

Officer Report On Planning Application: 17/01316/FUL

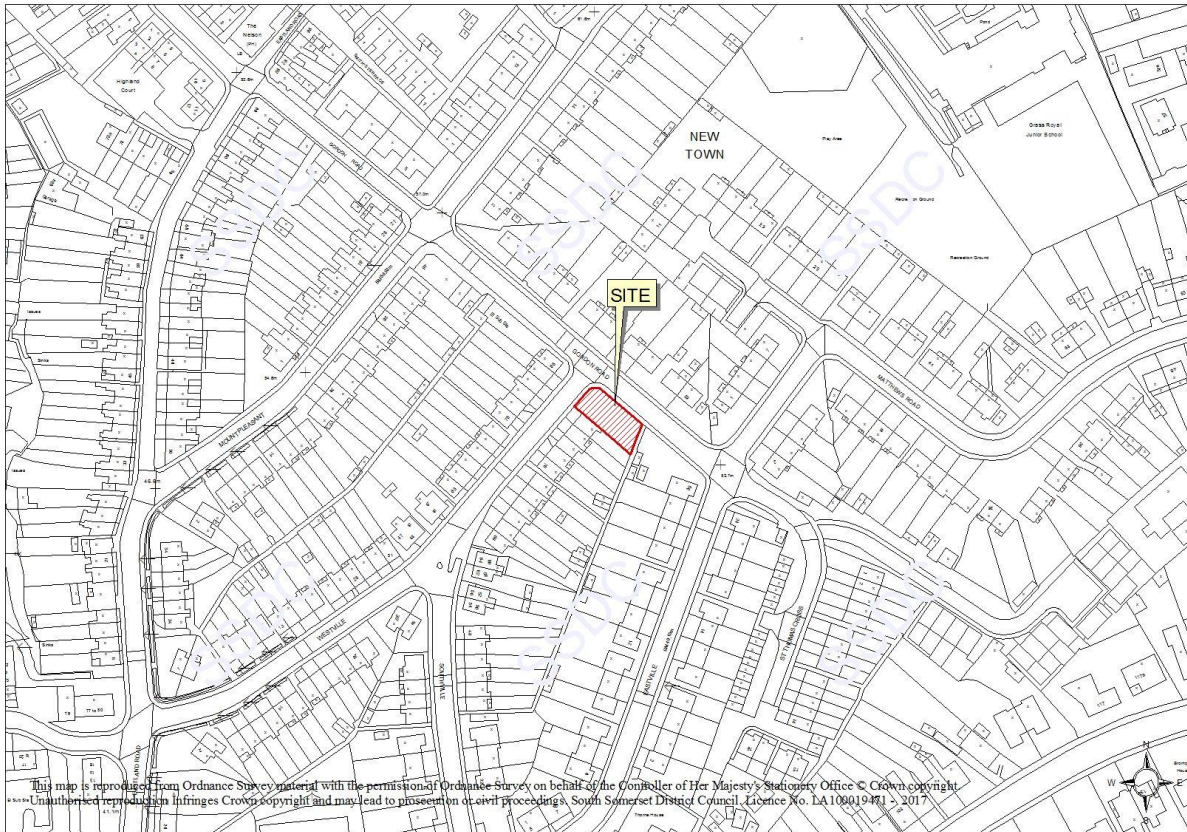
Proposal :	The erection of a new dwelling with associated car parking
Site Address:	88 Southville Yeovil Somerset
Parish:	Yeovil
Yeovil (East) Ward (SSDC Member)	Cllr D Recardo Cllr R Stickland Cllr T Lock
Recommending Case Officer:	Andrew Collins Tel: 01935 462276 Email: andrew.collins@southsomerset.gov.uk
Target date :	8th May 2017
Applicant :	Hayz Herman
Agent: (no agent if blank)	A R Dalziel M.C.I.A.T. Office 10, Unit21 Old Yarn Mills Sherborne Dorset
Application Type :	Minor Dwellings 1-9 site less than 1ha

Reason for Referral to Committee

This application is referred to the Area South Committee as the visibility splays that can be achieved on site do not meet the standing advice guidance and the Ward Members did not agree with the officer's assessment.

Site Description and Proposal





The site is located at the north-eastern end of Southville with the junction of Gordon Road. Southville comprises terraces of 2 storey red brick dwellings. The existing property is the end of terrace and there is a large side garden and garage to the rear access from Gordon Road, a classified un-numbered road.

This application is seeking full planning permission to erect an additional 2 storey dwelling attached to the end of the terrace. The form, scale and design would match the existing property.

In detail the existing garage to the rear would be demolished and 2 tandem spaces proposed for the existing and 2 tandem spaces proposed for the proposed dwelling would be provided. The dwelling would be a 2 bed property with 2 bedrooms and a bathroom upstairs. Downstairs would be a living room and dining/kitchen. To the rear is a single storey element containing a lobby and wc. It is noted that whilst an existing garage and access exists there is currently no dropped kerb.

To the rear of No 88 a lean-to porch is shown on the plans, but this could be erected under permitted development rights.

HISTORY

None.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF indicate it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

South Somerset Local Plan (2006 - 2028)

On the 5th March 2015 this new local plan was adopted and constitutes the development plan. The most relevant policies are:-

SD1 - Sustainable Development
SS1 - Settlement Strategy
YV1 - Urban Framework and Greenfield Housing for Yeovil
HG4 - Provision of Affordable Housing Sites of 1-5 Dwellings
TA5 - Transport Impact of New Development
TA6 - Parking Standards
EQ2 - General Development

National Planning Policy Framework

Chapter 6 - Delivering a Wide Choice of High Quality Homes
Chapter 7 - Requiring Good Design

National Planning Practice Guidance

Paragraph: 031 Reference ID: 23b-031-20160519 (This follows the order of the Court of Appeal dated 13 May 2016, which give legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014). This basically says that contributions should not be sought for developments less than 10 dwellings.

Other Relevant Documents

Somerset Parking Strategy
Somerset Standing Advice

CONSULTATIONS

YEOVIL TOWN COUNCIL - *"Approval subject to a properly consolidated parking area being provided and that the visibility splays comply with the highway requirements."*

ENVIRONMENTAL PROTECTION OFFICER - No comments.

HIGHWAYS AUTHORITY- Refers to standing advice.

HIGHWAYS CONSULTANT - *"It appears that the current dwelling is served by an access and parking area off Gordon Road. The provision of additional parking for the new dwelling should be acceptable (and two spaces per dwelling would be sufficient in this case), although it would be important to secure visibility across the whole site frontage to Gordon Street, based on a 2.4m back and parallel splay (no obstruction greater than 600mm within the splay). The parking spaces need to be properly consolidated and surfaced (not loose stone/gravel) with appropriate surface water drainage measures implemented. A S184 road opening license from SCC would be required to drop the kerbing."* N.B. On further discussions with the Highways Consultant further comments were provided;

"The planning application seeks permission for the erection of a new dwelling with associated parking. The site lies within an area that is heavily-traffic calmed through the use of speed humps. The nearby junction to the south of the site and the speed hump to the north reduce vehicle speeds on the approaches to the site to around 15mph. The existing access is very substandard in that vehicles emerge onto the rear of the pavement and the carriageway virtually blind with minimal visibility splays. The footway fronting the application site is 1.6m wide while the carriageway is 6.1m wide. I note that regular on-road parking appears to occur on the development side of the road which has the effect of deflecting the driving line of through-traffic away from the kerb-line."

Part of the submission involves the widening of the existing vehicular access and the formation of a parking area that would provide two car parking spaces for both the existing dwelling and the proposed dwelling.

With regards to visibility splays, a set-back distance of 2m can be accepted in lightly-trafficked, slow-speed situations such as this, particularly given the current carriageway width. Taking into account the estimated speed of traffic of 15mph, the visibility requirement using the Manual for Streets visibility criteria (also referred to in the County Council's Highways Development Control Standing Advice document) would be 17m. In this case, the provision of a 2.0m back and parallel splay across the entire site frontage to Gordon Road would provide a visibility splay of 2.0m x 17m in the north-westerly direction (no obstruction greater than 600mm above adjoining road level). In the opposite direction, the resultant splay is unlikely to be that far short of the recommended sight-line bearing in mind the width of the footway is 1.6m and that the splay can be taken to the vehicle track rather than the carriageway edge. I would recommend the boundary between the application site and the adjoining urban footpath is reduced to a height of 600mm for a distance of 2.4m from the kerb-line.

I consider that the improvements to visibility over and above the current substandard arrangement would mitigate the additional traffic generated by the development proposal. I am of the opinion that the extensive traffic calming and slow vehicle speeds in the area are also contributory factors to accepting the development scheme on highways and access grounds.

The street light column currently located along the frontage to Gordon Road should be relocated to avoid being struck by reversing vehicles.

In the event that planning permission is granted, I would recommend conditions are imposed securing the following:

- 1. A 2.0m back and parallel visibility across the entire site frontage to Gordon Road - no obstruction greater than 600mm above adjoining road level within the splay, to be provided prior to first occupation of the proposed dwelling and thereafter maintained at all times*
- 2. The lowering of the south-western boundary of the site adjacent to the pedestrian cut-through to a height of 600mm for a distance of 2.4m from the kerb-line to afford improved pedestrian/vehicular inter-visibility in the south-easterly direction*
- 3. The proper consolidation and surfacing (not loose stone or gravel) of the access and parking area*
- 4. The provision of surface water drainage measures across the access to the rear of the footway*
- 5. The parking area to be provided to the dimensions shown on the submitted plan*
- 6. The relocation of the street light column to a position to be agreed with the local highway authority*

In addition, a 'Note to Applicant' should be attached advising of the need to obtain a S184 Road Opening Notice from SCC in order to extend the drop kerbing at the point of access and to re-profile the pavement accordingly, and to secure the relocation of the street light."

REPRESENTATIONS

3 letters of representation have been received of which 2 are from the tenant and owner of No 86 concerned over the demolition of the garage and any boundary treatment when the garage is taken down. Concern is also expressed over the parking during construction.

The other letter of representation comes from a resident of Gordon Road. They consider that the site is overdue an improvement due to its state at present and the plan makes good use of land. However whilst noting for 4 parking spaces proposed is concerned over the parking of visitors near the junction.

CONSIDERATIONS

Principle

One of the key policies (YV1) is to direct housing growth to the 'urban framework' of Yeovil. In this regard it is supportive of developments such as this as clearly meets the aims. Therefore the principle of providing an additional dwelling in this location is accepted.

Visual amenity

It is proposed to match the design of the remainder of the terrace in Gordon Road by way of materials, form and scale. The proposal is considered to respect the existing character of the existing properties and to not be intrusive within the streetscene. Outside amenity space is proposed and the proposal should not appear cramped or out of keeping with the established streetscene and pattern of development in the area.

The new access and parking area will form a new access along the side boundary to Gordon Road. Currently the boundary along this northern side is dilapidated, unkempt and in a poor state of repair. Developing the site is likely to tidy up this poorly maintained area and should not appear out of keeping and provide off road parking for the existing and proposed dwellings..

For these reasons the proposal is considered to be an appropriate form of development that should not appear either cramped or out of keeping with the established pattern and character of development in this area.

Residential amenity

In terms of the amenities of the application dwellings, each property will have their own private garden area large enough to meet laundry requirements and cycle storage etc. Any development is going to cause disturbance and in considering the size of the site and nature of the area, parking of contractors vehicles is considered to be able to be parked without significant disruption to residential amenity.

For these reasons the proposal is not considered to result in any demonstrable harm to residential amenity.

The neighbour has raised concerns over the loss of security when the garage is removed. Boundary treatment can be conditioned and in this respect installed after the garage is removed.

Parking and highway safety

There is an existing vehicular access, albeit without a dropped kerb, via timber gates to the existing garage on the site. This access is currently substandard and there is limited visibility in either direction with the erection of fencing.

The proposed scheme provided 2 off road car parking spaces for the existing and 2 for the proposed. For the size of the properties and the location this complies with the policy. There is at present limited visibility as explained above. The visibility splays have been discussed and assessed by the Highways Consultant and due to constraints off side, a 2m high fence along the pedestrian alleyway to the southeast bordering 35 Eastville, the best visibility splay should be achieved. The proposal includes a single storey rear extension and the building towards Gordon Road. Ideally in a situation such as this there should be parallel visibility splays but this is not achievable. Instead to the northwest along Gordon Road a visibility splay of 2m back and 15m can be achieved. To the southeast along Gordon Road a visibility splay of 2m back by 5.5m can be achieved. This fails to meet the visibility splay requirements as laid down in the standing advice. However in considering the width of the road, road

calming measures, the fence on the neighbouring property, other accesses onto Gordon Road and the vast improvement on the existing substandard access with no visibility splay, on balance this arrangement is deemed to be appropriate.

Between the proposed new parking spaces is an existing street light. The submitted plans propose its retention. However the Highways Consultant consider that in this location the street light has a very high probability of being hit whilst utilising the parking spaces. Therefore it is suggested that the street light be relocated and this should be conditioned.

The parking levels comply with the requirements of the Somerset Parking Strategy and Policy TA6. However the visibility splays do not comply with requirements. However in considering the vast improvement on the current substandard access this is deemed to be acceptable.

Other issues

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 the Local Planning Authority are not seeking an affordable housing obligation from this development.

CIL

This development is CIL liable at £40 per m2 and in this respect Form O has been filled in.

CONCLUSION

In having regard to the above, the proposed scheme provides development that makes efficient use of land, respects the character and form of development in the area, causes no demonstrable harm to residential amenity and provides a great improvement to the existing sub-standard access and as such accords with Policies YV1, EQ2 and TA6 of the South Somerset Local Plan and the aims and objectives of the NPPF.

RECOMMENDATION

Grant permission

01. The proposed scheme provides development that makes efficient use of land, respects the character and form of development in the area, causes no demonstrable harm to residential amenity and provides a great improvement to the existing sub-standard access and as such accords with Policies YV1, EQ2 and TA6 of the South Somerset 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: 3.1, 4.1 received 13 March 2017.

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

03. No works shall be undertaken on the finished walls unless details of the proposed bricks have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason: In the interests of visual amenity in accordance with Policy EQ2 of the adopted South Somerset Local Plan (2006 - 2028).

04. The garage / workshop building shall not be demolished until details of the boundary treatment between numbers 86 and 88 Southville have been submitted to and agreed in writing by the Local Planning Authority. The new boundary treatment shall be erected within 1 month once the garage / workshop building has been demolished and thereafter retained at the agreed height.

Reason: In the interests of residential amenity in accordance with Policy EQ2 of the adopted South Somerset Local Plan (2006 - 2028).

05. There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level forward of a line drawn 2.0 metres back and parallel to the nearside carriageway edge over the site frontage, save for the proposed dwelling. Such visibility shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained at all times.

Reason: In the interests of highway safety in accordance with Policy TA6 of the adopted South Somerset Local Plan (2006 - 2028).

06. The development hereby permitted shall not be occupied unless the area allocated for parking on the submitted plan (3.1) shall be properly consolidated and surfaced in accordance with details which shall be submitted to and approved in writing to the Local Planning Authority. Such parking 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 approved.

Reason: In the interests of highway safety in accordance with Policy TA6 of the adopted South Somerset Local Plan (2006 - 2028).

07. The dwelling hereby approved shall not be occupied unless details of the provision of surface water drainage from the driveway has been submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy TA5 of the adopted South Somerset Local Plan (2006 - 2028).

08. The development hereby approved shall not be occupied unless the existing street light located on Gordon Road has been relocated in accordance with a scheme agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy TA6 of the adopted South Somerset Local Plan (2006 - 2028).

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. Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation of the new access and the relocation of the street light will require a Section 184 Permit. This must be obtained from the Highway Service Manager for the Yeovil Area at The Highways Depot, Mead Avenue, Houndstone Industrial Estate, Yeovil, Somerset, BA22 8RT, Tel No 0300 1232224. Application for such a permit should be made at least four weeks before access works are intended to commence.