

Officer Report On Planning Application: 18/02064/FUL

Proposal :	The erection of 4 no dwellings and the formation of access road.
Site Address:	Land Rear Of 1 - 3 Westover, Langport, Somerset.
Parish:	Curry Rivel
CURRY RIVEL Ward (SSDC Member)	Cllr T Osborne
Recommending Case Officer:	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
Target date :	27th August 2018
Applicant :	Mr M Knight
Agent: (no agent if blank)	Wright Consult LLP, Bay Tree, Cooks Lane, West Cranmore, Somerset BA4 4RH
Application Type :	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. The areas of particular concern relate to the impact of the proposed development on residential amenity, highway safety, flood risk and on the character and appearance of the conservation area.

SITE DESCRIPTION AND PROPOSAL





The site comprises a parcel of land to the rear of a group of dwellinghouses on the north side of the A378, to the west of Langport, and opposite the Westover Trading Estate. The site is partly made up of former gardens of some of the adjoining properties, and includes a single storey outbuilding.

The application is made for planning permission to demolish the existing building and erect a three bedroom one and a half storey chalet bungalow with detached garage, and a terrace of three two bedroom properties. The dwellings are proposed to be built with red brick and clay tiles.

HISTORY

No relevant history on the application site.

The following history relates to land to the north of the existing group of dwellings:

- 16/04346/FUL: Proposed erection of a dwelling - Permitted with conditions 15/12/2016.
- 04/00317/OUT: Erection of a dwelling and amendments to parking at former railway hotel - Refused 11/05/2004.
- 893455: Dwelling (Outline) - Refused 24/01/1990 - Subsequent appeal dismissed.
- 870807: The conversion of barn/store into two dwellings - Permitted with conditions 29/05/1987.
- 86951/A: Erection of a bungalow and private garage and use of existing access - Refused 20/07/1972.
- 86951: Development of land for residential purposes, demolition of existing buildings and use of existing access - Refused 12/10/1971.
- 53727: Conversion of a partially demolished house into a store - Permitted with conditions 08/11/1961.

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
SS4 - District Wide Housing Provision
SS5 - Delivering New Housing Growth
HG4 - Affordable Housing Provision
TA5 - Transport Impact of New Development
TA6 - Parking Standards
EQ2 - General Development
EQ3 - Historic Environment
EQ7 - Pollution Control

National Planning Policy Framework

Chapter 2 - Achieving sustainable development
Chapter 4 - Decision-making
Chapter 5 - Delivering a sufficient supply of homes
Chapter 8 - Promoting healthy and safe communities
Chapter 9 - Promoting sustainable transport
Chapter 11 - Making effective use of land
Chapter 12 - Achieving well-designed places
Chapter 14 - Meeting the challenge of climate change, flooding and coastal change
Chapter 15 - Conserving and enhancing the natural environment
Chapter 16 - Conserving and enhancing the historic environment

National Planning Practice Guidance

Conserving the Historic Environment
Design
Natural Environment
Rural Housing
Planning Obligations

Policy-related Material Considerations

Somerset County Council Parking Strategy (September 2013)
Somerset County Council Highways Development Control - Standing Advice (June 2017)

CONSULTATIONS

Curry Rivel Parish Council: The Parish Council have advised that they are supportive of the concept of two houses, especially the two-bedroom units, however feel that the proposal as submitted is overdevelopment of the site. Concerns are also raised in respect to highway safety with the Parish Council being of the opinion that the access road is too narrow and will cause problems. They are also concerned about the access onto the main road and have advised that they would want a detailed report

from the Highway Authority before changing their mind.

SCC Highway Authority: No objections in principle, subject to the imposition of relevant highway related conditions. The proposed access arrangements are considered to be satisfactory. It is expected that the development as a whole would generate approximately 32 vehicle movements. It is the Highway Authority's view that the existing visibility in place at the junction of the A378 is sufficient, and the increase in vehicle movements would not represent a significant increase that would be detrimental to highway safety. Concerns were initially raised about the provision of give way signs at the newly proposed access onto the access road between the site and the A378, resulting in these being removed from the proposed plans.

SSDC Highway Consultant: Refer to SCC advice.

SW Heritage: It is advised that the site lies within the medieval town and as such there is a likelihood that archaeological evidence from the medieval settlement may be affected. It is therefore requested that a standard archaeological monitoring condition is imposed.

Wessex Water: No objections in principle, however it is advised that the proposed disposal of surface water via sustainable drainage systems is not currently going to be acceptable to Wessex Water due to known high levels of groundwater. A condition is requested requiring the applicant to investigate alternative options for surface water disposal. Otherwise, Wessex Water remind the applicant of their need to apply for any new drainage and water supply connections, and likely drainage apparatus requirements, such as the need for completely watertight drainage systems.

SSDC Ecologist: No objection.

REPRESENTATIONS

Ten letters of objection were received from eight local residents. The main points raised relate to the following areas:

- Four houses is over development of the site.
- Highway safety concerns as a result of increased vehicular movements using substandard access, including construction traffic.
- There is also insufficient parking proposed and parking spaces have been lost for properties 1 and 2 Westover.
- Safety of existing occupiers using existing access, including the ability for emergency services to use the access appropriately. The new access is also of insufficient size to allow medium/large delivery vehicles to access the properties.
- Impact on residential amenity due i.e. loss of privacy and overshadowing.
- Adverse impact on local rural character and the adjoining conservation area.
- Planning permission has previously been refused for additional dwellings of the A378 junction, for highway safety reasons. In approving a recent permission on land to the north, it was determined that one additional property would not lead to a significant increase in vehicle movements.
- The increase in impervious surfacing could lead to an increased risk of surface water flooding.

One letter of support was received from another local resident, and two other letters were received making general comments. The main points made are as follows:

- The site is well-related to Langport and the infilling of a currently derelict area should not impact negatively.
- The proposal will provide much needed small homes, providing a good mix of housing type, in

easy walking distance of the town.

CONSIDERATIONS

Principle of Development

The site is located within the defined development area of Langport, although it is within the parish boundaries of Curry Rivel. Langport is designated as a Market Town within the South Somerset Local Plan (2006-2028), and as such is a location where development is considered to be acceptable in principle where this "meets local housing need, extends local services and supports economic activity appropriate to the scale of the settlement." Policy SS5 identifies strategic housing targets for Yeovil, the Market Towns and Rural Centres. The proposed development will contribute to the levels of housing proposed for Langport, thereby supporting district-wide housing provision, however in considering the change of use of local services (including public houses). Due to the location within the defined development area of a Market Town, the proposed residential development is acceptable in principle subject of course to the assessment of other appropriate local and national policy considerations, such as highway safety, character and appearance of the local area, design and residential amenity, among other matters.

Scale and Appearance

The proposal seeks to redevelop the site, which comprises part former gardens and outbuildings to provide 4 new dwellings, and associated gardens and parking.

Objections have been received, raising concerns that the proposal constitutes an over development of the site. Notwithstanding these concerns, it is noted that the prevailing character of development in the immediate vicinity is mainly made up of relatively high density development in depth. The proposed development is seen in relation to the other existing development to surrounding the site and is considered to be appropriately sited in respect to existing built form so that it satisfactorily respects and relates to the character of the area. Furthermore, the site is considered to be of suitable size to accommodate the development proposed. The proposed terrace of three houses, and the detached dwelling are of a suitable design to respect the character of the area. The proposed brick and clay tiles also accord with some of the materials used prominently in the local vicinity.

The application seeks to remove an existing outbuilding to the side of one of the properties to the south (1 Westover) to provide access to the site. This is considered to be acceptable from a visual point of view.

It is noted that the site is with a conservation area, however it is not considered that the development would harmful to the character and appearance of this heritage asset.

Subject to a condition agreeing the final material finishes, the proposed design, scale and materials are considered to be acceptable.

Residential Amenity

Concerns have also been raised in respect to the potential impact on adjoining properties through loss of light/overshadowing and overlooking. It is considered that the proposed dwellings are sited appropriately, and of an acceptable scale, to avoid any overshadowing or general overbearing impact.

It is noted that there are roof lights to the rear of the two properties immediately to the east of the proposed detached dwelling, as well as there being a small enclosed courtyard area to the rear of one (Withy Cottage). Site visits have been taken to view the development site from one of these neighbouring

properties and as a result, it is not considered that there would be any harm generated to cause an unacceptable impact on residential amenity to the occupiers of these properties. As originally submitted, it was felt that the dwelling on plot 3 would potentially overshadow, and have an overbearing impact on the adjoining courtyard area, however the plans have been amended to set plot 3 back level with the rear wall of Wither Cottage. This is considered to satisfactorily address this concern.

Other than one roof light on the east facing roof slope of the detached dwelling, there are no first floor openings facing directly towards the properties around the site. The roof light in question is proposed to be set a minimum of 1.7m above the floor of the room that it will serve, which is accepted to be appropriate and satisfactorily reduce the risk of overlooking. Concerns have been raised that light will be reduced for the occupiers of other nearby properties, however it is considered that they are of adequate distance to avoid this harm.

If the scheme is approved, a condition would be imposed to prevent the addition of new openings, extensions or outbuildings without the prior grant of planning permission to ensure that any future harmful additions can be appropriately controlled and assessed, where necessary.

Due to the constrained nature of the site and access, it is also considered reasonable to impose a condition requiring the approval of a Construction and Environmental Management Plan (CEMP) that could include the agreement of construction hours, methods of accessing the site and contractor parking arrangements.

Overall, there is considered to be limited harm to residential amenity, such that it would not be appropriate to recommend refusal.

Highway Safety

A number of objections have been received in respect to highway safety. The main issues relate to the width of the shared access track and the substandard nature of the access from this track onto the A378, which has reduced visibility and poor alignment. It is also noted that the Highway Authority previously raised concerns about highway safety, recommending refusal last in 2004. There has been a more recent approval of one dwelling to the north of the application site, with the decision being made that vehicle movements associated with one further dwelling using the existing access would have been so significant to warrant refusal on highway safety grounds. It is suggested that the introduction of additional vehicle movements associated with a further four dwellings would be harmful to highway safety.

In this case, the application has been fully assessed by the Highway Authority, who raise no objections subject to the imposition of standard highway related conditions. The existing and proposed access arrangements have been considered and the Highway Authority have advised that the increase in vehicle movements associated with the development (approximately 32) does not represent a significant increase, and that there are satisfactory levels of visibility at the existing access onto the A378, so that there would not be a detrimental impact on highway safety.

The proposed layout provides appropriate turning space. There is a slight under provision of parking in relation to the terraced properties, with two spaces provided for each, however the Highway Authority have raised no objections to this, and it is noted that the site is in easy walking distance of the key services available in Langport.

Concerns have been raised that the existing properties 1 and 2 Westover will no longer have parking spaces, with parking previously available within the application site. While this is noted, these cottages are in the process of being refurbished and have consequently been separated from the application site. While not ideal, the separation of the sites does not require planning permission and as such there is no control in this respect.

Noting the comments of the Highway Authority, the proposed development is considered to be acceptable from a highway safety point of view.

Other Issues

It is understood that the wider is occasionally subject to localised surface water flooding, with high groundwater levels during times of prolonged wet weather. Concerns are raised that the increase in hard surfacing could exacerbate this issue. Details have been submitted for on-site attenuation, although Wessex Water have raised concerns at this stage, with their particular concern being that any surface water disposal scheme is not connected to the existing foul water network, as they would not wish to see an increased risk of flooding within the existing foul network. Wessex Water do not object however, with a condition proposed for details of surface water disposal to be finalised. This is considered reasonable, and is agreed to by the applicant. Ultimately disposal of surface water ought not to be a constraint to development, however it is reasonable to impose a condition that requires details of foul and surface water disposal to be provided and agreed prior to commencement.

SW Heritage Trust have noted that the site is within the local Area High Archaeological Potential, which includes the medieval settlement. As such, an archaeological monitoring condition has been requested.

As of 3rd April 2017, the Council adopted CIL (Community Infrastructure Levy), which is payable on all new residential development (exceptions apply). The appropriate Form 0 has been completed and returned by the applicant. An appropriate informative will be added, advising the applicant of their further obligations in this respect.

Conclusion

Despite concerns raised locally, the proposed residential development of the site is considered to be acceptable in this location, as it respects the character of the area, and is not considered to cause demonstrable harm to residential amenity and highway safety, and will not increase flood risk locally.

RECOMMENDATION

Grant approval with conditions.

01. The proposed development, by reason of size, scale and materials, is acceptable as it respects the character of the local area, does not adversely affect the setting of nearby conservation area and has no unacceptable impact on residential amenity, highway safety or local flood risk. As such, the proposed development is considered to accord with the aims and objectives of policies SD1, SS1, SS4, SS5, TA5, TA6, EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the provisions 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: '2018/KNIGHTM/01/RevA', '2018/KNIGHTM/02/RevA' and '2018/KNIGHTM/03'.

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

03. No work shall be carried out in respect to the construction of the external surfaces of the development hereby permitted unless particulars of materials (including the provision of samples) to be used for the external surfaces have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity, in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of the National Planning Policy Framework.

04. 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 and pollution prevention measures. 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 policies EQ2 and TA5 of the South Somerset Local Plan (2006-2028) and the provisions of the National Planning Policy Framework.

05. Before the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Planning Authority. The WSI shall include details of the archaeological excavation, the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme.

Reason: In the interests of safeguarding any archaeological remains on the site and in accordance with Policy EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of the National Planning Policy Framework.

06. The development hereby permitted shall not commence until details of foul and surface water drainage to serve the development, shall be submitted to and approved in writing by the Local Planning Authority. Such approved drainage details shall be completed and become fully operational before any part of the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: In the interests of highway safety and to ensure that the development is served by a satisfactory system of drainage, in accordance with policies TA5, EQ1, EQ2 and EQ7 of the South Somerset Local Plan (2006-2028) and the provisions of the National Planning Policy Framework.

07. The area allocated for parking and turning on the approved plans, shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the occupation of the dwellinghouse hereby permitted.

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 the National Planning Policy Framework.

08. Before any of the dwellings hereby permitted are first occupied, a properly consolidated and surfaced access shall be constructed (not loose stone or gravel) details of which shall have been submitted to and approved in writing by the Local Planning Authority. The access shall be constructed in accordance with the agreed design and shall be maintained in the agreed form thereafter 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 the National Planning Policy Framework.

09. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional windows, including dormer windows, or other openings (including doors) shall be formed in the dwellings hereby permitted without the prior express grant of planning permission.

Reason: In the interests of visual and residential amenity, in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of the National Planning Policy Framework.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), there shall be no extensions to the dwellings hereby permitted and no buildings or other to be built within the curtilage of any of the dwellings without the prior express grant of planning permission.

Reason: In the interests of visual and residential amenity, in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of the National Planning Policy Framework.

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.

02. In seeking to discharge conditions 6 (foul and surface water disposal), the applicant is reminded of the comments of Wessex Water, in their letter dated 13th August 2018, which is available on the Council's website.
03. The applicant will be required to enter into a suitable legal agreement or license with the Highway Authority to secure the construction of the highway works necessary as part of this development. Please ensure that an advisory note is attached requesting that the developer contact the Highway Authority to progress this agreement well in advance of commencement of development.