

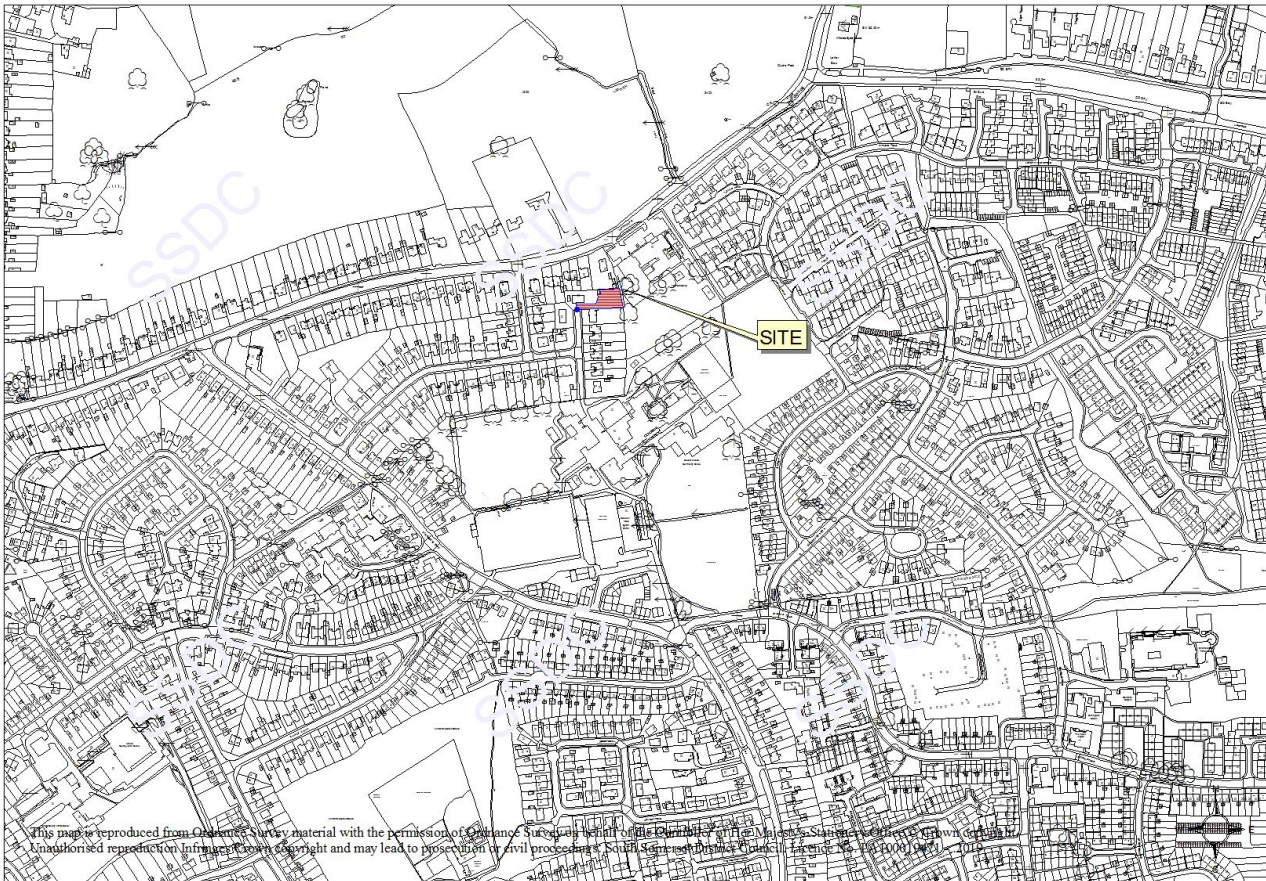
## **Officer Report On Planning Application: 19/00609/FUL**

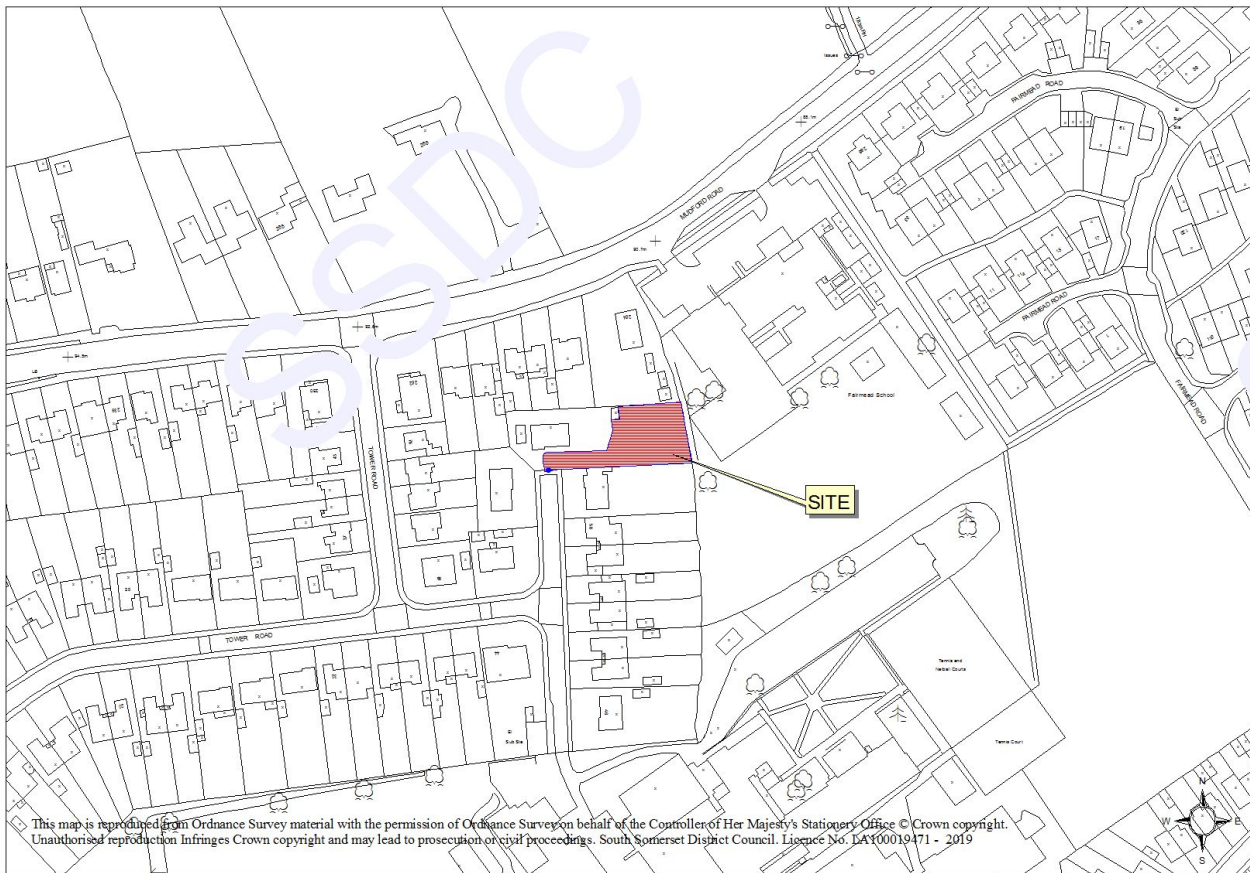
<b>Proposal :</b>	Erection of a detached dwelling
<b>Site Address:</b>	62 Tower Road Yeovil BA21 4NQ
<b>Parish:</b>	Yeovil Without
<b>WARDS OF YEOVIL WITHOUT Ward (SSDC Member)</b>	Cllr R Strickland Cllr M Lock Cllr G J Oakes
<b>Recommending Case Officer:</b>	Jane Green – Case Officer Service Delivery
<b>Target date :</b>	6th May 2019
<b>Applicant :</b>	Mr Murphy
<b>Agent: (no agent if blank)</b>	Mr Nigel Trent NT Building Design Ltd 47 Wyke Road Weymouth DT4 9QQ United Kingdom
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### **Reason for Referral to Committee**

The application has been called to Area South Committee by the Chair for further debate.

### **Site Description and Proposal**





The application site lies to the north of Yeovil. The site is located within a residential street of single storey dwellings with Fairmead School abutting the boundary to the east and the gardens of residential properties to the north.

The surrounding residential streets are dominated by red brick single storey and two story dwellings.

Full planning permission is sought for the erection of a detached chalet type property of brick to be agreed. The proposal is of a simple design, in keeping with the existing properties in the road. The roof will be concrete tile to be agreed.

## HISTORY

880004 - The erection of an extension to dwelling - Conditionally approved February 1988

19129/17/B - Extension to existing private garage - Approved August 1961

19129/17/A - Erection of bungalow, formation of vehicular access - Approved October 1956

19129/17 - Erection of 5 Bungalows, formation of vehicular accesses - January 1956

19129/E - Development of land by erection of houses and bungalows with services, provision of estate roads, formation of pedestrian and vehicular accesses - Conditionally approved - October 1955

19129/A Outline: Development of land by erection of dwellinghouses with services, provision of estate roads incorporating turning space for vehicles, formation of vehicular and pedestrian accesses - Conditionally approved September 1954

19129 - Outline: Development of land by erection of dwellinghouses with services, provision of entrance roads, formation of vehicular and pedestrian access - Conditionally approved March 1953

## **POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11 and 12 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)

The most relevant policies are:

SD1 - Sustainable Development

SS1 - Settlement Strategy

SS4 - District Wide Housing Provision

SS5 - Delivering New Housing Growth

SS6 - Infrastructure Delivery

HG3 - Provision of Affordable Housing

HG4 - Provision of Affordable Housing - Sites of 1-5 Dwellings

YV1 - Urban Framework and Greenfield Housing for Yeovil

TA1 - Low Carbon Travel

TA5 - Transport Impact of New Development

TA6 - Parking Standards

EQ2 - General Development

National Planning Policy Framework February 2019

Chapter 2 - Achievable sustainable development

Chapter 6 - Delivering a sufficient supply of homes

Chapter 7 - Ensuring the vitality of town centres

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

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 Considerations

Somerset County Council Parking Strategy (September 2013)

Somerset County Council Highways Development Control - Standing Advice (June 2017)

## **CONSULTATIONS**

Yeovil Without Parish Council: Recommend refusal - Concerns with the impact the proposed dwelling could have on the existing drainage system in the area. The windows overlooked the school. Concern over the proposed driveway and reduction in turning relating to the existing property. Adverse to the street scene.

On the amended plans: Comments not changed from previous

County Highway Authority: Standing advice applies

Highways Consultant: I have looked at the means of access to the proposed new dwelling in terms of its width and alignment.

The bend to the right on entry is very sharp given that a wall would be erected between the driveway leading to the new dwelling and the parking area for the existing dwelling. It is very tight and therefore as a minimum I recommend the pillar on the right hand side of the access is removed. To provide absolute clarity that the entry/exit manoeuvres can be performed, you could request the applicant/agent undertakes a swept path analysis of the movement using a large estate car (4.8m long). After all, it would be in the applicant's own interest to make sure that the access would be usable (if permission is granted) and not result in conflicts with the proposed boundary to the driveway. I would suggest that the first initial length of the dividing wall from the rear of the pavement is lowered to a maximum height of 900mm to provide some inter-visibility between the two driveways; however, it would seem more sensible in light of the comments I have made above, not to have a wall at all for the first 2m from the rear of the pavement as this would improve the manoeuvrability for vehicles entering and exiting both access points.

On the amended plans: I note the first section of dividing wall has now been removed as I recommended previously and it would appear that the pillar on the right hand side would be removed. Consequently, I have no further comments to make. I recommend a condition is imposed ensuring that the car parking provision accords with the Somerset Parking Strategy optimum standards independent of the proposed turning area

## b REPRESENTATIONS

5 letters of representation have been received making the following comments:

- o Cul-de-sac of very limited parking
- o Lack of access/turning for construction vehicles
- o Concerns for lack of turning
- o Vehicles in back would lead to a high level of noise and pollution
- o Narrow access
- o Dwelling would look out of proportion
- o Overlooking/loss of privacy
- o Drainage
- o Block sunlight/overshadowing
- o Noise and disturbance from use
- o Visual impact
- o Location of sewage/drainage tank

## ENVIRONMENTAL IMPACT ASSESSMENT

None required.

## CONSIDERATIONS

### Principle

The site is located on Tower Road, within the Urban Framework of Yeovil, where the principle of new housing is accepted and focussed (policies SD1, SS1, SS4, SS5 and YV1). Within the expectation that Yeovil will deliver 7441 new homes over the Local Plan period, there is a reliance on windfall developments such as that proposed to make up a significant proportion of the new units. The location of the proposed development site being within easy walking distance of commercial and community services, places of employment, and public transport links, so in general terms a new residential unit in this location would be considered to comprise sustainable development. The scheme would accord with the terms and objectives of Policies SD1, SS1, SS4 and YV1 and with

policies contained in the NPPF 2019.

### Visual Amenity / Character of the Area

It is considered that the dwelling has been designed to reflect the character of the area and include design features that ensure the new building will sit appropriately within the street scene. Materials are to match those used in the surrounding area with exact detail to be agreed by condition.

On this basis the proposal complies with Policy EQ2.

### Residential Amenity

This is an existing residential area of two and single storey dwellings of which in this street are single storey. 62 Tower Road benefits from a large garden to the east, which abuts the boundary with Fairmead School.

Amended plans have been received during the course of the application to address concerns raised for the potential for overlooking from the proposed rooflights on the east facing roofslope. The amended plans now show only 2 rooflights to serve an ensuite and a bathroom, both are proposed to be obscure glazed to a minimum level of 3 with the cills at 1.7metres above floor level. It is therefore considered the potential for overlooking towards the school is now mitigated against.

The changes have resulted in an additional rooflight on the west facing roofslope. The occupiers of 262A requested a site visit to view the proposal from their garden. This was done on 30 April 2019. Given the window layout and the gardens to the north are set at an oblique angle it is considered no demonstrable harm by overlooking is caused by the proposal. There is an element of overlooking by the properties adjacent to each other on Mudford Road in any case.

No side windows (north and south) are proposed and any future ones at first floor level would require planning permission anyway.

It is considered necessary to impose a condition relating to the details of the proposed fence on the east boundary with the school to mitigate potential for overlooking.

In terms of impact upon light or 'overbearing' impact the proposed dwelling is single storey and situated with sufficient distance from neighbouring residential properties to cause little impact in this regard and as such it is not considered that the proposals will result in unacceptable loss of light or an overbearing impact.

It is considered that the proposed garden is acceptable and an acceptable level of amenity will be provided for future residents.

It is therefore considered that the proposed development would not result in an unacceptable level of overlooking of, cause disturbance to or be overbearing upon neighbouring properties, and the new units would benefit from a reasonable standard of amenity. Subject to suitable conditions, the proposals are considered to comply with Policies Policy EQ1 and EQ2 of the South Somerset Local Plan (2006-2028) and in guidance contained in the NPPF 2019.

### Highway Safety and Parking

The County Highways Authority refer to their standing advice, which relates to a safe means of access and the number of parking spaces for a property of this number of bedrooms in this location.

The Council's highway consultant raised some concerns with the access and amended plans were

received which shows the first section of the dividing wall removed and the right hand pillar is removed which will enable a safer ingress and egress.

Given the access is from an unclassified road then it is not essential that vehicles have to enter and exit the site in a forward gear. That said there is sufficient space, independent from parking, to turn within the site. The optimum parking standards in this location are two spaces of dimensions 2.4 m by 4.8 m each, which the plans demonstrate.

Therefore the proposal is considered to comply with policies TA5 and TA6 of the South Somerset Local Plan.

#### Other Matters

Occupiers of nearby properties have raised construction traffic as a potential issue. Whilst this may pose a short term inconvenience for residents this cannot be a reason to refuse the application.

Also raised is the siting of a sewage/drainage tank/public sewer. This again is a matter for the developer to overcome as part of the building regulations application with Wessex Water.

#### Contributions

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 fewer or 1,000 square metres or fewer.

It is considered that whilst policies HG3 and HG4 are valid, the most recent legal ruling must be given significant weight and therefore it is not possible to seek an affordable housing obligation from this development. In addition, it also no longer appropriate to seek any contributions towards Sports, Arts and Leisure (Policy SS6) as the same principle applies.

The development is liable to pay the Community Infrastructure Levy (CIL) liable at £40 per m2 and in this respect Form 0 has been completed.

#### Summary

The site is located within the development area of Yeovil and the proposal is considered to be acceptable in relation to design and materials and will form an appropriate addition to the area.

The proposal is considered to be acceptable in relation to residential amenity, highway safety and parking provision.

### **RECOMMENDATION**

Approve

01. The dwelling is in a sustainable location and respects the character of the area, is of a suitable design and considered to have limited impact upon visual and residential amenity. Suitable access and parking can be provided. On this basis the proposal complies with policies SD1, SS1, SS4, SS5, YV1, TA5, TA6 and EQ2 of the adopted South Somerset Local Plan (2006 -2028) 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:

Drawing Numbers: 18/162/02 revision A, 18/162/03 Revision A, 18/162/04 Revision A, 18/162/04 Revision A and location plan (scale 1:1250)

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

03. No building operations above damp proof course level of the dwelling shall take place until details of the materials to be used in the construction of the external surfaces (doors/windows/stonework/render/brick/roof finish) of the dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity and to accord with policy EQ2 of the South Somerset Local Plan.

04. Prior to the construction of the dwelling, the finished internal ground floor levels shall be submitted to and agreed in writing by the local planning authority. The development shall then be carried out strictly in accordance with the agreed details.

Reason: In the interests of visual and residential amenity, and in accordance with policy EQ2 of the South Somerset Local Plan (2006-2028) and the aims and objectives of the NPPF.

05. No works shall be undertaken until there has been submitted to and approved in writing by the Local Planning Authority, a scheme of landscaping. The submitted scheme shall clearly confirm the details and dimensions of any intended tree or shrub planting, earth-moulding, seeding, turfing and surfacing. All planting stock shall be confirmed as UK-grown, and details shall be provided in regards to the planting locations, numbers of individual species, sizes, forms, root-types/root volumes and the intended timing of planting. The installation details regarding ground-preparation, weed-suppression, staking/supporting, tying, guarding, strimmer-guarding and mulching shall also be included within the submitted scheme. All planting comprised in the approved scheme shall be carried out within the dormant planting season (November to February inclusively) following the commencement of any aspect of the development hereby approved; and if any trees or shrubs which within a period of ten years from the completion of the development die, are removed or in the opinion of the Council, become seriously damaged or diseased, they shall be replaced by the landowner in the next planting season with trees/shrubs of the same approved specification, in the same location; unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the planting of new trees and shrubs in accordance with the Council's statutory duties relating to The Town & Country Planning Act, 1990 (as amended)[1] and the following policies of The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure

06. The parking areas including the garage space as shown on the Site Plan (Drawing number 18/162/02 Revision A) shall be provided prior to first occupation of the dwelling hereby permitted and shall be retained and maintained, for vehicles ancillary to the dwelling hereby permitted, thereafter unless agreed in writing by the local planning authority.

Reason: To ensure that there is an appropriate level of on-site parking and in the interests of highways safety, in accordance with policies TA5 and TA6 of the South Somerset Local Plan (2006 - 2028) and the aims and objectives of the NPPF.

07. Prior to occupation details of the proposed timber fence for the east boundary shall be submitted to and agreed in writing by the local planning authority. The development shall then be carried out strictly in accordance with the agreed details and shall be retained and maintained as such unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of visual and residential amenity, and in accordance with policy EQ2 of the South Somerset Local Plan (2006-2028) and the aims and objectives of the NPPF

08. Prior to first occupation of the dwelling hereby permitted, an electric charging point (of a minimum 16amps) for electric vehicles shall be provided adjacent to the designated parking area as shown on the approved plan. Once installed such parking point shall be retained and maintained in working order, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development is resilient and sustainable in accordance with Policy TA1 (Low Carbon Travel) of the adopted South Somerset Local Plan and the provisions of the NPPF.

09. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), there shall be no extensions to this building without the prior express grant of planning permission.

Reason: In the interests of neighbouring amenity, visual amenity and ensure the size of the dwelling remains proportionate to the plot to accord with policy EQ2 of the South Somerset Local Plan (2006-2028).

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any revoking and re-enacting that Order with or without modification), no additional windows or other openings (including doors) other than that proposed (drawing number 18/162/04 Revision A) shall be formed in the roof slope (east facing) of the building without the prior express grant of planning permission. The proposed rooflights on the east facing roofslope shall remain 1.7m above floor level and permanently retained as such.

Reason: In the interests of residential amenity and to accord with Policy EQ2 of the 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](mailto:cil@southsomerset.gov.uk)