

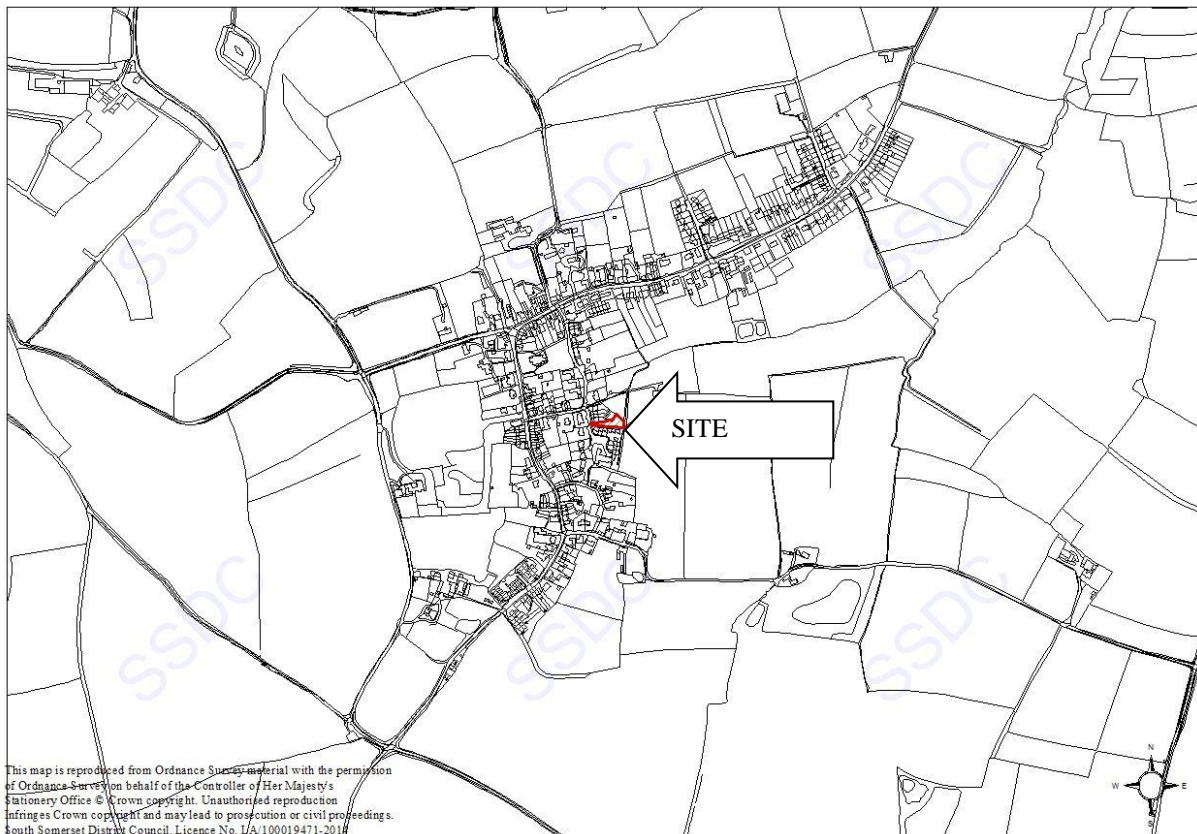
Officer Report On Planning Application: 14/03432/FUL

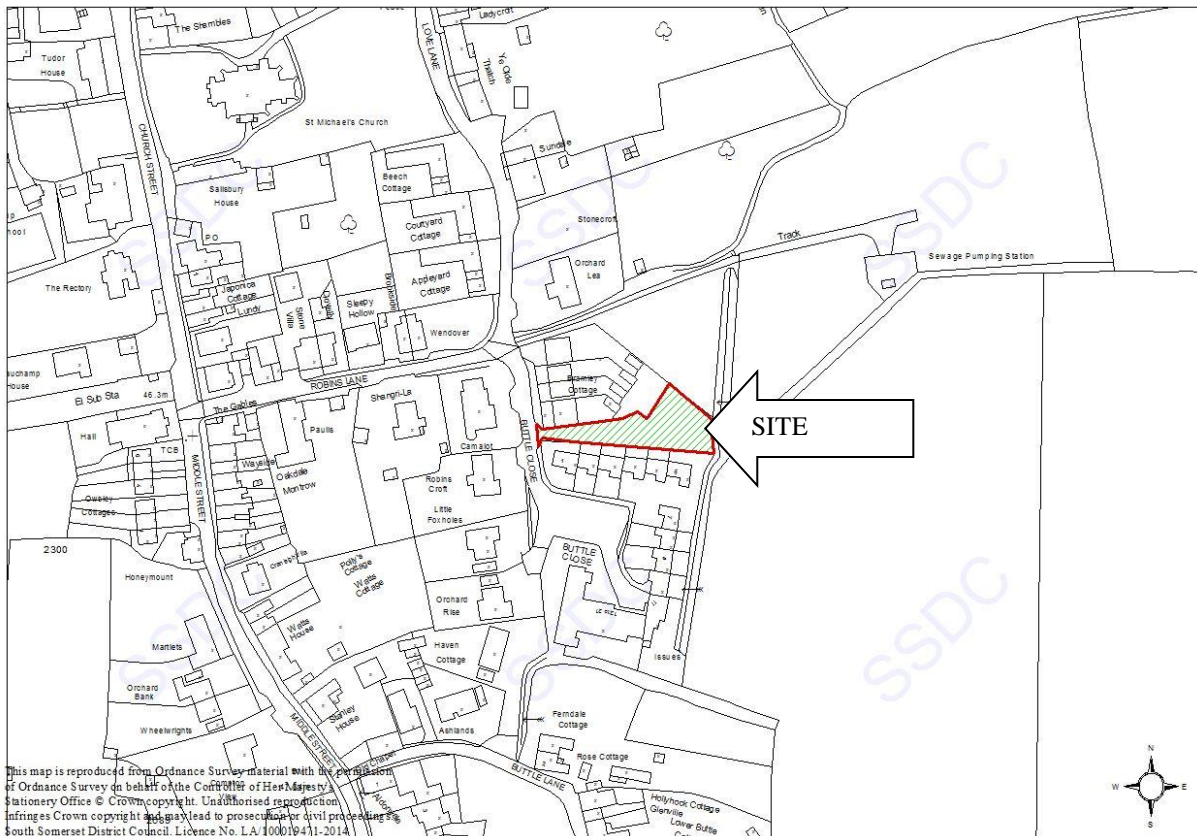
Proposal :	Erection of a detached dwelling and garage (GR 340407/117040)
Site Address:	Land At Buttle Close, Shepton Beauchamp.
Parish:	Shepton Beauchamp
SOUTH PETHERTON Ward (SSDC Members)	Cllr P A Thompson Cllr B R Walker
Recommending Case Officer:	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
Target date :	25th September 2014
Applicant :	Mr & Mrs A Rowswell
Agent: (no agent if blank)	Smith Planning & Design Limited, Wayside, Fivehead, Taunton TA3 6PQ
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

The application is to be considered by Area North Committee following deferral at the October meeting to allow negotiations to be carried out to seek a repositioning of the proposed garage away from the neighbouring boundary.

DESCRIPTION AND PROPOSAL





The application relates to a triangular shaped plot to the east of Buttle Close. It is located to the rear of a row of four houses, which were granted planning permission in 2000. The land falls within the original development site of the aforementioned scheme and is currently laid to grass with some fruit trees planted on it. There are adjoining fields to the north and east and the south boundary backs onto the rear gardens of a number of Yarlington Housing Group owned bungalows, which provide sheltered housing for elderly residents. The site is within the defined development area of Shepton Beauchamp.

This application is made for the erection of a detached dwellinghouse and single detached garage. The dwelling is proposed to be constructed from a mix of natural stone and brick to accord with the dwellings on the roadside frontage of the site. Access is to be gained via the existing access off Buttle Close, which also serves the adjoining four dwellings.

HISTORY

- 14/03436/DPO: Application to vary Section 106 agreement dated 26th October 2001 between South Somerset District Council and A Rowswell, to allow development of part of the controlled land - Approved.
- 07/03264/FUL: Erection of a new vicarage - Refused.
- 04/00911/FUL: Amendment to permission 00/03000/FUL. Revised design to plot 1 including the provision of a tiled roof to rear single storey extension and the erection of a natural stone porch. - Permitted with conditions.
- 00/03000/FUL: Erection of 4 dwellings, garages and construction of a new vehicular/pedestrian access - Permitted with conditions.
- 00/01657/FUL: Erection of six two storey dwellings and one single storey dwelling - Refused.

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,

Relevant Development Plan Documents

South Somerset Local Plan (April 2006):
ST5 - General Principles of Development
ST6 - The Quality of Development
EC8 - Protected Species
EP6 - Demolition and Construction Sites

Policy-related Material Considerations

National Planning Policy Framework (March 2012):
Core Planning Principles - Paragraph 17
Chapter 4 - Promoting Sustainable Transport
Chapter 6 - Delivering a Wide Choice of High Quality Homes
Chapter 7 - Requiring Good Design
Chapter 11 - Conserving and Enhancing the Natural Environment

Somerset County Council Parking Strategy (September 2013)
Somerset County Council Highways Development Control - Standing Advice (June 2013)

CONSULTATIONS

Parish Council: Support the application but would like to see the garage repositioned to have minimum impact on the bungalows at Buttle Close.

County Highway Authority: County Council Standing Advice should be applied, specifically provision of appropriate visibility splays, properly consolidated access, positive drainage arrangements to ensure no surface water runoff onto the public highway and appropriate parking and turning provision on-site.

County Archaeologist: No objections on archaeological grounds.

SSDC Ecologist: I've noted the neighbour comments on water vole, bat and badger. The comments lack detail to corroborate these concerns. There's no such thing as a 'Designated Preservation Order for Water Voles' although they are a legally protected species, and I can only guess that they may be present in the ditch to the rear of the site? If this is the case, it's unlikely the proposed development would give rise to any significant impacts to water voles.

I haven't visited the site but from your photos the site appears very unlikely to have any significant wildlife constraints.

SSDC Technical Services: Whilst not aware of any flooding issues at this site, the Council's Drainage Engineer noted that EA flood risk maps indicate a potential for surface water flood risk. While flood risk to the development is minimal, it is suggested that the finished floor levels are raised to 10.35 (to local datum), which gives a floor level 300mm above existing ground levels and should completely eliminate any risk.

REPRESENTATIONS

26 letters of objection have been received in relation to the proposed development. These represent the views of 22 occupiers of the bungalows to the south and 4 other residents of Shepton Beauchamp. The main points made are as follows:

- The application shouldn't be considered at all as permission was turned down in 2001 because of access problems. There has been no change since the four most recent houses were completed. The area is already dangerous and a new dwelling will increase the danger to elderly residents of the neighbouring sheltered housing and local children.
- A two-storey dwelling would impinge on the amenity of the residents of 1-6 Buttle Close as it would overshadow the back of the bungalows where sitting rooms are located with full length windows to let in as much light as possible from the north. The house would only be 10m away from the boundary to the bungalows, which have an outdoor space of only 2-3m. These gardens would be constantly overlooked and the presence of a solid wall would have an overbearing impact.
- The presence of a garage with a roof line of about 3m to the ridge would cut out light to the adjoining bungalows and provide no outlook at all. If the proposal is approved, the garage should be moved nearer to the house.
- The construction phase of any development will have a detrimental impact on the residents of Buttle Close, who are elderly and vulnerable. Many suffer from severe lung problems, which will be exacerbated by the creation of dust. The resident's enjoyment of their properties will also be significantly affected by the movement of large construction vehicles over the existing gravel drive.
- The existing vehicular access is already a problem, with access to Buttle Close from the High Street (Church Lane) being via a small road where 2 cars cannot easily pass and parked cars belonging to residents of Robins Lane would not allow a truck to pass without moving parked cars.
- There are concerns about drainage of the areas it is known to have flooded since the course of a nearby stream was changed.
- There is a designated preservation order on the land for Water Voles. The status of bats and badgers is being investigated with the appropriate authorities.
- The development of this orchard is unnecessary and unjustified, the green space is more important to the area.
- The proposal would devalue the adjoining four dwellings and cause parking problems on the adjoining road, as it is too narrow to park vehicles on.

CONSIDERATIONS

Update Following Deferral

- Having been deferred from the October Area North meeting, the application has been amended to reposition the garage closer to the proposed dwelling and away from the boundary of no.6 Buttle Close.
- The garage is now well away from the boundary of no. 6, with it being over 3m way from the neighbouring boundaries at its closest and approximately 6.5m away at its furthest point. It is considered that this should resolve the previously raised concerns of local residents and the Parish Council.
- The opportunity has also been taken to raise the finished floor levels by a further 160mm to address previous comments received by the Council's Drainage Engineer in respect to surface water flood risk.

Principle of Development

The application is made for the erection of a single detached dwelling and detached garage on this plot, which forms a landscaped area to the rear of four dwellings constructed in the early 2000s. The site is within the defined development area of Shepton Beauchamp as such is considered to be sustainably located. The proposed development of the site is therefore considered to be generally acceptable in principle, subject to consideration of the design and appearance and the properties impact on the setting of the area, highway safety and residential amenity.

It is noted that there was a planning obligation on the land in the form of a Section 106 Agreement that prevented the land being developed for residential purposes, notwithstanding any grant of planning permission. A separate application has been approved, discharging this planning obligation (14/03436/DPO), with the relevant issues being considered under that separate application.

Design, Appearance and Local Character

The proposed dwelling is located on open land to the rear of the existing dwellings fronting Buttle Close and to the north of bungalows providing sheltered accommodation for elderly people. There is open land to the north and east. The site is within the defined development area but at the eastern edge of the existing built form.

While parts of the village are defined by a linear development pattern, there is no general pattern of development in the immediate vicinity. There is a mix of development types ranging from bungalows to terraced, detached and semi-detached houses. There are also a mix of materials in use in the area, including reconstructed stone, natural stone and brick. The proposed dwelling is considered to be appropriately sited to respect the local pattern of development and the proposed design and materials are also considered to appropriately relate to the character and appearance the surrounding area.

Residential Amenity

A large number of objections to the scheme have been received, primarily from the residents of the sheltered housing to the south. The main objections to the proposed dwelling relate to the height of the proposed property and the presence of a garage in close proximity to the southern boundary of the site. The concerns raised advise that the development will cut out light to neighbouring residents' dwellings and gardens, will have an overbearing impact and will lead to the loss of existing views over the site and past into open countryside.

These concerns have been considered carefully, however it is ultimately considered that there will be no adverse impact on residential amenity as a result of this development proposal. The proposed dwelling is located far away enough from the adjoining bungalows (no.s 1-6 Buttle Close) to avoid both overshadowing and having a general overbearing impact. Due to its orientation, the two storey elements are between 12-15m away from the nearest bungalow (no.5) and between 8-11m away from the boundary of this property.

The garage was originally proposed to be sited 1.4m from the boundary of no.6 Buttle Close. Both the occupier of this property and the Parish Council requested that this garage be moved in the event of permission being granted. It is considered that the repositioning of the garage away from this boundary should resolve the previously raised concerns. No further comments have been received in response to the submitted amendment. The rear gardens of the other dwellings will not have development close to the boundaries and are therefore considered to be unaffected. It is acknowledged that several of the neighbouring properties have pleasant

views across the application site, however loss of these views is not considered to be adequate justification to warrant refusal of planning permission. As advised previously the site owner would be within their rights to provide boundary treatments of up to 2m in height which would effectively remove the existing views.

There are no first floor openings proposed on the south west gable elevation, which would look towards some of the Buttle Close bungalows so there is no overlooking opportunity. Furthermore, conditions of permitted development rights would prevent future openings being installed in this side elevation unless they are obscurely glazed and non-opening below 1.7m above the internal floor level of the room that the opening would serve. The views to the south east are not considered to offer any direct views over the private amenity space of no.6 Buttle Close, so as to cause unacceptable overlooking. Similarly, while there are views towards the rear of the four properties to the west, the distance to the nearest property is approximately 28m. The distance to the rear gardens is over 20m, with garages between, which offer further screening of the private amenity space associated with these dwellings.

Concerns have been raised about the impact of construction traffic and potential dust generation would have on the adjoining residents. The construction phase is an inevitable and unavoidable part of any development, however this should only occur for a short period of time. In order to protect the amenities of local residents, it is always possible to impose a CEMP (construction and environmental protection plan) condition, which considers aspects such as vehicle movements, contractor parking and mitigation measures reduce risk of pollution. A condition can also be imposed restricting the hours at which construction work can take place.

Overall, it is not considered that the proposed development will cause any unacceptable harm to the residential amenity of the occupiers of any of the neighbouring properties.

Highway Safety

In considering the highway safety issues, the County Council Highway Authority has referred to their Standing Advice. Generally, the requirements can be achieved, with the proposed dwelling taking access from the existing drive which serves the four adjoining houses. This is properly consolidated at the point of access from Buttle Close and has a gravelled surface beyond, which is free draining ensuring that surface water is adequately controlled to avoid discharge onto the highway. The access is 4.5m in width, which is just short of the 5m width required under standing advice, however the current access does allow two vehicles to pass and the proposal is not considered likely to generate a significant increase in vehicle movements that would have a severe impact on highway safety. Similarly, the existing visibility onto Buttle Close is considered to be adequate for the increased usage of the site.

Within the site there is adequate turning provision for the proposed dwelling and for the existing four dwellings and it is proposed to provide three parking spaces, including a single garage, which is sufficient to meet the needs of the county parking strategy and should therefore prevent the need to park on the public highway. The repositioned garage does not alter the ability to provide the correct level of parking on site.

Notwithstanding objections from local residents on highway safety grounds, the proposal is considered to be acceptable and have no adverse impact on highway safety.

Ecology

Objections have been raised on the potential impact on local bat and badger populations and also on water voles. A number of the letters received also advise that there is a 'Designated Preservation Order' for water voles on the site. The Council's Ecologist has considered the

proposal and confirmed that there is no such thing as a Designated Preservation Order for Water Voles and also that there is no detail to corroborate the concerns raised. While it may be a possibility that water voles are present in the ditch to the rear of the site, it is unlikely that the proposed development will lead to any significant impact on these protected species or on any other local wildlife.

Flood Risk

The application was considered by the Council's Drainage Engineer, who has raised no objections in respect to flood risk. Some local surface water flooding risk has been identified and while this is seen to pose minimal flood risk and is certainly not a constraint to development, it has been suggested that the finished floor levels are raised to 300mm above the existing site levels. The provision of amended plans for the repositioned garage has allowed this alteration to be made too, thus dealing with any flood risk.

Conclusion

Overall, the proposed development is considered to be acceptable, as it will adequately respect and relate to the character and appearance of the area, will have no adverse on local ecology or highway safety and is not considered to cause any unacceptable harm to residential amenity.

RECOMMENDATION

Approval with conditions

01. The proposed development, by reason of its size, scale and materials, respects and relate to the character of the area and causes no unacceptable harm to residential amenity, highway safety or ecology, in accordance with the aims and objectives of saved policies ST5, ST6 and EC8 of the South Somerset Local Plan 2006 and the provisions of chapters 4, 6, 7, 11 and the core planning principles of the National Planning Policy Framework.

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: '14/1439/01 A' and '14/1439/02 A', received 18th November 2014.

Reason: For the avoidance of doubt as to the development authorised and in the interests of proper planning.

03. No development shall be carried out on site unless particulars of materials (including the provision of samples) to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity, in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan 2006 and the provisions of chapter 7 of the National Planning Policy Framework.

04. The finished floor levels of the dwelling hereby permitted shall be carried out in accordance with the details submitted on drawing no. '14/1439/02 A'. Such approved details, shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual and residential amenity, in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan 2006 and the provisions of chapter 7 and the core planning principles of the National Planning Policy Framework.

05. The area allocated for parking and turning on the approved plan, drawing no. '14/1439/02 A', shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety, in accordance with saved policy ST5 of the South Somerset Local Plan and the provisions of chapter 4 of the National Planning Policy Framework.

06. The development hereby permitted shall not commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include construction vehicle movements, construction operation hours, construction vehicular routes to and from site, expected number of construction vehicles per day, car parking for contractors, specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice, pollution prevention measures and a scheme to encourage the use of public transport amongst contractors. The development shall be carried out strictly in accordance with the approved Construction Management Plan.

Reason: To safeguard residential amenity and highway safety, in accordance with saved policies ST5, ST6 and EP6 of the South Somerset Local Plan and the provisions of chapter 4 and the core planning principles of the National Planning Policy Framework.

07. Construction works and deliveries to the site shall not take place outside of the hours of 07.30 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays. No construction work or deliveries to the site shall take place on Sundays or Public/Bank Holidays.

Reason: To safeguard residential amenity, in accordance with saved policies ST6 and EP6 of the South Somerset Local Plan and the core planning principles of the National Planning Policy Framework.

08. Details of all boundary treatments shall be submitted to and approved in writing by Local Planning Authority. The approved boundary treatments shall be installed prior to the dwelling hereby approved first being occupied.

Reason: In the interests of residential amenity, in accordance with saved policy ST6 of the South Somerset Local Plan 2006 and the core planning principles of the National Planning Policy Framework.

09. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), there shall be no extensions to the dwelling hereby approved and

no outbuildings shall be provided within its curtilage without the prior express grant of planning permission.

Reason: In the interests of residential amenity, in accordance with saved policy ST6 of the South Somerset Local Plan 2006 and the core planning principles of the National Planning Policy Framework.
