

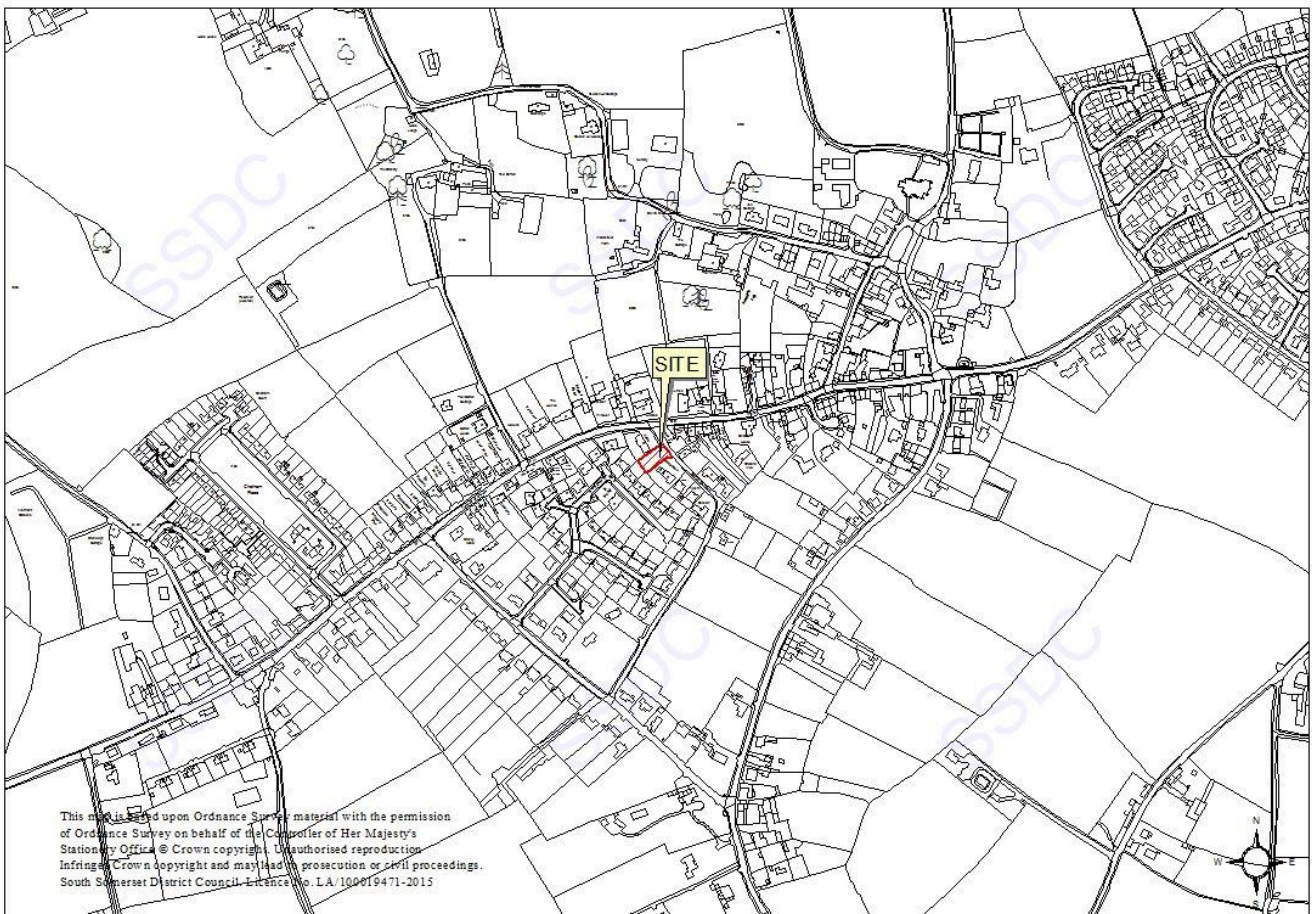
## Officer Report On Planning Application: 17/00918/OUT

<b>Proposal :</b>	Outline application for the erection of one detached dwelling with associated parking
<b>Site Address:</b>	King William Inn, Langport Road, Curry Rivel.
<b>Parish:</b>	Curry Rivel
<b>CURRY RIVEL Ward (SSDC Member)</b>	Cllr Tiffany Osborne
<b>Recommending Case Officer:</b>	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
<b>Target date :</b>	25th April 2017
<b>Applicant :</b>	Alison McDougall
<b>Agent: (no agent if blank)</b>	Mrs Lydia Dunne, Clive Miller & Associates Ltd, Sanderley Studio, Kennel Lane, Langport TA10 9SB
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL TO COMMITTEE

This application is referred to committee at request of the Ward Member with the agreement of the Area Chair to enable the issues raised to be fully debated by Members.

### SITE DESCRIPTION AND PROPOSAL





The application relates to the car park associated with the King William Inn, a small public house located on the corner of High Street, Curry Rivel, and King William Lane. The car park itself is a tarmacked area with timber fencing on three sides and a blockwork store building located on the road frontage. The site is surrounded by residential development, with housing directly to the north, south and west.

This application is made for outline permission for the erection of a single detached dwelling and includes improvements to the access and parking provision. A concurrent applicant has also been made for the change of use of the public house to residential use. This outline application includes parking provision for the dwelling proposed by the change of use of the public house, should permission be granted. Approval is being sought for access and layout, with scale, appearance and landscaping to be addressed at reserved matters stage.

NOTE: The application was submitted as outline permission for a pair of semi-detached houses, however has been amended during the course of the application to be for a single dwellinghouse only.

## HISTORY

17/00917/COU: Change of use of public house (Use Class A4) to 1 No. dwelling with associated parking - Pending consideration.

05/01921/OUT: Erection of dwelling with double garage on car park site of King William IV public house - Refused.

05/01925/FUL: Subdivision of public house into two dwellings with car parking spaces opposite (on car park site) - Refused.

04/01231/FUL: Conversion of public house to two cottages and erection of a pair of semi-detached houses with parking on car park opposite - Refused.

## **POLICY**

The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the adopted local plan now forms part of the development plan. As such, decisions on the award of planning permission should be made in accordance with this development plan, unless material considerations indicate otherwise. Legislation and national policy are clear that the starting point for decision-making is the development plan, where development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

### **Policies of the South Somerset Local Plan (2006-2028)**

SD1 - Sustainable Development

SS1 - Settlement Strategy

SS2 - Development in Rural Settlements

SS4 - District Wide Housing Provision

SS5 - Delivering New Housing Growth

EP15 - Protection and Provision of Local Shops, Community Facilities and Services

HG4 - Affordable Housing Provision

HG5 - Achieving a Mix of Market Housing

TA5 - Transport Impact of New Development

TA6 - Parking Standards

EQ2 - General Development

EQ3 - Historic Environment

### **National Planning Policy Framework**

Core Planning Principles - Paragraph 17

Chapter 1 - Building a Strong Competitive Economy

Chapter 4 - Promoting Sustainable Transport

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

Chapter 8 - Promoting Healthy Communities

Chapter 12 - Conserving and Enhancing the Historic Environment

### **National Planning Practice Guidance**

Conserving and Enhancing the Historic Environment

Design

Rural Housing

Planning Obligations

### **Policy-related Material Considerations**

Somerset County Council Parking Strategy (September 2013)

Somerset County Council Highways Development Control - Standing Advice (June 2015)

## CONSULTATIONS

**Parish Council:** *The Parish Council recommends refusal of the outline planning application because it was felt that the confidential matters made it difficult to make a real assessment about viability. A viable Public House needs car parking.*

Following receipt of amended plans, the following additional comments were received:

*The Parish Council object to the planning application because of its link with the King William Pub. The parking area would unsustainable and could not be managed under current regulations or in practice.*

*A community Right to Bid for the purchase of the pub has been submitted and if the planning application was successful, it could affect the popularity and use of a popular pub.*

**SCC Highway Authority:** Standing advice applies.

**SSDC Highway Consultant:** Refer to the comments made in response to the associated planning application 17/00918/OUT, which apply equally. These are as follows:

*This proposal should be considered in tandem with the change of use of the public inn to a residential dwelling. The volume of traffic entering/exiting the site is likely to reduce as a result of the development, given the extant use as the pub car park. However, the details of the proposed access need careful consideration. The footway to the north of the site should be extended across the entire site frontage with the access taking the form of a footway crossing rather than a kerbed junction. The southerly visibility splay appears to cross third party land - I think this could be avoided if a 2.0m X-distance is used in this direction and/or a topo survey is commissioned which may demonstrate that the use of a 2.4 X-distance can be used. The level of parking should accord with the SPS optimum standards - if the proposed dwellings are 2-bed units then strictly speaking five car spaces are required in addition to that required for the converted pub. I suggest amended plans are submitted to address the above comments.*

Amended plans have since been received in relation to application 17/00918/OUT, showing both improved access in line with the Highway Consultant's comments but also the reduction of the outline proposal from two to one dwelling. The latest comments following these revisions are:

*The revised layout is acceptable in highways terms. The details appear satisfactory, provided the parking and turning areas are properly consolidated and surfaced (not loose stone/gravel) and that suitable drainage measures are provided across the access to the rear of the footway, as shown, to ensure surface water does not discharge onto the highway. The extension of the footway across the site frontage (and its dedication/adoption to/by SCC) is likely to require a legal agreement with the highway authority. A S184 Road Opening Notice will be required from SCC.*

## REPRESENTATIONS

Two letters of objection have been received from local residents in respect to the application for change of use of the public house. The following main points are raised:

- The proposal comprises overdevelopment and is not in keeping with the current houses in the vicinity. A detached bungalow or house would be more in keeping with existing properties.
- Further housing will result in increased parking on High Street, loss of use for neighbour overflow parking, and exacerbate existing poor visibility from the site onto King William Lane.
- The pub has been poorly run and the community have not been encouraged to frequent the establishment.

- The car park should be utilised for off road parking or garden, should the pub become a dwelling.
- There are concerns over the impact of the proposal on the residential amenity of neighbouring properties.
- The amendments do not make any difference, the pub would be viable, if run properly.

## **CONSIDERATIONS**

### **Principle of Development**

The application seeks outline planning permission for the erection of a detached dwellinghouse on the site of the King William pub car park. Curry Rivel is designated as a Rural Settlement within the South Somerset Local Plan (2006-2028), and as such is a location where development is considered to be generally acceptable, within the current policy context, being a larger rural settlement with access to a broad range of key local services. As such the principle of development is acceptable subject to according with other Development Plan policies and proposals, and the aims of the NPPF. As well as consideration of matters such as local character, residential amenity, highway safety, etc, particular consideration has to be given to the impact the loss of this car park would have on the King William Inn.

Previous applications for the redevelopment of this site (2004 and 2005) have failed on the basis that the loss of the car park would adversely impact on the viability of the pub. This is again a key consideration in respect to the principle of loss of the car park in association with the pub. Concurrent application 17/00917/COU is made for the change of use of the pub, and the outcome of that application is vital in determining whether this application is acceptable or not on these grounds. Should planning permission be granted for the change of use of the pub, the loss of the car park will no longer have any bearing on the viability of the pub, as it will no longer exist as such.

In considering the change of use of local services (including public houses), policy EP15 of the South Somerset Local Plan is relevant. Application 17/00917/COU has been considered against this policy requirement and as a result has been recommended for approval on the basis that it has been satisfactorily demonstrated that there is no reasonable prospect of retention of the pub use and that appropriate efforts have been made to secure suitable alternative business or community re-use, through a lengthy and robust marketing exercise, thereby complying with policy EP15. Details of this assessment are covered in more detail in the report for the change of use application, however on the basis that this application is recommended for approval, it is therefore considered that the loss of the car park in association with the pub would be acceptable.

### **Scale and Appearance**

Outline planning permission has been sought for the provision of one detached dwelling, with access and layout to be considered at this stage. The site is located within an area of existing residential development, which is mainly characterised by detached dwellings, of which there is a mix of bungalows and houses.

While originally submitted as a proposal for a pair of semi-detached houses, the scheme has been amended to be for a single dwellinghouse, following concerns about impact on local character, residential amenity and highway safety.

In considering the layout at this stage, the proposal is considered be acceptable, now having a footprint and siting that corresponds well with the prevailing character of surrounding development. Details of scale, appearance and landscaping are to remain for consideration at reserved matters stage, however there are no concerns that an appropriately designed scheme could not be achieved.



## **Residential Amenity**

The site is located close to existing residential development, with careful consideration required to ensure that there isn't any adverse impact on the residential amenity of neighbouring properties and occupiers through overlooking, overshadowing or general overbearing impact. In particular, the property to the west is relatively close to the application site, being approximately 13m from the site boundary. Careful consideration will therefore have to be given to design to avoid unacceptable overlooking in particular. Despite this concern, it is noted that there are similar relationships with other properties along King William Lane, and those behind them on Stoneyhurst Drive. An appropriate design could be achieved to avoid unacceptable relationships, particularly in respect to overlooking. This could be by providing a bungalow, or a lower profile two storey dwelling, with cat slide roof to the rear, as is present on the property to the south.

## **Highway Safety**

The current access to the site is substandard, with limited visibility as a result of the site levels above the highway, and the presence of a building on the site frontage. In response to the application, the Highway Authority has chosen not to comment formally, advising that Standing Advice applies. The Council's Highway Consultant has responded in detail, noting that the proposed use for residential purposes was likely to see a reduction in vehicular movements. Advice has been offered in terms of the design of the access, which has been amended to provide an extended pedestrian footpath up to the site, linking it to the adjoining network of pavements, and improved visibility by removing the existing frontage building and formalising pedestrian visibility splays.

Overall, bearing in mind the reduction in vehicle movements likely to be expected as a result of the change of use of the site to residential, and the access improvements proposed, the scheme is considered to be acceptable from a highway safety point of view. It is noted that the scheme includes 8 parking spaces, 4 each for the dwelling proposed by this permission, and that proposed by the change of use of the pub. Each dwelling only has an optimum requirement for three parking spaces, in which case additional space should be justified, however noting the difficulties with on street parking in the local area, the opportunity to ensure that there is a little over the optimum is welcomed on this occasion.

## **Planning Obligations**

As of 3rd April 2017, the Council adopted CIL (Community Infrastructure Levy), which is payable on all new residential development (exceptions apply). In this case, the requirement will come into force following the grant of reserved matters, or in respect to any subsequent full planning permission.

## **Conclusion**

The proposed residential development of the site, comprising the provision of two detached dwellings, is considered to be acceptable in this location, and could be carried out, subject to detail, with respect to the character of the area, and without causing demonstrable harm to residential amenity and highway safety, and without increasing flood risk locally.

## **RECOMMENDATION**

Grant approval with conditions

01. The proposed residential development of the site is considered to be acceptable in this location, and could be carried out, subject to detail, with respect to the character of the area, and without causing demonstrable harm to residential amenity or highway safety, in accordance with policies SD1, SS2, SS5, TA5, TA6, EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the

provisions of chapters 4, 6, 7, 12 and the core planning principles of the National Planning Policy Framework.

**Subject to the following:**

01. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

02. Application for approval of the scale, appearance and landscaping of the development, referred to in this permission as the reserved matters, shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

03. The development hereby permitted shall be carried out in accordance with the following submitted plan: '535 (00) 01 A', received 16th May 2017.

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

04. A detailed scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. This 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 policy EQ2 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 7 of the National Planning Policy Framework.

05. The area allocated for parking, on approved plan '535 (00) 01 A', received 16th May 2017, shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles, in connection with the development hereby permitted and in connection with the residential use of the King William Inn. Such approved parking areas shall be provided before the development hereby permitted is first occupied, and maintained thereafter.

Reason: In the interests of highway safety, in accordance with policies TA5 and TA6 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 4 of the National Planning Policy Framework.

06. The access hereby approved shall be completed in accordance with details, as indicated on approved plan '535 (00) 01 A', received 16th May 2017. The access shall be fully constructed in accordance with these approved details, before the dwelling hereby permitted is first occupied and shall thereafter be maintained at all times.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 4 of the National Planning Policy Framework.

07. Before the dwelling hereby permitted is first occupied, the approved access and associated shared driveway shall be properly consolidated and surfaced (not loose stone or gravel), in accordance with details, as indicated on approved plan '535 (00) 01 A', received 16th May 2017. The access shall be constructed in accordance with the approved details and shall thereafter be maintained at all times.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 4 of the National Planning Policy Framework.

08. A surface water drainage scheme shall be provided in accordance with details, as indicated on approved plan '535 (00) 01 A', received 16th May 2017, so as to prevent the disposal of surface water onto the adjoining highway. Such approved drainage details shall be completed and become fully operational before the dwelling hereby permitted is first occupied and shall thereafter be maintained at all times.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 4 of the National Planning Policy Framework.

09. Any entrance gates shall be hung to open inwards and set back a minimum distance of 5m from the highway at all times.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 4 of the National Planning Policy Framework.

#### **Informatives:**

01. Please be advised that subsequent full or reserved matters approval 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](mailto:cil@southsomerset.gov.uk).

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