

24/14/0030

MR & MRS T SIDLEY

OUTLINE APPLICATION WITH SOME MATTERS RESERVED FOR THE ERECTION OF 1 NO. THREE STOREY DWELLING IN THE GARDEN ADJACENT TO WHITEWELL COTTAGE, 6 MOOR LANE, NORTH CURRY

Location: WHITEWELL COTTAGE, 6 MOOR LANE, NORTH CURRY,
TAUNTON, TA3 6JZ

Grid Reference: 331832.125724

Outline Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Refusal

RECOMMENDED CONDITION(S) (if applicable)

1. The application site lies outside of the settlement limits of North Curry as defined in the adopted Core Strategy (proposals map). It would lead to ribbon development and the ad-hoc extension of North Curry in an unplanned way. The proposal is therefore considered to be an unsustainable development contrary to Policies SP1 and DM2 of the Taunton Deane Core Strategy.
2. The application does not demonstrate that proposed development would not have a significant landscape impact as seen from the nearby public footpath (on the opposite side of the road running from east to west) and from Moor Lane. The feasibility study shows that the proposed house elevation from Moor Lane although set back from the edge of the property would be quite dominating to walkers and to a lesser extent drivers and would be locally prominent interfering with the attractive middle and longer distance views when looking in an easterly direction. Also, the proposed entranceway which would open up views into the site, which would have an urbanising impact on the entrance route into North Curry. All of this would have a detrimental impact on the appearance and character of this rural area and the open countryside beyond and is therefore considered to be contrary to policies CP1(g), DM1(d) and CP8 of the adopted Taunton Deane Core Strategy.

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council works in a positive and pro-active way with applicants and looks for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.

PROPOSAL

This is an application submitted in outline for the erection of a single three storey dwelling on land currently within the curtilage of Whitewell Cottage.

SITE DESCRIPTION AND HISTORY

The site is located to the north of the village, just beyond the church, and is shown with access off Moor Lane. The site is currently garden space to Whitewell Cottage.

Planning History

There is no specific planning history for this site, but the following applications relate to recent applications for residential development within the village of North Curry.

- 24/14/0019 - Erection of 5 dwellings with garaging on land at White Street, North Curry. Refused partly on grounds of being unsustainable development outside of the village settlement boundary and currently the subject of an appeal (yet to be determined).
- 24/14/0011 - Residential development of land for up to 6 workplace homes at Knapp Lane Acre, North Curry, refused 22/05/2014 partly on grounds of being unsustainable development outside of the village settlement boundary.
- 24/13/0048 - Outline application for 20 dwellings at Overlands, North Curry. Refused 13/12/2013 partly on grounds of being unsustainable development outside of the village settlement boundary.
- 24/13/0037 - Outline application for residential development at Windmill Hill. Refused 18/10/2013 on technical highways grounds, for being premature within the SADMP process and for being unsustainable development outside of the village settlement boundary.
- 24/13/0032 - Outline application for 30 dwellings in 2 phases and ancillary facilities on land adjacent Overlands. Refused 4th September 2013 for policy reasons in relation to the SADMP and subsequently allowed on appeal by decision dated 12th March 201.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

NORTH CURRY PARISH COUNCIL –

The P.C. objects for the following reasons

- The site is outside the village envelope and would set a precedent for other similar proposals outside the village envelope.
- There would be a negative visual impact on the surrounding area,
- Major concerns that access to the village would not be safe for pedestrians.

LANDSCAPE LEAD –

The proposal would have a significant landscape impact as seen from the nearby public footpath (on the opposite side of the road running from east to west) and from Moor Lane.

There is a potential loss of roadside hedgerow in a northwards direction to provide highway visibility from the proposed site access, however, it is garden hedgerow which has no planning protection and could therefore be removed or replanted at any stage without requiring the consent of the local authority.

The proposed entranceway would open up views into the site, as seen from lane, which would have an urbanising impact on the entrance route into North Curry.

The proposed house elevation from Moor Lane although set back from the edge of the property would be quite dominating to walkers and to a lesser extent drivers.

The view of the proposed house from PROW T17/40 which runs to the west of the property across higher ground in an open north facing field is likely to have the greatest visual impact as the proposed house and field are on a similar level and the house once built would be locally prominent and would interfere with the attractive middle and longer distance views when looking in an easterly direction.

I have some concerns regarding the wide windows on the first and second floor westerly elevation.

Where appropriate I always recommend slate or grey roofing which is less visually prominent in the wider landscape especially when compared to red tiled roofs.

WESSEX WATER -

New water supply and waste water connections may be required from Wessex Water. However the applicant has indicated that they propose to dispose of foul sewerage to a bio digester. DEFRA intend to implement new regulations that will require the adoption of all new private sewers, which will require a signed adoption agreement with Wessex Water before any drainage works commence.

DRAINAGE ENGINEER -

I note that surface water is to be discharged to soakaways. These should be constructed in accordance with Building Research digest 365 and made a condition of any approval. With regard to foul sewage disposal, I note a bio-digester is proposed. The Environment Agency should be consulted on this proposed disposal method as a consent to discharge will be required.

HERITAGE LEAD –

I do not consider that the proposal will detrimentally affect any historic asset or historic asset setting.

SCC - TRANSPORT DEVELOPMENT GROUP –

Standing advice applies. Under standing advice, the following criteria would need to be met.

- Appropriate visibility splays will be required.
- Adequate provision shall be made to ensure that surface water does not drain onto the public highway (and vice-versa).
- The access shall have a minimum width of 3 metres.
- Gradient of the driveway shall not exceed 1:10 for the first 6 metres.
- The access must be consolidated or surfaced for at least the first 5 metres.
- Any entrance gates shall be hung to open inwards and set back a minimum distance of 5 metres from the carriageway edge.
- Parking shall be in accordance with the adopted SCC Parking Strategy.
- Turning will be required independent of the necessary parking.
- The creation of the access will require a section 184 permit.

As part of a pre-application enquiry made this time last year directly to the Highway Authority, the Highway Officer noted the following. The application appears to have taken on board these comments:-

(1) It would need to be demonstrated on a submitted drawing at the application stage that the visibility can be achieved within land controlled by the application or over part of existing highway. The 30 speed limit begins 11m south of the southern property boundary, so it is clear that northbound traffic on Moor Lane is well within the 30 zone as it approaches what will be the proposed new access position. For this reason we believe that the Manual for Streets guidance applies and a minimum splay of 2.4 x 43m would be required. The available visibility is 2.4 x 100m+ so we believe this to be acceptable. The Highway Authority accepts that the available visibility splay to the north of 2.4 x 57m is also acceptable as visibility splays of 2.4m x 43m would apply in this location, given the nature of Moor Lane and proximity to the village.

(2) The proposed development will be for a single 3 bed house and it is intended that 3 parking spaces will be provided in the form of a double garage plus one additional space. The Highway Authority would have no objection to this. I would also mention that vehicle turning facilities would need to be segregated from the proposed parking area, given the classification of Moor Lane.

(3) The drive will have to be fairly steep due to the significant level difference above the road however the first 6m of the drive will have a gradient not exceeding 1:8 and will be 3m wide and surfaced in bitumen macadam. The Highway Authority seek that any access created complied with a gradient not steeper than 1:10. However, providing that all other highway safety measures can be implemented it may not be unreasonable to consider that the 1:8 gradient is acceptable in this specific instance. Based on your comments above, the Highway Authority considers that the proposed access dimensions would be acceptable.

(4) As part of the newly adopted Parking Strategy, new residential dwellings need to provide a minimum of one cycle space/storage facility per bedroom. These are based on dimensions of 2m x 1m or show provision within the site to allow the occupiers of the proposed dwellings to use alternative sustainable modes of transportation.

Representations

Representation has been received from Cllr. G. Slattery in her role as ward Councillor, and she makes the following comments -

- Having visited the site, seen the plans and the widespread support it has received from others living locally, I am happy to support the application.
- The proposal has been drawn up to be considerate of the view northwards, from neighbouring properties and also the nearby footpath
- I urge that this application is permitted which will assist North Curry in delivering the housing targets that Taunton Deane has set.

There have been 30 representations received from third party members of the public in connection with this proposal. Of these, there are 3 representations against the proposal and 27 in support of the proposal.

Of the 3 representations AGAINST this proposal, the following points are made:-

- The application is for a 3 storey dwelling outside of the designated settlement area and the site was not a preferred option under the recent Site Allocations and Development Management Plan.
- One property will not make a significant contribution to the up to 20 additional dwellings proposed for the village.
- Granting permission on this site may create a precedent which could then be applied to all other 'infill' sites which lie outside of the current permitted development area on roads such as Greenway, Stoke Road or Windmill Hill.
- If this development is to be allowed contrary to current local planning guidance then permission should be for a 2 storey dwelling.
- The plans show a dwelling with a roof line only marginally lower than one of the adjoining properties.
- The gable end of the proposed dwelling sits only 5 metres from the boundary with both properties to the south. There is a potential for both overlooking and overshadowing of both of these properties.
- There is no indication that a highways officer has visited the site and thus his statement that access would be acceptable appears to be based on the information provided by the applicant.
- The visibility splays given are based upon approaching traffic travelling at speeds of no more than 30 mph, but the road has a speed limit of 60 mph. The given visibility splay of 57 metres) is unsafe in this circumstance, given that the minimum stopping distance at 60 mph is 151 metres and still 79 metres at 40 mph.
- As the occupants of the only dwelling directly affected by the proposal we would prefer to see a building of lower overall structure.
- Moor lane is a very busy road, and extending the speed restriction zone would need to be investigated.
- I trust Taunton Deane Planning Department to fully consider all aspects of this development.

Of the 27 representations SUPPORTING the proposal the following points are

made:-

Principle

- It is clear that the proposed development is outside the designated village envelope and so should be refused as being contrary to policies SP1 and DM2 of the adopted Core Strategy. However, the Overlands decision, also outside of the settlement limit, sets a precedent enabling approval of this site.
- The Borough Council is appropriately and correctly intending to publish the SADMP. It is likely that the plan will include sites outside the current village settlement. It would be grossly unfair to refuse this application on the grounds that the SADMP has not yet been approved.
- Although falling just outside the settlement limits of the village, these have been breached several times by much more visible and intrusive applications.
- Three years ago this proposal may have been dismissed out of hand as the location is outside the village envelope. However, recent permissions have rendered this argument rather arcane, e.g. 30 houses at Overlands and firewood production in Moor Lane.
- There is a need to redraw the boundary of the settlement limits.
- There is a proven need for more houses.
- Developments of this nature will prove necessary if the demands for housing placed on the area by Government are to be met in a fashion that does not destroy the essentially rural character of the village and its conservation area.
- There is a need for more houses nationally and in the village.
- Self-build is high on the agenda of current housing objectives.

Design

- Despite the fact that there are 3 storeys, it fits well into the sloping hillside and will not compromise the surrounding area in any way.
- It will have no significant effect on the church or the conservation area.
- It is very sympathetic to the village.
- The proposed design is unobtrusive, fits sympathetically into its surroundings and is environmentally friendly.
- The style chosen is sympathetic to the general ambience of those close by, not like some of the designs submitted by the volume developers who are bidding for other sites in North Curry.
- It is an unobtrusive building.
- The design is in keeping with the surrounding area in terms of scale and materials.
- The dwelling will enhance the area.
- The proposed house is unique and doesn't have the regimented appearance of an estate.
- What a refreshing change to see a bold well thought design far removed from the stagnating boxes seen across the Deane in great profusion.

Amenity

- It will have no significant impact, visually or otherwise, on the surroundings - unlike some other proposed developments in this village.
- It will not alter the view of the church from Moor Road or the railway line into Taunton.
- It is obvious that the applicant has made every effort to avoid any visual impact either on his neighbours or the views from the Church or the moor.
- This house will not have an impact on the setting of the church or the moor and

will be attractive.

- The roofline is kept below that of adjacent properties.
- It is a well thought through design being below the sightline of the hillside and blends well into its location.

Other issues

- The applicant's current garage immediately fronts the road (Moor Lane) on a bend, so access has always been a little perilous. The new property would no doubt have better sight lines so minimising the risk.
- If carefully landscaped, the entrance would be an improvement over what is basically a fairly untidy slope and approach to the village.
- I am confident that the plans fulfil the criteria for self build, suitable expansion to the village, little impact as a single dwelling, and appropriate design.
- It would contribute well to local housing needs, without the issues associated with other larger schemes envisaged on the outskirts of the village.
- Development of this nature will have far less impact than larger housing estates proposed around the edges of the village.
- The application is in keeping with the Parish Council Plan and provides an infill plot within the confines of the village.
- The proposal is entirely suitable to the village.
- This is an infill plot entirely within the confines of the village and is within the present boundaries.
- It provides housing needs within the village.
- The house would have a positive impact on the local housing quota reducing the need for developer led estate type housing which is not suitable for the village.
- I feel this sort of carefully thought out development should be encouraged and would be a future asset to North Curry.
- The proposed house represents a good example of infill building.
- This proposal for small scale building fits much more closely with the preferences of North Curry Residents than the large scale developments proposed at other sites around the village.
- Infill dwellings are preferable to new housing estates on the edge of this lovely village.
- It will not extend the housing area of the village.
- Smaller new builds will not jeopardise the village's amenities and infrastructure whereas applications for multiple houses clearly will.
- The proposed style and size of the new house is in keeping with the Parish Council development plan.
- A low impact, quality, self-build development that keeps the village contained and in character must be preferable to the commercial developer led green field estate building that is appearing all around Taunton.
- It is hard to understand the objection that it may have an adverse effect on the village.
- The proposal is within the Parish boundary.
- The proposal has anticipated the Queen's speech earlier this month when Her Majesty announced that her government would encourage and help the provision of new houses on self-build sites.
- We feel this application will be the right sort of house, in the right position which will make a small but positive response to a national housing need.
- This application must be preferable to the proposed multi-house sites which will create problems with absorption into the community.
- The applicant has lived in North Curry for over 35 years and has contributed to

the community in many ways. I feel sure this should be taken into account when considering his application.

- This plot is an infill plot within the confines of the village, and will not increase the extension of the village onto the moor.
- We should encourage families to stay in the village.
- The Government supports self-build projects.
- It is designed as an infill within the boundaries of an existing property. This is in keeping with the village and would not be out of place.
- This is a family sized home in a decent plot.
- The building will be erected on land which is a garden at present so not affecting wildlife.
- The house would have a suitable area of garden for its size unlike most estate built properties.
- The design offers many advanced energy efficient features.
- The villages of the Taunton area ought to be viewed as an asset by the Deane Council.
- It is unfortunate that the planning register perhaps misleadingly describes this as a 3 storey dwelling when on examination the first floor or basement is built into the hillside.

PLANNING POLICIES

EN1 - Landscape and Biodiversity,
EN11 - TDBCLP - Special Landscape Features,
EN12 - TDBCLP - Landscape Character Areas,
EN23 - TDBCLP - Areas of High Archaeological Potential,

LOCAL FINANCE CONSIDERATIONS

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development would be approximately £11,600

The development of this site would also result in payment to the Council of the New Homes Bonus.

1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£ 1,079.00
Somerset County Council (Upper Tier Authority)	£ 270.00

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£ 6,474.00
Somerset County Council (Upper Tier Authority)	£ 1,619.00

DETERMINING ISSUES AND CONSIDERATIONS

Policy considerations - Local Plan Policy

Planning Policy and Government Guidance requires all planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Taunton Deane Core Strategy contains policies for the development of the Borough. The policies are listed above. Within the document major sites for housing development have been identified in detail. Reference is also made for the need to allocate additional small scale housing within minor rural centres, such as North Curry, via a 'Site Allocation and Development Management Plan' – [SADMP].

The adopted Core Strategy policy SP1 states.....

*"Minor Rural Centres are identified as Cotford St Luke, Creech St Michael, Milverton, **North Curry** and Churchinford. New housing development at these locations will include an appropriate balance of market and affordable housing together with some live-work units and will be small scale allocations, **sites within the development boundary** (primarily on previously developed land) and sites fulfilling affordable housing exceptions criteria outside of development boundaries. For these settlements a total allocation of at least 250 new net additional dwellings will be made through the Site Allocations and Development Management DPD"*

The site lies beyond existing and proposed settlement limits as set out in the adopted Local Plan (2004), Core Strategy (2012) and the emerging SADMP. In this regard, it is clear that the proposal should be treated as being within Open Countryside (see Core Strategy Policy SP1).

From a Planning Policy perspective there are two issues that are relevant to this application. Firstly, the site is beyond the defined settlement limits, which means that the proposal should be treated as being within open countryside (stated in policy SP1). In such circumstances, the proposal should be determined in accordance with policy DM2, which list the types of development that are acceptable. Open market and self build housing are not within the list of uses that would be supported. The proposal therefore does not accord with the adopted development plan

Secondly, it is appropriate to consider whether or not the benefits of this proposal would outweigh the harm. The size of the site and number of dwellings proposed (1) would not make a worthwhile contribution to the 5 year land supply (which the Council meets with a 5% plus buffer) but could set a precedent elsewhere in North Curry and across the Borough for not conforming to the Development Plan. The LPA has an up to date Core Strategy which defines the settlement limits and countryside (policies SP1 and DM2). The site is too small for an allocation, which would normally have at least 10 dwellings (the size regarded as a 'major application' and of a scale to provide other benefits only deliverable through the Development Plan such as affordable housing). The site was considered for allocation after the Issues and Options stage of the SADMP. IT was considered that the site was some distance from the services and facilities in the village. The SADMP is about to reach publication stage following Preferred Option stage with allocations at Knapp Lane and Overlands. This site could not therefore be used as a 'trade-off' to reduce or replace the Preferred Options allocations.

It is noted that many of the letters of support for this application either state or imply that small developments such as this would be much more preferable to the village

than the larger planned developments. However it is important to understand that the proposals within the SADMP will proceed (in whatever form the Inquiry Inspector deems appropriate) in order to meet the requirements of the adopted Core Strategy and national housing policy advice. It is not a choice between small sites such as Whitewell Cottage and the larger sites proposed. If Whitewell Cottage were to be approved then that would have to be in addition to the sites allocated through the SADMP, not instead of.

In conclusion, from a policy perspective the proposal fails both of the above tests and is contrary to policies SP1, DM2 and CP8 of the Core Strategy.

Impact on the street scene and character of the area

The application site comprises a small square shaped area currently forming the garden to Whitewell Cottage. The site is approximately 0.10 hectare in size. Although the application is only submitted in outline, the plans show a property raised above the level of the street by approximately 0.75 metre at basement level, but because it is dug into the bank it is the ground floor that would appear as the visible start to the building from Moor Lane and this point would be up to 2 metres above road level. The building would be set back from the road frontage by approximately 5 metres. There would be the loss of hedging and tree screening along the roadside boundary in order to provide the required new point of access into the site. All of this would open up the site and give it a more urban feel. The submitted drawings do not demonstrate that a dwelling could be placed on the site without undue affect on the character and appearance of the rural setting of this site.

This is important because given its location, at the very edge of the village and well away from the centre, the site has more in common with the open countryside surrounding it than it does the built form of the village itself.

Impact on the Listed Building and Conservation Area.

The proposal site lies near to the church of St. Peter and St. Paul which is a grade I listed building, the vicarage at no. 5 Moor Lane which is a grade II listed building and Payne's Farmhouse at no. 4 Moor Lane, which is a grade II listed building. All of these buildings lie within the North Curry Conservation Area, but the proposal site does not. Despite the close proximity of these heritage assets, it is not felt that the proposal would unduly impact upon them or their settings.

Drainage

Whilst the site lies within the Somerset Levels and Moors, the site itself does not lie within a flood risk area as identified by the Environment Agency. That actually starts some 500 metres further northwards down Moor Lane. The drainage engineer does not object in principle to the proposal subject to an appropriately designed SUDS scheme and agreement of the Environment Agency regarding the bio-digester for sewage disposal.

Landscape issues.

The Council's Landscape Lead considers that the proposal would have a significant landscape impact as seen from the nearby public footpath (on the opposite side of the road running from east to west) and from Moor Lane, and on this basis he cannot give his support to it. He also notes that there would be a loss of roadside hedgerow in a northwards direction to provide highway visibility from the proposed site access. This is discussed below. The Landscape Lead was also concerned that the proposed entranceway would open up views into the site, as seen from Moor Lane, which would have an urbanising impact on the entrance route into North Curry.

The proposed house elevation from Moor Lane although set back from the edge of the property would be quite dominating to walkers and to a lesser extent drivers, and as such it cannot be said to have been assimilated appropriately into the landscape setting. It is considered that the view of the proposed house from PROW T17/40 which runs to the west of the property across higher ground in an open north facing field is likely to have the greatest visual impact as the proposed house and field are on a similar level and the house once built would be locally prominent and would interfere with the attractive middle and longer distance views when looking in an easterly direction.

Highways and access issues

The proposed dwelling is shown with an access onto the highway network (Moor Lane) has its own independent drive, surface parking to standard and appropriate manoeuvrability and turning space. In this regards the proposal meets the Highway Authority's standing advice. The proposed access is very close to the cut off line in Moor Lane between the National speed limit (to the north of the proposed access) which is 60 mph (max) and the village restricted speed limit (to the south of the proposed access) which is 30 mph. However, the Highway Authority's advice is that the visibility splays shown (following negotiations) is acceptable. There would need to be a significant loss of hedgerow in order to provide the required visibility distance, which would be unfortunate, because it would adversely impact upon the rural setting of the location. The Landscape Lead has already alluded to this in his comments. He does note that it is garden hedgerow which has no planning protection and could therefore be removed or replanted at any stage without requiring the consent of the local authority. However, there is a difference between what can be done without the need for consent and that which is being directly authorised. Either way, its loss would be regrettable given the importance of hedgerows at this point in Moor Lane and the wider countryside. It is true that a new hedge could be planted and set back from the road to protect the visibility splays, but this would be alien to the norm in a countryside road and would add to the urbanising appearance of the proposal. Given the applicant's right to remove the hedge (outside of the bird breeding season) it would be the planning officer's advice that this issue by itself would not be sufficient to justify a reason for refusal. However, given the other landscape concerns expressed above, a landscaping reason could refer to all of these issues and would be relevant and justifiable.

Conclusions

It is quite clear that there is a conflict with Planning Policy because the application

site lies outside of the settlement boundary for North Curry. Although the designated boundary lies close by, there cannot be a grading of emphasis on such a designation. The policy is quite clear in allowing justifiable infilling within the boundary limits, but outside any new development will be considered as being in open countryside. Allowing development on the edge of settlement boundaries can often lead to further ribbon development or ad-hoc expansion in an unplanned way. The Core Strategy is clearly not silent on residential development outside of settlement boundaries, and although the SADMP is only at preferred options stage, it has been the subject of extensive public participation and will be submitted to the Secretary of State in the late summer/early autumn of this year. It is contended therefore that the SADMP does carry some weight in planning terms. In any event there are technical difficulties with the impact of this proposal upon the landscape setting which would demonstrably outweigh the benefits. Of particular concern is the impact of a new structure within the landscape setting, its visibility and the potential loss of hedgerows. Although the application has been submitted in outline and therefore matters relating to design and appearance can be reserved for future consideration, the application has failed to demonstrate that a dwelling could be appropriately contained on the site without adversely impacting upon the setting and character of the surrounding countryside. Therefore it is recommended that the proposal should not be approved on this basis. Members are therefore recommended to refuse the proposal on policy grounds, impact on the character of the village and its landscape setting at this point.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

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