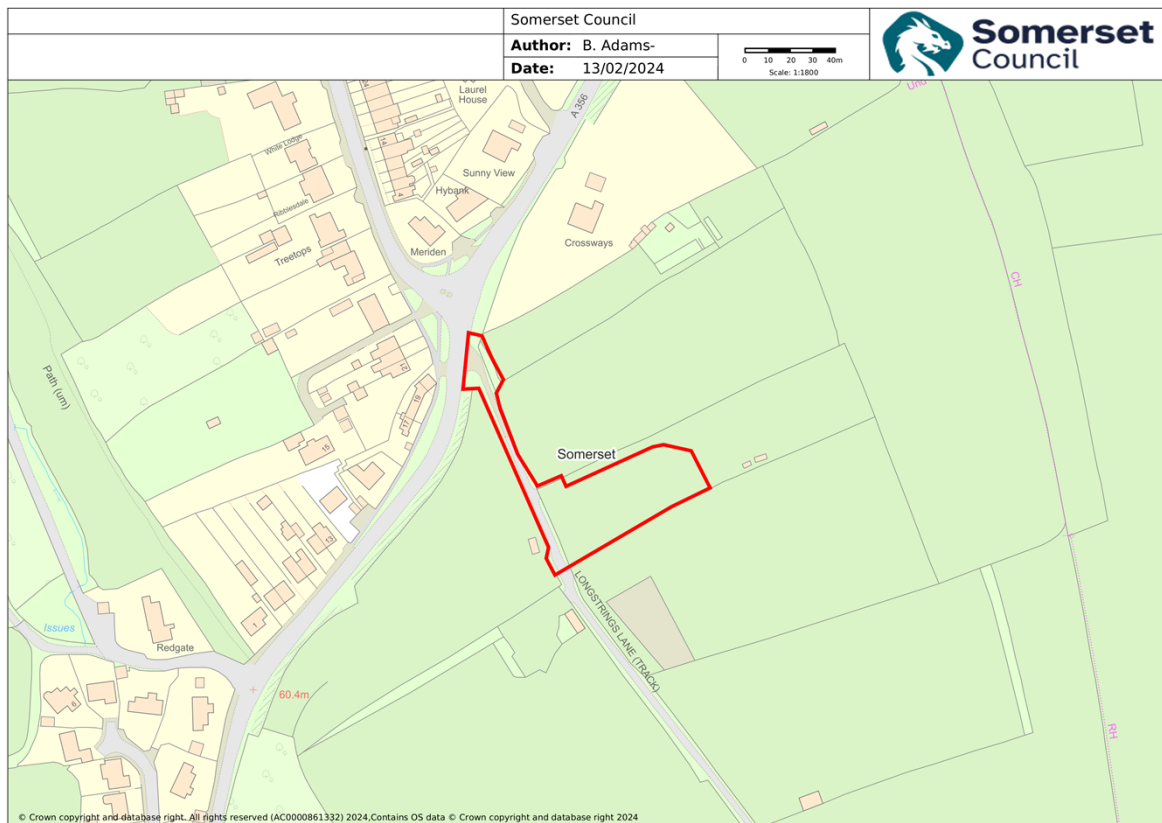
Officer Report On Planning Application: 23/02730/REM

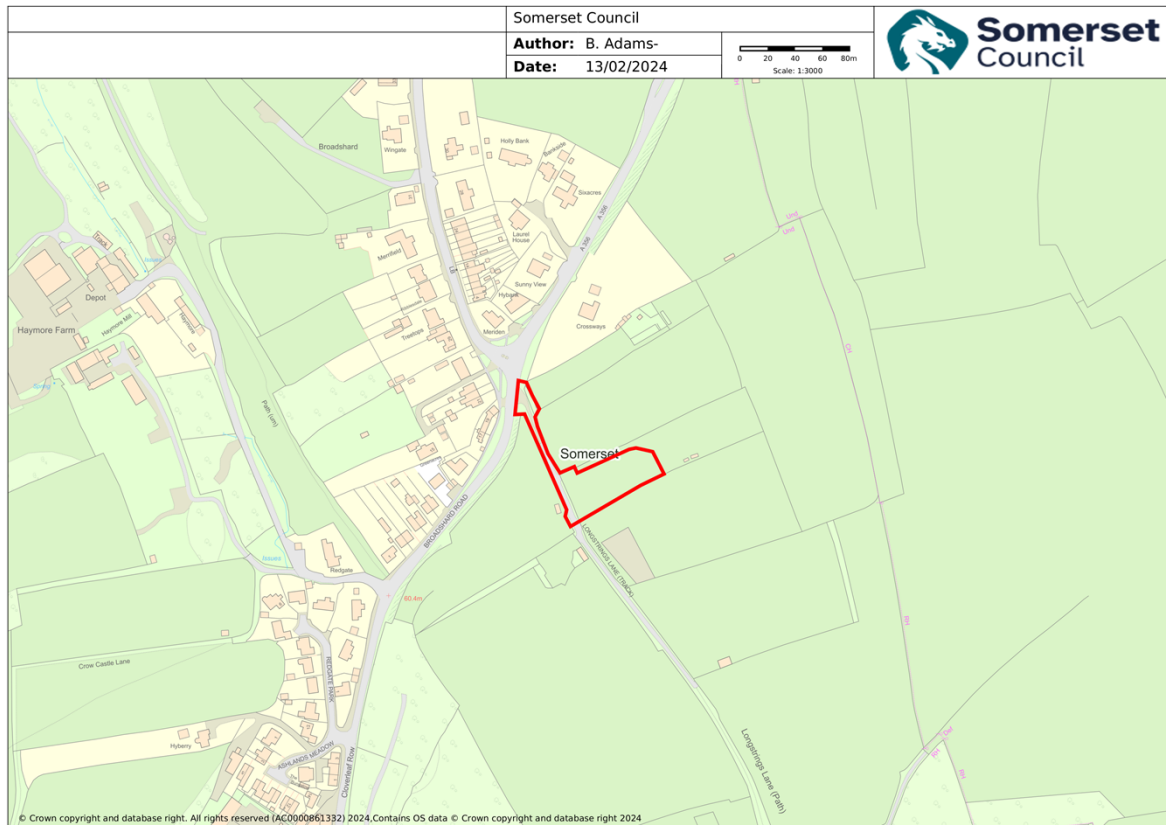
Proposal:	Reserved Matters application for approval of appearance, layout and scale of approval 19/02921/OUT for the erection of 2 dwellings.
Site Address:	Holly Tree Farm, Longstrings Lane, Crewkerne, Somerset, TA18 7EA
Parish:	Crewkerne
CREWKERNE Division	Cllr Steve Ashton and Cllr Mike Best
Recommending Case Officer:	Catherine Tyrer (Principal Specialist)
Target date:	22nd December 2023
Applicant:	Mr Brett Jacobs
Agent: (no agent if blank)	
Application Type:	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

This application was referred to the Chair and Vice Chair of Planning South Committee as the officer's recommendation is contrary to the views of the Parish Council and has been called to Committee.

SITE DESCRIPTION AND PROPOSAL





SITE DESCRIPTION

The site consists of an open field, located in the countryside beyond the settlement limits of Crewkerne. The site is accessed via Longstrings Lane, which joins the A359 approximately 60 metres to the north. The site's western boundary runs alongside Longstrings Lane, but is otherwise bound on all sides by agricultural land. Site levels rise from the western end of the site to the east.

Outline planning permission was granted in March 2020 for the erection of 2 dwellings, with all matters reserved except for access and landscaping. It was subject to a S106 agreement requiring the provision of at least 1 self-build dwelling and maintenance of access.

PROPOSED DEVELOPMENT

This application is the resubmission of an earlier application that was refused (and a subsequent appeal dismissed). The application has been amended to remove a previously proposed orchard store building, amend the roof form of the proposed Plot 1 along with some amendments to the parking arrangements.

The application seeks reserved matters approval for the appearance, layout and scale relating to the two dwellings. An orchard is proposed on the northern section of the site. A circulatory, loop road is proposed to the north of the proposed dwellings, with two visitor parking spaces within the orchard.

It is understood the houses would be custom self-build and designed to be capable of multi-generational living.

Plot 1

A 3-storey detached dwelling, with a "wrap around" external balcony at first floor level and a "wrap around" balcony at second floor level with external staircase/fire escape. Materials are a mixture of natural local stone and metal euro clad panels. It would have a large reception hall, utility hall, recreation room, sitting room and study at ground floor, a living and kitchen dining room at first floor. At second floor level there would be 4 bedrooms and a dayroom, with fire escape.

It would be served by car parking to the rear. The area to the front of the property appears to be designated as amenity space.

Plot 2

Part single/part 2-storey dwelling with wrap around balcony/terrace. It would have a lounge, dining room and utility/WC at ground floor level with 3 bedrooms and study at first floor level. It has parking to the rear, and the area to the front of the property appears to be designated as amenity space. Materials are a mixture of natural local stone and euro clad panels.

HISTORY

The site has a lengthy and fairly complex history, but previous decisions of most relevance to the proposal are as follows.

22/00654/REM- Reserved Matters application for approval of appearance, layout and scale of approval 19/02921/OUT the erection of 2 dwellings. - Refused for the following reasons: i. design/form; ii. Amenity of future occupiers; iii. Store building and failure to comply with outline; iv. Phosphates; and v. highways/PROW). Appeal dismissed - on basis that the submitted details for the reserved matters application (namely the orchard store) not authorised by the outline permission (other matters and reasons for refusal not considered).

19/02921/OUT - outline application for the erection of 2-dwellings with all matters reserved except for access and landscaping - permission granted, subject to conditions. [NB: the application was recommended for refusal by officers, but overturned by the Area West Committee in April 2020 and granted]

18/00619/OUT - Outline application for residential development for up to 4 dwellings. Appeal against non-determination (Reference: APP/R3325/W/18/3209790) was dismissed by the Planning Inspectorate. The Inspector concluded that the proposal would result in unacceptable harm to highway safety, as well as to the character of the area.

In relation to the proposal's visual impact, the appeal decision states:

"22. The appeal site comprises a fairly narrow L-shaped parcel of land in a setting characterised by undulating fields and hedgerows on the outskirts of Crewkerne. Little built development is evident and, whilst not a formally designated landscape, the area has an attractive and rural character. The site is fairly contained within the landscape which limits the extent of public views although it is readily visible from the Longstrings Lane public right of way.

23. The LPA's evidence identifies the site as lying in an area of moderate visual sensitivity with a moderate-low capacity to accommodate development. In this regard, I saw that even with sensitive landscaping the development of up to four houses together with driveways, parking and the usual domestic paraphernalia would have an urbanising effect on this part of the countryside.

24. On the basis of the submitted evidence, I therefore consider the development would have a harmful effect on the landscape..."

16/03209/OUT - The erection of 4 No. dwellings (outline) - Refused for the reasons relating to:

- use, scale and siting would introduce an incongruous form of development contrary to the established layout of development in the area, resulting in significant harm to local landscape character and general visual amenity.
- sub-standard junction of Longstrings Lane and Broadshard Road, would be prejudicial to highway safety.
- restricted width and poor connectivity of approach road to the wider settlement is considered unsuitable to serve as a means of access for the traffic likely to be generated by proposed development.

The subsequent appeal (Reference: APP/R3325/W/18/3209790) was dismissed on the grounds that the proposal would result in unacceptable harm in relation to the

public highway and the character of the site and surrounding countryside.

17/00762/PAMB - Prior approval for the change of use of agricultural buildings for 2 No. dwellings - Refused. Appeal dismissed (Reference: APP/R3325/W/17/3185851).

15/05725/PAMB - Prior approval for the change of use of agricultural buildings for 2 No. dwellings - Refused. Appeal dismissed.

14/05510/PAMB - Prior approval for the change of use of agricultural buildings for up to 2 No. dwellings - Refused.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that planning applications should 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

SS1 - Settlement Strategy

SS4 - District Wide Housing Provision

SS5 - Delivering New Housing Growth

SS6 - Infrastructure Delivery

HG3 - Provision of Affordable Housing

HG5 - Achieving a Mix of Marketing Housing

TA4 - Travel Plans

TA5 - Transport Impact of New Development

TA6 - Parking Standards

HW1 - Provision of open space, outdoor playing space, sports, cultural and community facilities in new development

EQ1 - Addressing Climate Change in South Somerset

EQ2 - General development

EQ4 - Biodiversity

EQ5 - Green Infrastructure

EQ7 - Pollution Control

National Planning Policy Framework

Chapter 2 - Achieving Sustainable Development

Chapter 5 - Delivering a Sufficient Supply of Homes

Chapter 12 - Achieving Well-Designed Places

Adopted Somerset County Council Parking Strategy

Somerset County Council Highways Development Control - Standing Advice

CONSULTATIONS

Comments summarised, but full copies are available on the planning register.

Crewkerne Town Council: Support

Development is smaller than permitted. No visual impact for neighbouring properties

Wessex Water: Not able to respond.

Somerset Ecology Services: Evidence submitted to show development meets small scale thresholds (including Holly Tree Farm Phosphates and Nutrient Neutrality - (undated) sent to SES on 14th December 2022; Percolation test results - Below Ground Solutions Ltd. (undated) sent to SES on 23 August 2023; and Declaration of performance certificate) .

The interim guidelines state that small discharges from PTPs or Septic Tanks to ground (i.e. less than 2m³ per day) within the Ramsar catchment will present a low risk of a significant effect where the location of the drainage field and PTP meet the Proposed thresholds criteria a-h. SES satisfied that the proposal will result in discharges of less than 2m³ per day and that the proposed locations of the drainage field and PTP meet the Proposed thresholds criteria a- h.

The interim guidelines also state that a PTP discharging into a drainage field needs to be appropriately designed, including acceptable year-round percolation rates for it to work effectively. A percolation test ensures the drainage field effectively removes pollutants and then determines the size of the drainage field required.

A percolation test has been performed of the proposed location of the drainage field. The results of the percolation test indicate an average V_p value of 48. This value lies within the required range under the Building Regulations 2010, which specify an average V_p value of between 12 and 100. This suggests that the proposed location of the drainage field will effectively remove pollutants and SES therefore consider this acceptable.

Based on the loadings above this equates to the requirement of a 51.2 linear meter drainage field, based on trenches being excavated at 0.9m width. As this can be accommodated within the development design, SES therefore consider this acceptable.

The application proposes to install an Tricel Novo UK6-50 PTP which has an unknown phosphate removal efficiency. Natural England accepts a phosphate discharge rate of 9.7mg/l for PTPs without known phosphate removal rates. The Declaration of performance certificate is attached to this email. SES consider this acceptable.

Further to discussions with Natural England, it is therefore concluded that the proposed application, with associated low levels of Phosphate production, is unlikely to add significantly to nutrient loading on the Somerset Levels and Moors Ramsar site; therefore a Likely Significant Effect alone and in combination under the Conservation of Habitats and Species Regulations 2017 (and as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019) can be ruled out.

To ensure the provision of the above scheme for the disposal of foul drainage a foul drainage condition required [with wording suggested by SES] and an informative.

Public Right Of Way Officer: - no response

[but it is noted that in response to previous application the PROW Team had noted public footpath CH33/13 runs along the proposed access to the site (Longstrings Lane). Advised that LPA needs to be confident the applicant can demonstrate they have an all-purpose vehicular right to the property along path CH33/13. If they are unable to and permission is granted, the LPA could potentially be encouraging criminal activity through permitting driving on a public path without lawful authority.

At the time of writing, there is a pending application to modify the Definitive Map and Statement (Mod ref: 615), which seeks to up[grade the public footpath to a restricted byway.

Any proposed works must not encroach on a PROW and informatives should be attached to any planning permission.]

Highway Authority:

No objection subject to conditions.

REPRESENTATIONS

Comments summarised, but full copies are available on the planning register.

The application was advertised by way of a site notice and press notice and a letter sent to local residents.

8 representations received.

1 objection:

- Dangerous entrance.

7 in support of the proposed development:

- Development is less than that permitted
- Not visible in wider views
- Approach to sustainability and energy efficiency to be applauded.
- Council being difficult because of CLR site
- Doesn't make sense to promote damaging development on one side of the town, but not a small inconspicuously located development for people to live in.
- Lots of amenity space
- Well thought out development

ASSESSMENT

Principle of Development

The principle of the residential development, to which this reserved matters application relates has been accepted by the grant of the outline planning permission.

This reserved matters application is limited to consideration of the following matters, which are addressed in the sections below: layout, scale, appearance and landscaping.

Scale, Appearance, Layout and Landscaping

SSDC Local Plan policy EQ2 requires that "*development will be designed to achieve a high quality, which promotes South Somerset's local distinctiveness and preserves or enhances the character and appearance of the district*".

The NPPF places great emphasis on design and requires the "...creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" (para 126). The NPPF is clear that development that is not well designed should be refused (para 134).

In relation to the previously refused and subsequently dismissed scheme, the Inspector stated that:

"Little built development is evident and, whilst not a formally designated landscape, the area has an attractive and rural character. The site is fairly contained within the landscape which limits the extent of public views although it is readily visible from the Longstrings Lane public right of way.

It is noted that some of the plans are not particularly clear, but it is considered there is sufficient information to assess the proposals. If the application was being approved, clearer plans would have been requested or a condition requiring additional information attached to any planning permission.

The principle of a development of two dwelling houses and a development of up to 1,000sq.m has been accepted through the outline planning permission, and it is accepted that this would allow two dwellings of some considerable scale. It is also recognised that the proposed dwellings would provide a floorspace significantly smaller than that permitted through the outline. Despite this, the design, scale, massing and form of Plot 1, is not considered acceptable or appropriate to the site or its setting. A three-storey dwelling in this location, which is separated from the nearest parts of the settlement by adjoining fields, would be unduly prominent and visible from adjoining public rights of way and other public vantage points; it would cause considerable harm to the landscape character of the area. The scale and massing of Plot 2 is not considered to be excessive, and is considered to be acceptable.

CGI images of the proposed dwellings have been provided, but these do not appear to be accurate view representations (or "verified views"), so it is not clear whether they provide an accurate representation of what is proposed in terms of how they fit within the context.

The previous application made reference to the proposed design seeking to resemble a barn conversion, which now is described as being influenced by nearby rural industrial buildings (namely textile and mill buildings). However, it is not considered that this has been achieved. On the contrary, the scale, form, massing of plot 1 and the design of both dwellinghouses proposed (but particularly Plot 1) are considered to

be distinctly suburban/urban in nature and are not considered appropriate for the rural setting.

Various examples of three storey buildings have also been provided within the Design Statement that accompanies the application, presumably to explain the justification for a 3-storey building on the site as proposed. However, many of the examples provided appear to be in a more urban/town centre context, on housing estates, or are historic buildings such as converted Mill's, farm buildings or manor houses and do not seem to reflect the design approach being taken. As such, these examples are not directly relevant to the context or the building proposed, to which this application relates and therefore have no bearing on consideration of this application.

While the Design Statement suggests that the *"raised platforms are intended to be representative of walkways and gantries of historic mills/industrial and agricultural buildings"*, again it is not considered that this has been achieved. The inclusion of the multiple balconies and fire escape stairs serving Plot 1 and the large balcony serving Plot2, as proposed, adds to the suburban/urban design. External staircases have been loosely indicated (in the form of what appears to be unattached floating steps) on the elevation plans with little detailing, but in reality, when supporting structures and railings etc are added, they are likely to result in incongruous and bulky additions. It is considered that Plot 1 more resembles a small block of suburban flats rather than a rural barn conversion or mill building.

The roof form of Plot 1 has been amended since the previous proposed scheme, which does result in a more coherent form. However, the fenestration and detailing, particularly of Plot 1, does not seem well thought out, with a mix of horizontal and vertical form windows arbitrarily placed within the elevations.

Reference is made to insulation, energy efficiency and the use of solar panels, an approach which would be supported.

In terms of materials, it is agreed that the use of natural stone would be preferable to reconstituted stone. Likewise panels of metal cladding may be acceptable on an appropriately designed building, and if a "barn conversion" design was being pursued could help in creating the illusion of traditional large barn openings etc.

A loop road is proposed, but it is not clear why such excessive road infrastructure is needed, or what purpose it serves. The areas to the front of the properties have been redesigned as private amenity areas, and the plans indicate that the existing boundary hedge would be retained. It is recognised that boundary treatments could be conditioned.

As it stands the application proposes a development which is out of keeping with the site's "attractive and rural character" and would result in development which is poorly designed and would be incongruous, unduly prominent and out of keeping with the local area character. As a result, it would have a detrimental impact on landscape character and visual amenity, contrary to policy EQ2 of the SSDC Local Plan 2006-2028 policy EQ2 and the advice contained within the NPPF.

Amenity

Policy EQ2 of the Local Plan states that development proposals should protect the residential amenities of neighbours, and that new dwellings should provide acceptable amenity space.

There are no immediately neighbouring properties, and as such it is not considered that the proposal would result in unacceptable harm to the amenities of neighbours, in terms of their outlook, privacy, or access to light.

Given the rural location, were the proposed scheme considered to be acceptable, it is acknowledged that a condition could be imposed to secure a scheme of external lighting to prevent unacceptable light pollution from the development.

The proposed dwellings do have access to a shared orchard, which the Design and Access Statement describes as providing a shared amenity space, although it is separated from the dwellings by an access loop road. The more traditional private "amenity area" to the rear of the proposed dwellings appears to be dominated by car parking, so offers limited associated amenity areas. It is noted that amenity areas are now proposed to the front of the property, which while rather compromised, does provide a useable amenity. There are large balconies surrounding the properties, which would also provide some external amenity area. For these reasons it is considered the previous reason for refusal relating to access to amenity space has been overcome and it is not considered a refusal on this basis would be justified.

The proposed dwellings would provide an adequate amount and layout of internal living space the relationships between the units would not be such as to result in unacceptable harm to the amenities of future occupiers.

Overall, there is not considered to a conflict with policy EQ2 in terms of residential amenity for existing or future occupiers

Highway Safety

Policy TA5 of the Local Plan states that the nature and volume of traffic and parked vehicles generated by a proposal should not compromise the safety and/or function of local or strategic road networks. A representation has been received regarding concerns that the scheme would not provide a safe access onto the public highway. However, the access and principle of the proposed development has been accepted and established through the grant of the outline planning permission.

Concerns were raised during the previous application regarding the location of parking having the potential to result in a large amount of manoeuvring onto the PROW CH 33/13, which runs along Longstrings Lane. The scheme has been amended with parking to the rear, which overcomes this previous reason for refusal. The proposed development is considered to be acceptable in highways terms and accords with policies TA5 and TA6.

It is noted that the drawings do not show the location of electric vehicles charging points or cycle parking, but it is accepted that if the proposals were acceptable this could be conditioned.

Surface Water Drainage

Policy EQ1 of the Local Plan concerns flood risk and drainage arrangements in relation to new development.

Wessex Water did not comment on this application, but it is noted that in its response to the previous application, it commented that surface water must be disposed of via the SuDS Hierarchy which is subject to Building Regulations. A connection to the public surface water sewer will only be considered where infiltration methods are proven unviable.

The site is located in Flood Zone 1, which is at the lowest risk of flooding. A condition is attached to the outline consent, and although it is noted that the trigger point has not been included, this could be dealt with by way of a further condition attached to any reserved matters approval. As such, it is considered that compliance with policy EQ1 could be achieved.

Ecology

Policy EQ4 of the Local Plan states that proposals for development will protect the biodiversity value of land and buildings.

The application was approved in June 2021 and at the time, it was noted that an ecology assessment had not been carried out. It is however, noted that a number of conditions are attached to the original outline consent to ensure the protection of UK protected and priority species, so it is not considered that this reserved matters application introduces a conflict with policy EQ4 of the SSDC Local Plan.

Somerset Levels and Moors Ramsar

The application is located within the catchment of the Somerset Levels and Moors Ramsar site and following recent advice from Natural England may now require a Habitats Regulations Assessment (HRA), or, where applicable, screening to rule out a likely significant effect on the Ramsar. The submission therefore needs to demonstrate how the proposal achieves nutrient neutrality in order to comply with The Conservation of Habitats and Species Regulations 2017 and The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

The Interim guidelines on small-scale thresholds and nutrient neutrality principles (May 2021) have been agreed between SES and Natural England in lieu of the national guidance. It is noted that the application is supported by evidence pertaining to these Interim guidelines, specifically to the small-scale thresholds of likely significant effects in relation to Package Treatment Plants (PTPs).

The interim guidelines state that small discharges from PTPs or Septic Tanks to ground (i.e. less than 2m³ per day) within the Ramsar catchment will present a low risk of a significant effect where the location of the drainage field and PTP meet the Proposed thresholds criteria a-h. SES has confirmed it is satisfied that the proposal will result in discharges of less than 2m³ per day and that the proposed locations of the drainage field and PTP meet the Proposed thresholds criteria a- h.

The interim guidelines also state that a PTP discharging into a drainage field needs to be appropriately designed, including acceptable year-round percolation rates for it to work effectively. A percolation test ensures the drainage field effectively removes pollutants and then determines the size of the drainage field required. A percolation test has been performed of the proposed location of the drainage field. The results of the percolation test indicate an average V_p value of 48. This value lies within the required range under the Building Regulations 2010, which specify an average V_p value of between 12 and 100. This suggests that the proposed location of the drainage field will effectively remove pollutants and SES therefore consider this acceptable.

Based on the loadings above, this equates to the requirement of a 51.2 linear meter drainage field, based on trenches being excavated at 0.9m width. As this can be accommodated within the development design, SES therefore consider this acceptable. The application proposes to install an Tricel Novo UK6-50 PTP which has an unknown phosphate removal efficiency. Natural England accepts a phosphate discharge rate of 9.7mg/l for PTPs without known phosphate removal rates. The Declaration of performance certificate was provided. SES consider this acceptable.

Further to SES discussions with Natural England, it is therefore concluded that the proposed application, with associated low levels of Phosphate production, is unlikely to add significantly to nutrient loading on the Somerset Levels and Moors Ramsar site; therefore a Likely Significant Effect alone and in combination under the Conservation of Habitats and Species Regulations 2017 (and as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019) can be ruled out. were planning permission to be granted, a condition and associated informative could be used to secure this.

Recommendation

For the reasons set out above, this application is recommended for **REFUSAL**, for the following reason:

The proposed development, by virtue of the design, layout, form, scale and massing would result in development which would be incongruous, unduly prominent and out of keeping with the local area character. As a result, it would have a significant detrimental impact on landscape character and the appearance of this rural area, contrary to policy EQ2 of the SSDC Local Plan 2006-2028 and the advice contained within the NPPF.
