

Officer Report On Planning Application: 20/03725/FUL

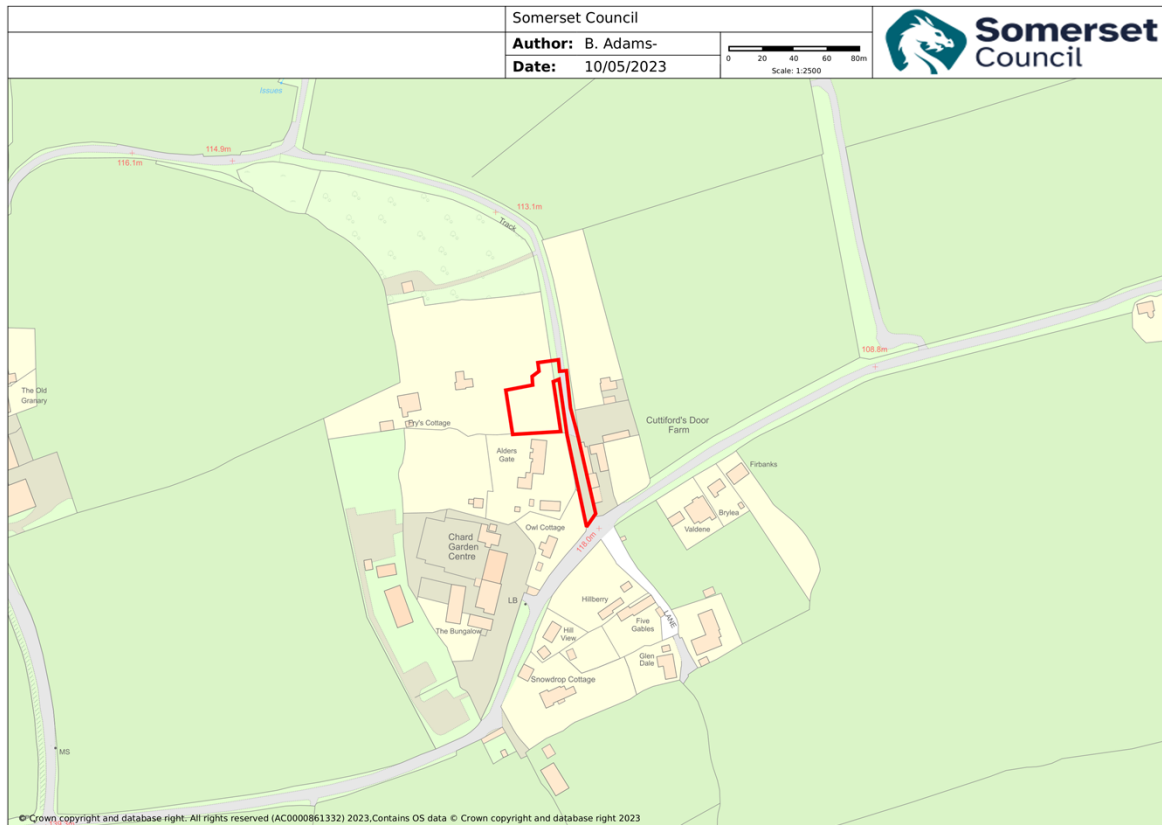
Proposal :	Erection of a new dwellinghouse
Site Address:	Land At Frys Cottage, Cuttifords Door, Combe St Nicholas, Chard, Somerset, TA20 3AA
Parish:	Combe St Nicholas
CHARD NORTH Ward	Cllr Jenny Kenton Cllr Martin Wale
Recommending Case Officer:	Ian Cousins (Specialist), Tel: 01935 462299 Email: ian.cousins@southsomerset.gov.uk
Target date :	6th May 2021
Applicant :	Mr Steve Glanzell
Agent: (no agent if blank)	Ms Jo Hibbert, Lower Hallfield, Chardleigh Green, Chard TA20 3AJ
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

In line with the adopted scheme of delegation, this application was referred to the Chair and Vice chair of Planning Committee as Combe St Nicholas Parish Council supported the proposal which is contrary to the officer recommendation. After consideration, it was decided that the application be referred to the Planning Committee to discuss the matter of sustainability.

SITE DESCRIPTION AND PROPOSAL





The site consists of the garden of Fry's Cottage in the hamlet of Cuttifford's Door, approximately 800m north of the town of Chard. The site lies on an existing tarmacked right of way CH5/33, which is used for access by a number of dwellings in the settlement. The site is surrounded by an extensive hedge, which contains a number of well-established trees.

Fry's Cottage lies to the west of the site, with other residential properties to the south and east, and open countryside to the north. The site lies within flood zone 1, and within a SSSI Impact Risk Zone, as well as in the catchment of the Somerset Levels and Moors Special Protection Area (SPA).

The proposal seeks full permission for the erection of one 3-bedroomed, two storey dwelling, with a double garage.

HISTORY

00/01413/FUL: Construction of a thatched roof together with erection of a conservatory (GR 321/101). Approved with conditions 10/7/2000

11/02249/FUL: The change of use of part of land from horticultural to residential and the demolition of existing lean to and the erection of a replacement single storey rear extension with the addition of a dormer window (Part retrospective) (GR

332167/110165) Approved with conditions 5/8/2011

16/00530/FUL: Alterations to include two storey extension and replacement of previously thatched roof with tiled roof. Approved with conditions 8/4/2016

20/00172/PREAPP: Proposed New Dwelling - Response given - 16/3/2020 - Advised that the Principle of Development is likely to be unacceptable on the grounds of sustainability.

To the south of the site lies an urban extension of Chard at Mount Hindrance:

18/04057/OUT- Outline application for mixed development comprising residential development of up to 295 dwellings, provision of a floodlit full size football pitch, unlit full size training pitch and community sports pitch with associated multi use clubhouse, spectator facilities and vehicular parking area; hub for local neighbourhood facilities and other community uses, public open space, landscaping, drainage and other facilities; associated vehicular and pedestrian accesses, land regrading, associated infrastructure and engineering works. Pending consideration due to phosphates.

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
- SS1 Settlement Strategy
- SS2 Development in Rural Settlements
- TA5 Transport Impact of New Development
- TA6 Parking Standards
- EQ2 General Development
- EQ4 Biodiversity

National Planning Policy Framework

National Planning Policy Framework - 2021

National Design Guide - 2019

CONSULTATIONS

Combe St Nicolas Parish Council:

Support the proposal.

County Highway Authority:

Standing advice.

County Public Rights of Way Team:

There is a public right of way (PROW) recorded on the Definitive Map that runs along the access to the site at the present time (public footpath CH 5/33). 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 5/33. No objections to the proposal, subject to informatives.

SSDC Highway Consultant:

The traffic impact of the scheme on the local highway network is unlikely to be significant or severe. A plan showing details of the access should be submitted. The details within the site itself in respect of parking and turning are acceptable. A charging point for electric vehicles will be required.

Natural England:

The Somerset Levels & Moors Ramsar Site is in unfavourable condition due to excessive phosphate loading within its catchment. Natural England advises that this proposal has the potential to add to nutrient loads (phosphorous) within the catchment of the Somerset Levels & Moors Ramsar Site, and therefore it may require mitigation and be subject to a Habitats Regulations Assessment (HRA).

Following the submission and review of the HRA, Natural England raise no objection.

County Ecologist:

The submitted HRA is acceptable and can be conditioned.

REPRESENTATIONS

One representation has been received, supporting the application.

CONSIDERATIONS

Principle of Development

In determining the principle of residential development in this location, it is noted that the presumption in favour of sustainable development and how this should be applied to planning decisions is set out at paragraph 11 of the NPPF. At 11 (d), the framework states that where the policies most important for determining the application are 'out-of-date' planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or the application of the policies in the framework provides a clear reason for refusing the proposal. At footnote 7, it is confirmed that a failure to demonstrate a five-year supply of housing and requisite buffer in accordance with paragraph 73 will render policies relevant to delivering housing out-of-date.

It is acknowledged that the Council is unable to demonstrate a 5-year supply of deliverable housing sites. The most recent supply statement outlines that the supply position in South Somerset stands at 3.7 years. As a result, the presumption in favour of sustainable development set out in the NPPF is engaged.

Strategic policy SS1 of the South Somerset Local Plan sets out the settlement hierarchy for the district and places Chard as a primary market town which is the prime focus for development. Policy SS5 goes on to state that through the plan period to 2028, 2,716 dwellings will be located within the Chard strategic growth area, as explained through policy PMT1.

The application site lies outside of the main built form of Chard but forms part of a handful of dwellings that make up the small hamlet of Cuttifford's Door. The site is therefore not considered to be isolated. That said, the hamlet cannot be considered as situating itself within a cluster whereby reasonable access to two or more village services are afforded. The proximity to 'Chard Garden Centre' is noted but this is not a typical local amenity for which future occupiers can rely upon for day-to-day sustainable living. The relative proximity to Redstart Primary School is acknowledged,

but this is still over ½ mile away and is either via unlit public rights of way through agricultural land or along narrow yet busy unlit, minor roads. These do not offer reasonable access to this facility.

Other services and facilities within Chard are further away and similarly will rely on the use of the private motor car by future occupiers. Therefore, the site is not considered to be broadly sustainable in support of new open-market housing and would run counter to the requirements of the South Somerset Local Plan and the principles as set out within the NPPF.

The urban extension for Chard under consideration by the LPA (18/04057/OUT) is pertinent to the proposal as this would, as intended, extend the built form of Chard northwards to Cuttiford's Door. Should the scheme be delivered, it would increase the overall sustainability of the site, through the provision of integrated footway / active travel networks along with sports facilities and community uses. Should the application for the urban extension be permitted and implemented, at this point the application site could be considered sustainable, whereby under the current Local Plan, it is possible that new open-market housing *could* be supported.

Accordingly, until the urban extension has come forward, the site is considered sited in an unsustainable location and the principle of development is not acceptable.

Visual amenity and design

The proposed dwelling is two storeys, in an 'L' shape, with a pitched roof and gable ends, with a two car garage proposed to the north. The materials proposed are in render and natural slate to the roofs and timber windows and doors. There is no one overriding vernacular in the vicinity of the site and the site is well contained visually by existing trees and hedgerows, the majority of which are proposed to be retained. Given this, the proposed design is considered acceptable.

Residential Amenity

Fry's Cottage lies to the east of the site by a distance of 56m. Given this distance, there will be no impact on the residential amenity of the occupiers of Fry's Cottage. The property Alders Gate lies to the south and one of its end elevations would lie 13m from the south elevation of the proposed property. The proposed dwelling has windows to the kitchen and living room on the ground floor and a bathroom and a bedroom on the second floor. It is separated from the garden of Alders Gate by a well established hedge. Given that the proposed dwelling faces a side elevation of Alders Gate and only one habitable room window on the upper floor, this distance is

considered acceptable and will not result in harm to the residential amenity of the occupiers of Alders Gate.

Highways

The access to the site is via an existing lane which serves a number of other properties, including Fry's Cottage, that is also a public right of way (CH 5/33). The use of this lane for one extra dwelling is considered acceptable. Whilst the Council's Highway Officer has requested a plan of the visibility splays, given that it is one dwelling on a very quiet lane, it is considered that achieving the standard visibility would result in unacceptable loss of well established hedgerows and as such, the proposed access is considered appropriate here.

The proposal includes 2 off street parking in a proposed garage, but there is space for more cars to be parked on site. The level of parking is deemed appropriate, given how close the site is to Chard.

Electric car charging points will be recommended by condition.

Trees and Hedgerows

The proposal includes the loss of 5-6m of hedgerow to create an access. Given the level of hedgerow and hedgerow trees on the site boundaries this is considered appropriate. A condition seeking protection of existing hedgerows and trees on site will be recommended.

Ecology

The application is supported by an ecological appraisal that shows that the site is not utilised by any protected species or priority species or habitats but could be potentially used. However, to ensure biodiversity gain, the recommendations for mitigation and enhancement in Chapter 4 of the ecological appraisal will be conditioned.

Somerset Levels and Moors SPA

The Somerset Levels and Moors are designated as a Special Protection Area (SPA) under the Habitats Regulations 2017 and listed as a Ramsar Site under the Ramsar Convention. The Ramsar Site consists of a number of Sites of Special Scientific Interest (SSSIs) within what is the largest area of lowland wet grassland and wetland habitat remaining in Britain, within the flood plains of the Rivers Axe, Brue, Parrett, Tone and their tributaries. The Ramsar site attracts internationally important numbers

of wildlife, including wildfowl, aquatic invertebrates, and is an important site for breeding waders.

The application site is located with the Somerset Levels and Moors Ramsar Site catchment area and therefore assessment and mitigation with regard to phosphate output is required.

The applicant has submitted a phosphate mitigation strategy comprising a nutrient mitigation strategy, nutrient neutrality mitigation plan and shadow Habitat Regulation Assessment to demonstrate that the proposed development will be phosphate neutral.

A Shadow Habitats Regulation Assessment has been submitted and reviewed by Somerset Ecology Services and Natural England. Both have endorsed the document as it demonstrates Phosphate Neutrality through the proposed mitigation.

CONCLUSION

The application site lies within open-countryside as it is not related to the main built-up part of Chard and Cuttiford's Door is not a recognised or serviced settlement which is judged as being suitable for new open-market housing by the prevailing policies of the development plan. It does not offer reasonable access to services and facilities relied upon for day-to-day living. Therefore, although the development may result in some economic benefits, these would be extremely localised and short-term (construction phase) and nevertheless, are not guaranteed. Indeed, the development could result in adverse social impacts including compromised community goodwill in terms of additional housing in the open-countryside which runs counter to the spatial strategy for the District.

REASON FOR REFUSAL

The application site lies within a small, un-serviced hamlet which is not identified as a rural settlement whereby new open-market housing can be supported. The site does not offer reasonable access to services and facilities and would otherwise, rely on the use of private transport. The proposal would therefore run contrary to the spatial strategy for the district and would promote a wholly unsustainable pattern of development. The proposal is therefore contrary to Policy SD1, SS1 and SS2 of the South Somerset Local Plan, along with the principles as set out within the National Planning Policy Framework (2021).
