

Officer Report On Planning Application: 14/03258/FUL

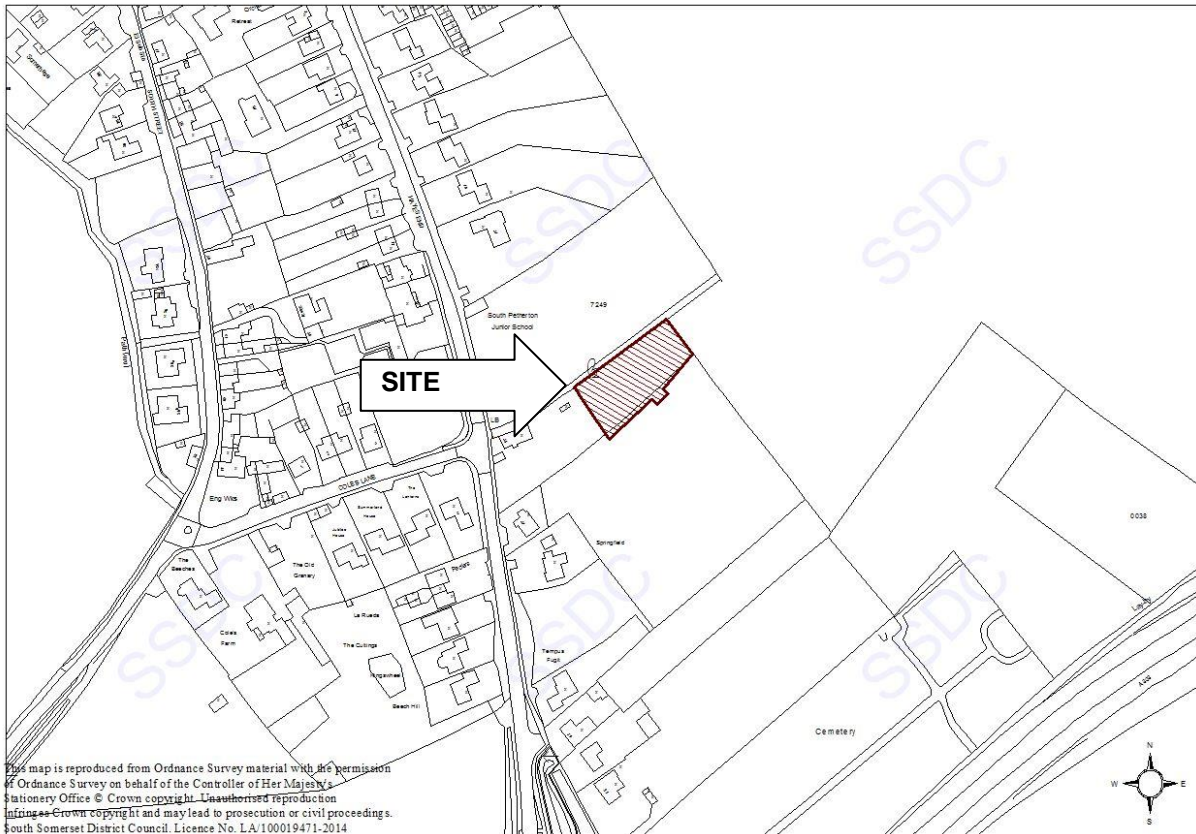
Proposal :	The erection of 4 No. dwellings with associated access, garages, parking and landscaping. (GR 343734/116450)
Site Address:	Land Rear Of 25 Hayes End, South Petherton.
Parish:	South Petherton
SOUTH PETHERTON Ward (SSDC Members)	Cllr Paul Thompson Cllr Barry Walker
Recommending Case Officer:	Linda Hayden Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
Target date :	15th September 2014
Applicant :	Colony Property Ltd.
Agent: (no agent if blank)	Mr Matt Frost, Boon Brown, Motivo, Alvington, Yeovil, Somerset BA20 2FG
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

This application for residential development is recommended for approval as a departure from saved policy ST3 of the South Somerset Local Plan which seeks to constrain development within Development Areas. However, the adopted local plan is increasingly out-of-date and policy ST3 is not consistent with the NPPF, as it is overly restrictive particularly in light of Paragraphs 54 and 55 of the NPPF, which aim to facilitate appropriate and sustainable housing to meet local need. Accordingly the application is referred to committee to enable the justification for the development to be considered.

SITE DESCRIPTION AND PROPOSAL





The application site is a rectangular shaped piece of land located immediately to the west of the Chapel Fields development in South Petherton. The site forms the rear garden to No. 25 Hayes End and is bounded by Chapel Fields to the south-east, the school playing field to the north-west and agricultural land to the north-east. A public footpath runs along the northern boundary (between the application site and the school field). The site is adjacent to the allocated housing site Chapel Fields (HG/SOPE/1) that is currently being developed with 29 houses (06/02867/OUT and 10/01427/REM) and also has consent for a further 22 houses to the south (12/04885/FUL).

The application proposes the erection of four detached houses (3 x 3 bed and 1 x 5 bed) with associated access, garages, parking and landscaping. The site would be accessed via the existing Chapel Fields access and is effectively a continuation of the Chapel Fields development with similarly designed dwellings placed around a cul-de-sac.

The site sits outside but adjacent to the South Petherton development area. The Ecological Survey has identified a badger sett on the site.

HISTORY

11/03651/OUT - Application for a new outline planning permission for the erection of a dwelling, to replace extant permission 08/04336/OUT, to extend the time limit for implementation. Approved 23/11/2011.

08/04336/OUT - Outline permission granted for 1 dwelling to the south of No. 25 Hayes End. Approved 18/11/2008.

History for adjoining land:

14/00798/DPO - Application to modify Section 106 agreement dated 14th September 2011 to layout and transfer part of site for public open space in accordance with schedule 2 relating to planning applications 06/02867/OUT and 10/01427/REM. Agreed, in principle, subject to modification of s106 agreement.

13/03108/s73A - Application to vary condition No. 07 of planning permission 10/01427/REM to enable alternative house style to be used on plot 4. Permitted 18/9/2013.

13/00628/NMA - Application for a non material amendment to planning permission 12/02391/S73A to amend the position of boundary fence to plot 25. Permitted 8/3/2013.

12/04885/FUL - Erection of 22 dwellings. Approved 11 October 2013.

12/02391/s73A - Variation of Condition 7 of planning permission 10/01427/REM to amend internal layout and elevations for Plot 4, 11, 12 and 13. Approved 28 November 2012.

12/00475/s73 - Variation of Condition 7 of planning permission 10/01427/REM to amend highway junction and materials. Approved 23 May 2012.

10/01437/FUL - Construction of a surface water drainage attenuation pond and soakaway to serve residential development for housing allocation. Approved 30/7/2010.

10/01427/REM - The erection of 29 dwellings (Reserved Matters 06/02867/OUT). Approved 5/8/2010.

08/00726/REM - The erection of 31 houses (reserved matters 06/02867/OUT). Approved 23/9/2008.

06/02867/OUT - Residential development of land. 18/4/2007.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant development Plan Documents unless material considerations indicate otherwise.

For the purposes of determining current applications the Local Planning Authority considers that the relevant development plan primarily comprises the saved policies of the adopted South Somerset Local Plan (2006). However, the emerging Local Plan which will replace the adopted Local Plan is in an advanced stage of adoption. The proposed 'Submission South Somerset Local Plan (2006 - 2028)' was submitted to the Planning Inspectorate for Independent Examination in January 2013. A series of Examination Hearing Sessions were held during May and June 2013, which resulted in the Inspector issuing a Preliminary Findings Letter to the Council outlining some issues of concern. The Examination resumed in June 2014 following additional work being undertaken by the Council to address the Inspector's concerns. It is anticipated that the emerging Local Plan will be ready for adoption early in 2015. Having regard to the advanced stage in the adoption of the emerging Local Plan, emerging policies can be afforded some weight in determining the application.

Relevant Development Plan Documents:

Government Guidance:

National Planning Policy Framework

Chapter 6: Delivering a wide choice of high quality homes

Chapter 7: Requiring Good Design

Chapter 11: Conserving and enhancing the natural environment

South Somerset Local Plan (2006) Saved policies:

ST1 - Rural Centres

ST3 - Development Areas

ST5 - General Principles of Development

ST6 - The Quality of Development

ST10 - Planning Obligations

EC3 - Landscape Character

EC8 - Protected Species

HG7 - Affordable Housing

Submission South Somerset Local Plan (2006 - 2028)

Policies

SS1 - Settlement Strategy

SS5 - Delivering New Housing Growth (subject to consultation on further modification)

SD1 - Sustainable Development

CONSULTATIONS

South Petherton Parish Council: Recommend approval.

County Highways: Comments awaited.

Highways Agency: No objections.

Ecologist (SSDC): Satisfied with the ecological survey report suggests the imposition of an informative regarding the badger outlier sett.

Strategic Housing: Consider that the site should provide an element of affordable housing.

Leisure Policy Co-ordinator: As the proposal is only for 4 dwellings will not be seeking any leisure contributions as it falls below relevant thresholds.

REPRESENTATIONS

One letter of representation has been received making the following comments:

- Object to the removal of the hedge along the boundary with 22 Chapel Fields
- Concerned about bin collection point and suggest each house should place refuse/recycling outside of each individual property.
- Request hours of construction condition
- Request condition to restrict parking of contractor's vehicles/machinery and storage of materials to development site.
- Ask for reassurance that the road will be cleaned daily by the contractors as it is at present.

CONSIDERATIONS

This application is before the Committee as it is a departure from the local plan. The key planning considerations are; the principle of residential development in the proposed location; access and highway safety; impact on residential amenity and visual amenity.

Principle of development:

Whilst the site lies outside of the defined development area, it should be noted that the policy framework provided by the extant Local Plan (1991 - 2011) is increasingly out-of-date, with certain policies not in accordance with the National Planning Policy Framework. The proposal is contrary to Policy ST3; however Policy ST3 is not consistent with the NPPF, as it is overly restrictive particularly in light of Paragraphs 54 and 55 of the NPPF, which aim to facilitate appropriate and sustainable housing to meet local need. The adjacent Chapel Fields site was considered to be a sustainable location for some development in the 2006 plan; South Petherton is a large village containing a variety of shops, services, facilities, and employment opportunities. Given that the site is immediately adjacent to the existing built form, and development area, of South Petherton the site is considered to be a sustainable location for residential development, and the principle is therefore considered to be acceptable.

Highway Safety:

The site will be accessed via the existing Chapel Fields development. This road and the site entrance onto Hayes End were thoroughly assessed under the application for development of the main site and found to be acceptable. The proposal would not significantly increase traffic movements and as such the Highways Agency has no objection to the proposal.

The proposal includes a cul-de-sac for turning along with the required number of parking spaces for each dwelling.

Visual Amenity:

The proposed design of the properties reflects that of the adjacent housing scheme and materials will also be to match the existing development. The site is well screened by mature hedgerows on the exterior boundaries and as such, it is not felt that the proposal will have any adverse impact upon visual amenity. It is noted that the hedgerow between the site and Chapel Fields is going to be removed; however, this is a cherry laurel hedge that has been allowed to grow to a very large size so that it now takes up a significant proportion of the site. Whilst the loss of any hedge is regretted, the hedge provides limited public amenity benefit and it is not considered that it's loss could be resisted (the landowner is free to remove the hedge at any time). It is however possible to impose a condition to require that appropriate replacement boundary treatments are put in place.

Residential amenity:

The proposed dwellings that will sit alongside the existing dwellings in Chapel Fields and will follow a similar building line. The proposed dwellings will be adjacent to the driveways and garages of the existing dwellings. The proposed dwellings will be situated to the north of the existing houses and as such it is not considered that they will cause loss of light or unacceptable shadowing of the existing houses.

The only side windows at first floor level facing the existing houses are to be obscurely glazed and as such it is not considered that there will be unacceptable loss of privacy to the neighbouring properties.

In terms of the proposed bin collection area, this has been provided in order to meet the requirements of the refuse collection authority as the cu-de-sac arrangement is not of sufficient size to allow for the turning of large refuse vehicles. It is considered that a small collection of bins in one area of the site for the limited time needed for bin collection is not unacceptable and would not result in such significant loss of amenity as to justify refusal of this application. It is understood that the applicants are more than willing to delete the collection area if an agreement can be made with the relevant waste collection authority.

Ecology/protected species:

The Ecology Survey found that there was a badger sett along the southern boundary and evidence suggests that this is an outlier to the main sett within the larger development. The Design and Access statement advises that it is proposed to close the outlier sett and their Ecologist advises that 'under current Best Practice guidelines issued by Natural England and in the knowledge of the local badger ecology and sett status, no artificial sett would have to be provided to compensate for the closure of the outlier sett on the site'. The Council's Ecologist agrees with this assessment; it should be noted that a licence will have to be obtained from Natural England to close the sett.

Contributions/Affordable Housing:

The Housing Strategy Manager has suggested that this site should be considered as part of an extension to the larger adjacent site and therefore the proposal should be subject to requirements for affordable housing. However, this site is considered to be a standalone proposition for the erection of 4 dwellings which is under the relevant thresholds for contributions or affordable housing. The site was never envisaged as being part of the plans for the larger site and is in entirely separate land ownership. As such, it is not considered that it would be reasonable to require affordable housing on this site.

The Leisure Policy Co-ordinator advises that they will not be seeking contributions as the site falls below their threshold.

Conclusion:

The site is considered to be within a sustainable location and appropriate for housing development. It is considered that the impact on the landscape, residential amenity and highway safety will be acceptable. The impact on local ecology is considered to be acceptable.

Therefore, notwithstanding the various concerns raised, the proposed development is considered to be in accordance with policies ST1, ST3, ST5, ST6, EC3 and EC8 of the South Somerset Local Plan and the aims and provisions of the NPPF. As such the application is recommended for approval.

RECOMMENDATION

Approve with conditions

01. The proposed dwelling represents an appropriate and sustainable form of development which will contribute to the council's housing supply without demonstrable harm to visual or residential amenity or being prejudicial to highway safety and therefore accords with the aims and objectives of the National Planning Policy Framework and saved policies ST1, ST3, ST5, ST6, EC3 and EC8 of the South Somerset Local Plan 2006.

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: Drawing No.'s 3388/001, 3388/002, 3388/003, 3388/004, 3388/005, 3388/006, 3388/007, 3388/008, 3388/009, 3388/010, 3388/011 and 3308/012 received 21 July 2014.

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

03. No works shall be carried out unless particulars of the following have been submitted to and approved in writing by the Local Planning Authority;

- a. details of materials (including the provision of samples where appropriate) to be used for the external walls and roofs;
- b. details of the recessing, materials and finish (including the provision of samples where appropriate) to be used for all new windows (including any rooflights) and doors;
- c. particulars of all boundary treatments and hard surfacing materials. Such details shall include the use of porous materials to the parking and turning areas;
- d. details of meter cupboards and gas boxes;

Reason: In the interest of visual amenity to accord with Policy ST6 of the South Somerset Local Plan.

04. 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 five 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 in accordance with Policies ST5 and ST6 of the South Somerset Local Plan.

05. Prior to the development hereby approved being first brought into use the first floor windows within the south (side) elevations of Plots 1 and 4 shall be fitted with obscure glass and shall be permanently retained and maintained in this fashion thereafter.

Reason: In the interest of residential amenity to accord with Policy ST6 of the South Somerset Local Plan.

06. Demolition or construction works or deliveries to the site shall not take place outside 0800 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays nor at any time on Sundays or Bank Holidays.

Reason: In the interests of residential amenity in accordance with Policy ST6 of the South Somerset Local Plan (2006).

Informatives:

01. Prior to commencement of groundworks, a badger sett will require closure under licence from Natural England. It is recommended that an ecological consultant is commissioned at the earliest opportunity to assist with the licence application and in order to minimise the risk of delays to the development.
-