

Officer Report on Planning Application: 17/02712/FUL

Proposal:	The erection of 3 No. dwellings along with associated access and parking.
Site Address:	52 Ash Walk, Henstridge, Templecombe
Parish:	Henstridge
BLACKMOOR VALE Ward (SSDC Member)	Cllr W Wallace Cllr Hayward Burt
Recommending Case Officer:	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
Target date:	23rd August 2017
Applicant:	Mr Paul Kellaway-Moore
Agent: (no agent if blank)	
Application Type:	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

The application is before the committee at the request of the ward members, and with the agreement of the area chair, in order to allow the local concerns regarding density and road safety to be debated.

SITE DESCRIPTION AND PROPOSAL





This application seeks full permission for the erection of three two storey dwellings. The site consists of an area of land, which was formerly part of the garden serving a two storey semi-detached house, finished in brick, with a clay tiled roof. The site is broadly level and has been recently cleared of vegetation. The site is located outside of any development area as defined by the local plan. The site is close to various residential properties and is close to grade II listed buildings.

Plans show the erection of a terrace of three two storey dwellings at western side of the plot, with a new vehicular access at the eastern end of the plot opening onto a shared parking area to serve all three dwellings. The proposed dwellings would be finished in brick and stone, under a plain tiles and slate roof. The plan shows the provision of seven parking spaces on site.

HISTORY

None relevant

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF state that applications are to 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)

Policy SD1 - Sustainable Development

Policy SS1 - Settlement Strategy

Policy SS2 - Development in Rural Settlements
Policy SS5 - Delivering New Housing Growth
Policy EQ2 - General Development
Policy EQ3 - Historic Environment
Policy TA5 - Transport Impact of New Development
Policy TA6 - Parking Standards
Policy HG4 - Provision of Affordable Housing: Sites of 1-5 Dwellings

National Planning Policy Framework

Chapter 6 - Delivering a Wide Choice of High Quality Homes
Chapter 7 - Requiring Good Design
Chapter 12 - Conserving and Enhancing the Historic Environment

CONSULTATIONS

Henstridge Parish Council -

"It was proposed and unanimously agreed that the Parish Council recommends refusal of this application on the grounds that access to the site and the turning area present serious and significant highway safety issues, the proposal represented over-development of the site and that the design of the dwellings is inappropriate."

County Highway Authority - Standing advice applies

SSDC Highways Consultant - Initially raised concerns in a number of areas. On the receipt of various sets of amended plans and additional information from the applicant he has confirmed, verbally, that his concerns have been addressed, subject to a condition to secure appropriate visibility splays.

SSDC Environmental Protection Unit - No comments

SSDC Conservation Officer - Initially stated:

"I have reviewed the proposal in light of the listed properties opposite, to consider whether the proposal will harm the setting of these designated buildings. Historically the setting of the listed buildings has been heavily altered over the last century. Prior to this the field opposite the buildings was undeveloped. Either side of the listed pair large areas of land have been opened up for car parking and to form various commercial and industrial uses, leaving the historic buildings looking quite isolated. Inserting a row of modest and traditionally designed dwellings onto the application site will help to better contain the setting of the historic buildings, by giving good definition to the street frontage on the opposite side. The proposed buildings have modest proportions (narrow gable widths etc) and simple cottage detailing. I am satisfied that it is possible for them to sit here without harming the setting of the listed buildings."

There are however a few things that need further thought. I am concerned about the extent of mature hedgerow that has already been lost across the front of the site, and lack of information relating to boundary treatment on the site layout plan. I suggest a decent hedge is reinstated across the front boundary. This is likely to have an impact on the suggested visibility splays, but I feel this is an essential part of the scheme, as it will help anchor the new buildings into the site, and also avoid further expanse of open leaky undefined spaces within the environs of the listed buildings. Beyond the western corner of the site there may be scope to add one or two trees. The old maps indicate that there was a substantial tree here that was perhaps the 'Henstridge Ash'.

On a similar theme I am concerned about the layout and expanse of car parking, that appears to be open to the road. The proposed area seems very large. It needs to be re-thought so that the frontage of the site is not dominated by a large parking court. The large expanses of tarmac that

already exist either side of the listed buildings are negative components of the building's setting. We do not want to see a third area.

Turning to the building design, further clarification is needed relating to materials. The west gable will be quite prominent. This, and the projecting utility portion, should be stone. No lintel expression is shown over the window openings on the side elevations. Again, given that these will be readily viewed from the highway, lintels should be expressed over these openings.

Providing these things are properly address I should be able to support the scheme."

On the receipt of amended plans he verbally confirmed that he was content that his concerns had been satisfactorily addressed, subject to conditions to control detailing of the buildings and details of the proposed landscaping.

REPRESENTATIONS

Letters of objection were received from the occupiers of 8 neighbouring properties. Objections were raised in the following areas:

- Highway safety
- Exacerbating congestion
- Overdevelopment
- Lack of garden for the original dwelling
- Not in keeping with the character of the area or neighbouring properties
- Overlooking of neighbouring properties
- Overshadowing of neighbouring properties
- Disturbance during the construction phase
- Lack of infrastructure
- Loss of existing hedgerows
- Potential contaminated land
- Land ownership issues
- Loss of views

One letter was received from the occupier of a neighbouring property that expresses no objection or support, but questions why no design and access statement has been submitted, and whether the correct notices have been served on landowners.

CONSIDERATIONS

Principle of Development

The site is located outside of any development areas or directions of growth as defined by the local plan. As such, policy SS2 of the South Somerset Local Plan is of most relevance. However, elements of policy SS2 must be considered out of date, as SSSDC cannot currently demonstrate a five year supply of housing land. It is noted that Henstridge is a broadly sustainable location, with several services and facilities contained within the settlement. It has reasonably good transport links and is very close to a variety of employment opportunities. The principle of some residential development within the village must therefore be considered acceptable, subject, of course, to full consideration of site specific impacts.

It is therefore considered that the principle of the proposed development is acceptable in accordance with the aims and objectives of the NPPF and policies SD1, SS1, SS2 and SS5 of the South Somerset Local Plan.

Highways

The highway authority was consulted and has referred to their standing advice, which the scheme largely complies with. As such, the SSDC Highway Consultant has considered the scheme in detail. He initially raised a number of concerns with the proposal, but on the receipt of several sets of amended plans and additional information, he has concluded that his objections have all been addressed, subject to a condition to secure the visibility splays shown on the final amended plan.

It is therefore considered that, subject to the visibility condition suggested by the highway consultant, along with conditions to secure the proposed parking and turning in perpetuity, to control the surfacing and drainage of the parking area and to secure the proposed 'Keep Clear' markings, there will be no significant adverse impact on highway safety in accordance with policies TA5 and TA6 of the South Somerset Local Plan. As such, notwithstanding the significant local concern in this area, highway safety impacts should not constrain the proposed development.

Visual Amenity

The site is located close to number of listed buildings and in a prominent location. As such, the SSDC Conservation Officer was consulted as to the impact of the scheme on visual amenity. He welcomed the proposal to introduce built form in this location, stating that the insertion of *"...a row of modest and traditionally designed dwellings onto the application site will help to better contain the setting of the historic buildings, by giving good definition to the street frontage on the opposite side."* He noted that the proposed buildings would have modest proportions and simple cottage detailing. He concluded that he was satisfied that it is possible for them to sit on the site without harming the setting of the listed buildings. He did initially raise some concerns with the extent of the parking area, the loss of vegetation from the site, and some minor design issues with the proposed buildings. On the receipt of amended plans, he confirmed that all of his concerns had been satisfactorily addressed, subject to conditions to control detailing of the buildings and details of the landscaping. Such conditions are considered to be reasonable and necessary. Furthermore, due to the sensitivity of the location it is considered to remove the majority of permitted development rights on any permission issued.

Therefore, notwithstanding local concern as to the visual amenity impacts of the development, the proposal is considered to be of a satisfactory standard of design and materials that would have no adverse impact on visual amenity in compliance with policies EQ2 and EQ3 of the South Somerset Local Plan.

Residential Amenity

Neighbouring occupiers have raised objections to the proposals on the grounds of potential overlooking and overshadowing. In regards to overlooking, any potential overlooking from side elevation windows can be controlled through an obscure glazing condition on any permission issued, as the only first floor side elevation windows open onto landings. Similarly, in regard to the windows on the rear elevation, the only one with any significant potential to cause overlooking issues serves an en-suite, and can be obscurely glazed. In regards to the front elevation, there will be first floor windows that are only approximately 15 metres from facing windows on the opposite side of the road. However, the windows on the facing properties already face onto to the public highway, and therefore have very limited privacy in any case. It is therefore considered that the impact of facing windows on the opposite side of the road on the occupiers' privacy will be limited and certainly not significant enough to warrant refusal of the scheme.

In regards to overshadowing, the objector's position is noted but, due to the size, design and position of the proposed dwellings, it is not considered that there would be any demonstrable

harm to the residential amenity of adjoining occupiers by way of overshadowing or overbearing.

A neighbour has raised a concern with changes to the view from their property. However, it is a long established principle of the planning system that it cannot protect the private views of individual occupiers.

Therefore, notwithstanding neighbouring concerns, the proposal is considered to have no significant adverse impact on residential amenity in compliance with policy EQ2 of the local plan.

Contributions

Policies HG3 and HG4 of the adopted South Somerset Local Plan requires either on site provision of affordable housing (schemes of 6 or more units) or a financial contribution towards the provision of affordable housing elsewhere in the district.

In May 2016 the Court of Appeal made a decision (SoS CLG vs West Berks/Reading) that clarifies that Local Authorities should not be seeking contributions from schemes of 10 units or less.

It is considered that whilst policies HG3 and HG4 are valid, the most recent legal ruling must be given significant weight and therefore we are not seeking an affordable housing obligation from this development.

We will also not be seeking any contributions towards Sports, Arts and Leisure (Policy SS6) as the same principle applies.

The scheme is however liable for the Community Infrastructure Levy (CIL).

Other Matters

A concern has been raised regarding the lack of garden left for the original dwelling. However sufficient amenity has been retained to serve the dwelling.

Concerns have been raised as to the potential for disturbance during the construction phase. However, whilst all development will cause disturbance to some degree, such disturbance is transitory and there is no reason why this development would cause more disturbance than any other development of a similar scale. However it is accepted that, due to the proximity of the development to a significant junction of two main roads, construction traffic should be carefully controlled. As such a condition to secure a construction management plan is considered to be reasonable and necessary.

A concern has been raised as to whether existing infrastructure can cope with the development. However, no consultees or other agencies have raised concerns in this regard, and the quantum of development is relatively small. As such, it would be unreasonable to withhold development on this ground.

A concern has been raised regarding the loss of existing hedgerows and vegetation. However, the applicants have proposed a new hedge across the frontage of the site, which can be secured by a landscaping condition on any permission issued.

A concern has been raised that the site may contain contaminated land. However, the SSDC Environmental Protection Unit was consulted, and raised no objections in this regard.

Concerns have been raised in regard to land ownership issues and whether the applicants have signed the correct certificates on the application form. However, the LPA has no reason to

doubt the applicant's claims in this regard.

CONCLUSION

Accordingly the proposal is considered to be acceptable in this location, and to cause no significant adverse impact on the character of the area, the setting of the nearby listed buildings, highway safety, or residential amenity.

RECOMMENDATION

Grant permission for the following reason:

01. The benefits to housing supply in South Somerset are considered to outweigh the lack of local benefits arising from the scheme, and as such the principle of residential development is considered acceptable. The proposed dwellings on this site would respect the character of the locality with no demonstrable harm to residential amenity, the setting of the nearby listed buildings, or highway safety. As such the proposal complies with policies SD1, SS1, TA5, TA6, EQ2, and EQ3 of the local plan, and the aims and objectives of the NPPF.

SUBJECT TO THE FOLLOWING:

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

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved plans: AH/5 received 15 June 2017, and AH/6A and AH/7C received 23 August 2017.

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

03. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/roof lights/dormer windows other than those expressly authorised by this permission shall be constructed in the dwellings hereby approved without the prior written consent of the local planning authority.

Reason: In the interests of residential amenity and in accordance with policy EQ2 of the South Somerset Local Plan.

04. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions or other alterations to the exterior of the buildings shall be made to the dwellings hereby approved without the prior written consent of the local planning authority.

Reason: In the interests of residential and visual amenity and in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan.

05. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no outbuildings or fences other than those expressly authorised by

this permission shall be erected within the curtilages of the dwellings hereby approved without the prior written consent of the local planning authority.

Reason: In the interests of residential and visual amenity and in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan.

06. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no entrance gates shall be erected at the vehicular access hereby approved without the prior written consent of the local planning authority.

Reason: In the interests of highway safety and in accordance with policy TA5 of the South Somerset Local Plan.

07. Before the dwellings hereby permitted is first occupied, the approved access over the first 5m of its length shall be properly consolidated and surfaced (not loose stone or gravel) details of which shall have been submitted to and approved in writing by the Local Planning Authority, before works are carried out on the access.

Reason: In the interests of highway safety and in accordance with policy TA5 of the South Somerset Local Plan.

08. Before the dwellings hereby permitted is first occupied, the 'Keep Clear' markings shown on drawing AH/7C shall be installed on the highway details of which shall have been submitted to and approved in writing by the Local Planning Authority, before such works are carried out, unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of highway safety and in accordance with policy TA5 of the South Somerset Local Plan.

09. Notwithstanding the visibility splays shown on drawing AH/7C, there shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points one metre from the nearside carriageway edge 43m either side of the access. Such visibility shall be fully provided before the development hereby permitted is first brought into use and shall thereafter be maintained at all times.

Reason: In the interests of highway safety and in accordance with policy TA5 of the South Somerset Local Plan.

10. The area allocated for parking and turning on the submitted plan, drawing no. AH/7C received 23 August 2017, shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles used in connection with the development hereby permitted.

Reason: In the interests of highway safety and in accordance with policies TA5 and TA6 of the South Somerset Local Plan.

11. No work shall be carried out on site to any external walls or roofs unless particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Such particulars will include the detailed finish (rough sawn, hand tooled, etc.) Slate hooks shall not be used.

Reason: In the interests of visual amenity and in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan.

12. No new stonework shall be constructed on site unless full details of the new natural stonework walls, including the materials, coursing, bonding, mortar profile, colour, and texture along with a written detail of the mortar mix, have been provided in writing; this shall be supported with a sample panel to be made available on site and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the agreed details, and the sample panel shall remain available for inspection throughout the duration of the work.

Reason: In the interests of visual amenity and in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan.

13. No work shall be carried out to fit any doors, windows, boarding or other external opening unless details of the design, materials and external finish of these elements have been submitted to and approved in writing by the Local Planning Authority. This will include detailed drawings including sections of at least 1:5. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan.

14. No work shall be carried out to form any new window or door opening unless details of the expressed lintel have been submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan.

15. No work shall be carried out in relation to roof eaves, verges and rainwater goods unless the design details of all roof eaves, verges and abutments, all new cast metal guttering, down pipes, other rainwater goods, and external plumbing have been submitted to and approved in writing by the Local Planning Authority. Such details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan.

16. The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels; all planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of ten years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan.

17. Before the first occupation of the dwellings hereby permitted the windows(s) at the first floor on the east and west elevations, along with the rear facing en suite window on plot 1 shall be fitted with obscure glazing and shall only open via top hung fan lights and shall be permanently retained in that condition thereafter.

Reason: In the interests of residential amenity and in accordance with policy EQ2 of the South Somerset Local Plan.

18. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v. wheel washing facilities
 - vi. measures to control the emission of dust and dirt during construction
 - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: In the interests of residential and visual amenity and in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan.

Informatives:

01. Please be advised that approval of this application by South Somerset District Council will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice.

You are required to complete and return Form 1 Assumption of Liability as soon as possible and to avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place. Please complete and return Form 6 Commencement Notice.

You are advised to visit our website for further details <https://www.southsomerset.gov.uk/cil> or email cil@southsomerset.gov.uk