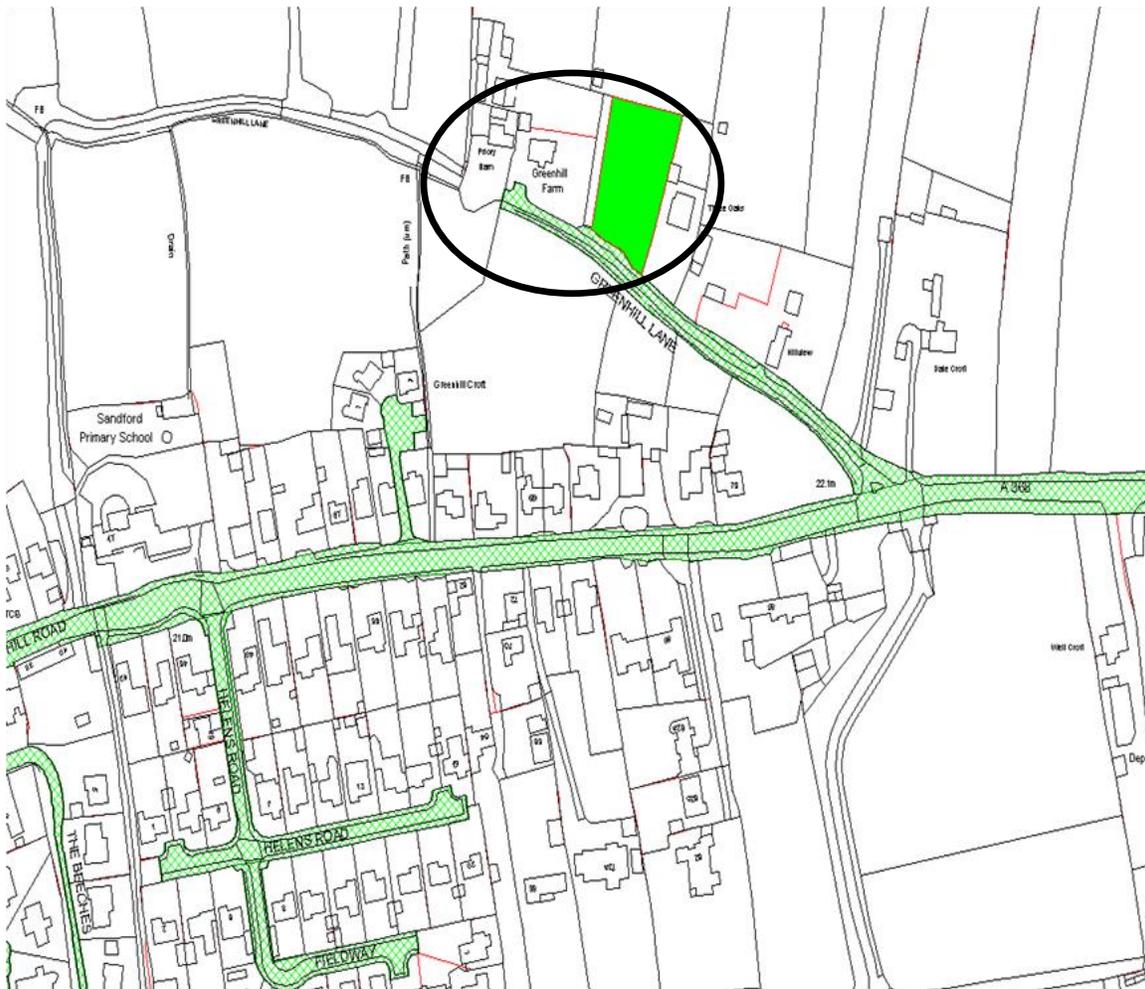


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APPLICATION NO: 16/P/1936/F	CASE OFFICER: Angela Norris
APPLICANT: Rein and Louisa Drescher	Extended expiry date: 11 November 2016
PARISH/WARD: Winscombe and Sandford/Banwell and Winscombe WARD COUNCILLOR(S): Cllr J O'Brien Cllr Mrs A F Harley	TARGET DATE: 21 September 2016
SITE ADDRESS: Land at Greenhill Lane, Sandford, Winscombe, BS25 5PA	

LOCATION PLAN: The following plan shows the general location of the site only and is for illustrative purposes. The circle identifies the location of the site and is not a representation of the site boundaries. The site boundaries and other details submitted with the application can be viewed on the council's website at www.n-somerset.gov.uk. This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office © Crown copyright and database rights 2016 Ordnance Survey 100023397. You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form



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13. **Section 2: 16/P/1936/F Erection of 1no. detached four-bedroom dwelling with a double detached garage at Land at Greenhill Lane, Sandford, Winscombe, BS25 5PA**

DEPARTURE FROM DEVELOPMENT PLAN POLICIES

Summary of recommendation

It is recommended that the application be **APPROVED** subject to conditions. The full recommendation is set out at the end of this report.

The Site

The application site is located outside the settlement boundary for Sandford in an area of scattered dwellings. The site is a small unused field of approximately 0.16 hectares. Adjoining the site to the western and eastern boundaries are residential properties. There are fields to the north and south of the site. The plot is on the north side of a lane that forms a branch road off the north side of the main road.

The Application

Full permission is sought for the erection of a two-storey, detached 4 bed dwelling with separate garage. The dwelling would be set back on the site, with the garage sited to the front of the plot, close to the boundary with the lane. Access would be formed from an existing field gate on the south east side of the plot onto the lane.

Relevant Planning History

Year	Reference	Proposal	Decision
1988	1806/88	Erection of one dwelling	Refused
1981	470/81	Erection of two detached dwellings and garages with accesses	Refused

Policy Framework

The site is affected by the following constraints:

- Outside the settlement boundary for Sandford

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The Development Plan

North Somerset Core Strategy (NSCS) (adopted April 2012)*

The following policies are particularly relevant to this proposal:

Policy Ref	Policy heading
CS4	Nature Conservation
CS10	Transport and movement
CS11	Parking
CS12	Achieving high quality design and place making
CS14	Distribution of new housing
CS33	Smaller settlements and countryside

* Core Strategy - High Court Challenge

Following a legal challenge to the adopted Core Strategy, Policy CS13 (housing requirement) was remitted back to the Planning Inspectorate for re-examination. In addition, Policies CS6, CS14, CS19, CS28, CS30, CS31, CS32, CS33 were also remitted on the grounds that should the housing requirement be increased, then this may have consequences for one or more of these policies. All other policies remain adopted. Policy CS13 was approved by the Secretary of State on 18 September 2015 and forms part of the development plan. The examination of the other remitted policies has taken place and the Inspector's Report is expected shortly

The Sites and Policies Plan Part 1: Development Management Policies (adopted 19 July 2016)

The following policies are particularly relevant to this proposal:

Policy	Policy heading
DM8	Nature Conservation
DM9	Trees and Woodlands
DM24	Safety, traffic and provision of infrastructure etc associated with development
DM28	Parking standards
DM32	High quality design and place making

Other material policy guidance

National Planning Policy Framework (NPPF) (March 2012)

The following is particularly relevant to this proposal:

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Section No	Section heading
7	Requiring good design
11	Conserving and enhancing the natural environment

Supplementary Planning Documents (SPD) and Development Plan Documents (DPD)

- Residential Design Guide (RDG1) Section 1: Protecting living conditions of neighbours SPD (adopted January 2013)
- Residential Design Guide (RDG2) Section 2: Appearance and character of house extensions and alterations (adopted April 2014)
- North Somerset Parking Standards SPD (adopted November 2013)

Consultations

Copies of representations received can be viewed on the council's website. This report contains summaries only.

Third Parties: No comments have been received.

Winscombe & Sandford Parish Council: "Although outside the settlement boundary, the Parish Council voted unanimously to support approval of the planning application as this would infill a previously untidy site on an already established residential Lane. It was considered that the design and character of the property is in line with, and fits with neighbouring properties and plans show evidence of sustainable design".

Principal Planning Issues

The principal planning issues in this case are (1) the principle of residential development in this location, (2) impact upon the character and appearance of the surrounding area, (3) impact upon the living conditions of the occupiers of neighbouring dwellings, (4) parking and highway safety, (5) impacts upon ecology and protected species, (6) impact upon trees, and (7) setting of listed building.

Issue 1: The principle of residential development in this location

The site is outside the Sandford settlement boundary. Sandford is defined in policy CS33 of the Core Strategy (as proposed to be modified) as an 'Infill village', where the policy allows sustainable development subject to specific criteria being met. This site is outside the settlement boundary and separated from it by fields it therefore falls within the open countryside. Policy CS33 (as

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proposed to be modified) makes clear that “proposals for development within the rural areas outside the Services Villages will be strictly controlled in order to protect their character and prevent unsustainable development”.

However, the policy on residential development on housing outside the settlement boundary must be read in conjunction with the current progress of the Core Strategy, the Council’s 5 year housing supply, housing distribution and recent appeal decisions.

In such circumstances where the local planning authority cannot demonstrate a 5 year housing supply, the council’s policies for the control of housing development cannot be considered to be up to date and the presumption in favour of sustainable development in the NPPF prevails. Therefore, the defined settlement boundaries around villages and other controls over housing development, that are in the Local Plan, carry little weight. Consequently, all new proposals for housing development in the open countryside are to be assessed against the sustainability of the proposals.

Two recent appeals have concluded that the Council does not have a 5 year supply. The appeal decision for 118 houses to be developed on land to the north of the A368 road in Sandford (ref: 15/P/0583/O) also addressed the issue of the sustainability of Sandford. That site is in close proximity to the site of this current application. The appeal was allowed, and part of the judgement was that Sandford has a reasonable degree of sustainability when public transport to neighbouring settlements is taken into account. The current application raises similar issues and on the basis of the Inspectors’ conclusions on the appeals and it is not considered that there are any adverse impacts (see assessment below) which would outweigh the benefits of providing additional housing.

Therefore, whilst a decision to approve this current proposal would be contrary to the Local Plan residential policy, given the above circumstances it is considered that the housing policies in the local plan cannot be considered to be up to date and are outweighed by the need to provide additional housing. As such it is considered that this proposal is acceptable in principle.

Issue 2: Impact upon the character and appearance of the surrounding area

The site is a small field that is not in use so has no landscape merit. The lane is a cul-de-sac from the main road Greenhill Road that runs to the south and has a number of houses on its north side. Greenhill Lane has four dwellings scattered along its north side and the lane ends at Priory Barn. These dwellings are detached and are of a variety of styles and sizes. In addition, there is no uniformity in the building line, as some dwellings are closer to the lane and others are set back. Consequently, it is considered that the layout, scale and design of the proposed new dwelling would be acceptable in this location.

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It is concluded that the proposal respects the rural character of the surrounding area and would not adversely affect the landscape and is in accordance with policy CS12 of the North Somerset Core Strategy and policy DM32 of the North Somerset Sites and Policies Plan – Part 1

Issue 3: Impact upon the living conditions of the occupiers of neighbouring dwellings

The new dwelling would be sited between two properties, Three Oaks to the east and Greenhill Farm to the west. Three Oaks is the closer of the two dwellings, and at its closest point would be 10 metres. However, as the new dwelling would be set back on the site, to the north of the rear building line of Three Oaks, the only section that would be close to the existing dwelling would be the northwest corner. Therefore, there would be no overbearing impact or loss of outlook. Additionally, there would be no direct overlooking of habitable rooms.

Regarding Greenhill Farm it would be more than 28 metres at its closest point to the new dwelling, so there would be minimum impact of the new development on the living conditions of its occupiers.

To conclude it is considered that the proposed development complies with the relevant tests contained within the Residential Design Guide (Section 1: Protecting living conditions of neighbours) and it is considered that it would not result in a significant adverse impact upon the living conditions of neighbouring residents. In this respect, the proposal complies with policy DM32 of the North Somerset Sites and Policies Plan – Part 1.

Issue 4: Parking and highway safety

The access to the proposed new dwelling would be formed from an existing field access that is on the south east corner of the site. It would be modified to domestic standards and it would be close to the access to the neighbouring property of Three Oaks. As Greenhill Lane is an unadopted highway that is a no through road and only serves four existing dwellings, it is considered that the additional access would not cause a highway safety issue. Additionally, although Greenhill Lane has a junction with Greenhill Road which is a Class A main road, it is considered that the traffic generation from one additional dwelling would be modest and would not be detrimental to localised traffic volumes. As such, there would be no additional highway danger from this proposal.

There would be sufficient area on site to provide for parking, including the garage and there would be sufficient area for turning within the site. Consequently, it is considered that there would not be any on-street parking, so no highway safety hazard.

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To conclude, it is considered that the proposal accords with the parking requirements of the North Somerset Parking Standards SPD and as there would be no adverse impact on highway safety, it would comply with policies DM24 and DM28 of the North Somerset Sites and Policies Plan – Part 1.

Issue 5: Impact upon ecology and protected species

The site has a variety of small groups of trees and grassland, so has potential for wildlife. Therefore, the results of a protected species survey have been submitted with the application. However, it is concluded that there is negligible potential for bats or other protected species to be affected by the development. Notwithstanding as a precautionary measure, an advice note would be attached to the decision notice warning the applicant of the requirements that should bats or other protected species be encountered during the development works, that they contact the relevant authorities. Therefore, it is considered that in this respect, regard has been paid to the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended) and the Natural Environment and Rural Communities Act 2006. In addition, it is considered that the proposal complies with policy CS4 of the North Somerset Core Strategy, policy DM8 of the North Somerset Sites and Policies Plan – Part 1 and the advice contained within the Council's adopted Biodiversity and Trees SPD.

Issue 6: Impact upon trees

The trees on the site are not protected. However, a tree survey has been undertaken and the report identifies the trees to be removed and those to be retained. The retained trees would be on the north east and southern sections of the site. Information has been submitted about the measures that would be taken to protect the retained trees during the development period. It is considered that the trees to be retained and their protection are acceptable.

To conclude, it is considered that the treatment of the trees on the site is acceptable and in this respect the proposal is in accordance with policy DM9 of the North Somerset Sites and Policies Plan - Part 1 and to the advice contained within the Council's adopted Biodiversity and Trees SPD

Issue 7: Setting of Listed Building

The proposal does not affect the setting of any listed buildings.

Natural Environment and Rural Communities (NERC) Act 2006

The proposed development will not have a material detrimental impact upon biodiversity.

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The Crime and Disorder Act 1998

The proposed development will not have a material detrimental impact upon crime and disorder.

Local Financial Considerations

The Localism Act 2011 amended section 70 of the Town and Country Planning Act 1990 so that local financial considerations are now a material consideration in the determination of planning applications. This development is expected to generate New Homes Bonus contributions for the authority. However, it is considered that the development plan and other material considerations, as set out elsewhere in this report, continue to be the matters that carry greatest weight in the determination of this application

Conclusion

The proposal complies with the presumption in favour of sustainable development and is therefore considered to be acceptable in principle. The layout, scale and design of the proposed new dwelling is considered acceptable and does not adversely impact upon the rural character of the area. It is considered that there are no adverse impacts upon the living conditions of the occupiers of the neighbouring dwellings and that there are no highway safety issues. Additionally, there would be no adverse impact upon trees or protected species. Therefore it is concluded that the proposal is acceptable, and is in accordance with Paragraph 14 of the National Planning Policy Framework.

RECOMMENDATION: APPROVE (for the reasons stated in the report above) subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiry of three years from the date of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the approved plans and documents to be listed on the decision notice.

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

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3. The external walling and roofing materials to be used in the building works for the dwelling and garage hereby permitted shall be in strict accordance with the approved plans. If any other material is proposed no development shall take place until such has been approved, in writing, by the Local Planning Authority.

Reason: To ensure the works maintain the rural character of the surrounding area and in accordance with section 7 and paragraph 17 of the National Planning Policy Framework, policy CS12 of the North Somerset Core Strategy and policy DM32 of the North Somerset Sites and Policies Plan – Part 1.

4. The dwelling hereby approved shall not be occupied until the access has been formed and the parking and turning area has been constructed and laid out in accordance with the approved plans in permeable materials and the parking area shall thereafter be permanently retained and shall not be used except for the parking of vehicles in connection with the dwelling hereby approved.

Reason: To ensure that the dwelling is served by a suitable parking area in order to preserve highway safety and in accordance with paragraph 39 of the National Planning Policy Framework, policies CS10 and CS11 of the North Somerset Core Strategy and policies DM24 and DM28 of the North Somerset Sites and Policies Plan – Part 1.

5. No development shall be commenced until foul and surface water drainage details together with a programme of implementation have been submitted to and approved, in writing, by the Local Planning Authority. Such works shall be carried out in accordance with the approved details.

Reason: To ensure that the dwelling is served by a satisfactory system of foul and surface water drainage and in accordance with paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, the Technical Guidance to the National Planning Policy Framework (March 2012), Planning Policy Statement 25 Practice guide (Development and Flood Risk) and policy CS/3 of the North Somerset Core Strategy.

6. All works comprised in the approved details of landscaping should be carried out in accordance with the approved plans during the months of October to March inclusive following occupation of the building or completion of the development, whichever is the sooner.

Reason: To ensure that a satisfactory landscaping scheme is implemented and in accordance with policy CS5 of the North Somerset

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Core Strategy and policy DM32 of the North Somerset Sites and Policies Plan – Part 1.

7. Trees and hedges shown in the landscaping scheme to be retained or planted which, during the development works or a period of ten years following full implementation of the landscaping scheme, are removed without prior written consent from the Local Planning Authority or die, become seriously diseased or are damaged, shall be replaced in the first available planting season with others of such species and size as the Authority may specify

Reason: To ensure as far as possible that the landscaping scheme is fully effective and retains the rural character of the development and area in accordance with policy CS5 of the North Somerset Core Strategy and policy DM32 of the North Somerset Sites and Policies Plan

8. No development shall take place until the tree protection as shown in the Arboricultural Report prepared by Wootton Tree Consultancy dated 11 July 2016 has been put in place. Thereafter the site clearance works and development shall be undertaken in accordance with the approved details.

Reason: This is to ensure the appropriate protection of trees that are to be retained and in accordance with policies CS4 and CS5 of the North Somerset Core Strategy and policy DM9 of the North Somerset Sites and Policies Plan – Part 1.

9. The dwelling hereby approved shall not be occupied until measures to generate 10% (less if agreed with the Local Planning Authority) of the energy required by the use of the development (measured in carbon) through the use of micro renewable or low carbon technologies have been installed on site and are fully operational in accordance with the details that have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved technologies shall be permanently retained unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In order to secure a high level of energy saving by reducing carbon emissions generated by the use of the building in accordance with paragraph 17 and section 10 of the National Planning Policy Framework and policies CS1 and CS2 of the North Somerset Core Strategy.

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10. The dwelling shall not be occupied until details of a scheme for providing space and facilities for the storage and collection of waste have been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been implemented. Thereafter the approved space and facilities for the storage and collection of waste shall be permanently retained unless otherwise agreed in writing with the Local Planning Authority.

Reason: The Local Planning authority wishes to encourage sustainable waste collection initiatives in the interests of local amenity and sustainable waste management and in accordance with policies CS1 and CS7 of the North Somerset Core Strategy.

Summary of advice notes to be included on the decision notice

Advice notes are not conditions but are a means of making a statement to the applicant or drawing attention to the requirements of other legislation.

1. If new drainage connections are to be made, the applicant should establish which drains are surface water and which are foul, and ensure that connections are made to the correct drain. Any new kitchen or bathroom facilities (such as baths, sinks, toilets, washing machines and dishwashers) must be connected to the foul sewer. Further advice is available online at www.connectright.org.
2. Bats - Please note that bats are protected under the Conservation of Habitats and Species Regulations 2010 (as amended) and the Wildlife and Countryside Act 1981 (as amended). This includes bats and places used as bats roosts, whether bats are present at the time or not. If live bats or evidence of bats is unexpectedly found during the course of works, all works must cease and Natural England must be contacted immediately (0300 060 3900).
3. Nesting Birds - Please note that all birds are protected by the Wildlife and Countryside Act 1981 (as amended). This protection also covers their nests and eggs. To avoid breaking the law, do not carry out work on trees, hedgerows or buildings where birds are nesting. The nesting season for most bird species is between March and September.