

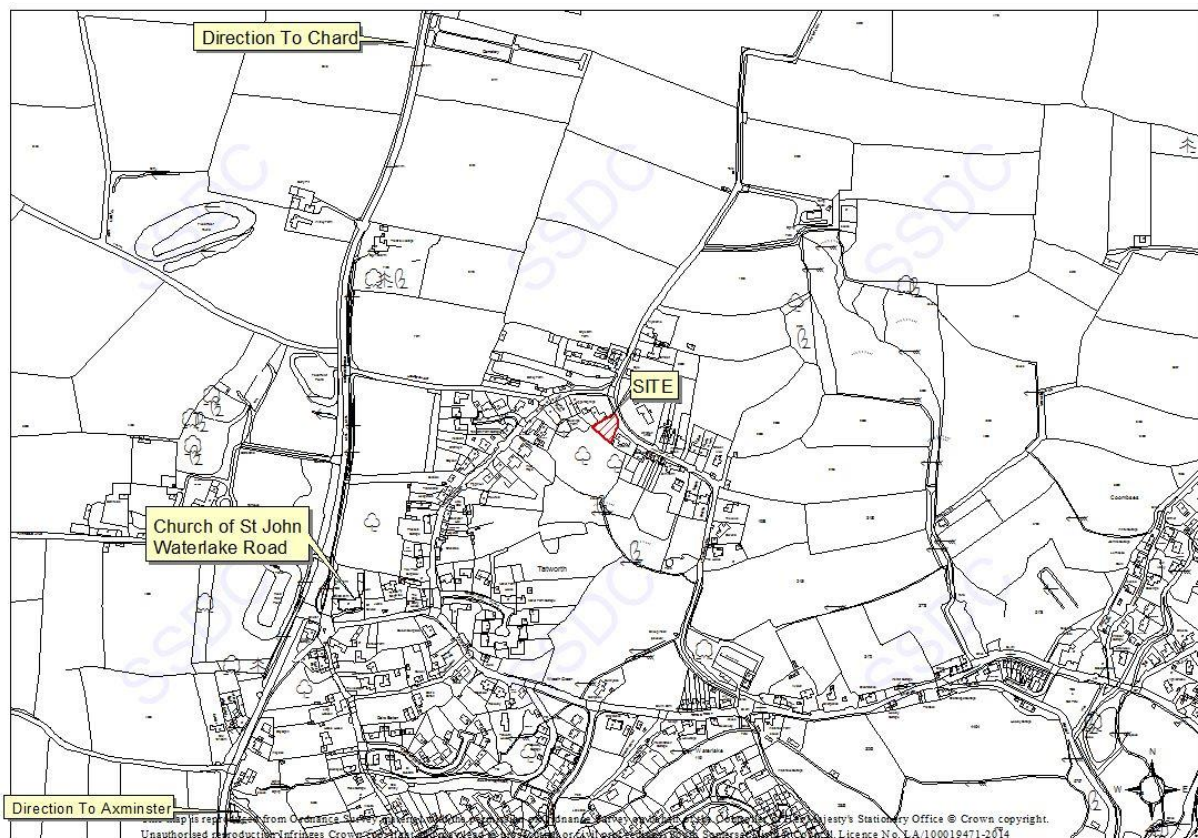
## Officer Report On Planning Application: 14/04662/OUT

<b>Proposal:</b>	Outline application for the erection of 1 No. dwelling. (GR 332989/106020)
<b>Site Address:</b>	Land Adjoining Upper Springs Tatworth Street Tatworth
<b>Parish:</b>	Tatworth And Forton
<b>TATWORTH AND FORTON Ward (SSDC Member)</b>	Cllr A Turpin
<b>Recommending Case Officer:</b>	Mike Hicks Tel: 01935 462015 Email: mike.hicks@southsomerset.gov.uk.
<b>Target date:</b>	17th December 2014
<b>Applicant:</b>	Mr Nicholas Aston
<b>Agent: (no agent if blank)</b>	
<b>Application Type:</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL TO COMMITTEE

The application is to be considered by Area West Committee at the request of the Ward Member, with the agreement of the Area Chair, to enable the change in recommendation by the Parish Council to be fully debate the issue of over development of the site.

### SITE DESCRIPTION AND PROPOSAL





The site lies to the south of Upper Springs, a bungalow accessed off Tatworth Street and forms part of its garden. The northern half (approx.) of the application site lies within the Development Area and the southern half falls outside.

The application seeks outline consent with all matters reserved. Indicative plans have been submitted illustrating how the site may be developed, including a block plan, front elevation, and streetscene elevations.

## HISTORY

96/02491/OUT - Erection of one dwelling and garage - refused and appeal dismissed - 280265. (principle, small site and detrimental impact on adjoining properties)

06/00017/OUT - Erection of detached dwelling and garage - refused and appeal dismissed - 2034068 - the Inspector concluded that it was an important gap in the developed frontage that makes a significant contribution to the character of the area.

11/04714/FUL - Erection of detached dwelling and garage - refused (position, scale, form, design, loss of important visual break, cramped and out of keeping, and loss of light and overbearing impact)

13/00174/FUL- The erection of 1 No. detached dwellinghouse with associated access and parking (Revised Application)- Appeal refused- 2199313 (cramped, contrived form of development, important visual break in streetscene).

14/03766/OUT- Outline application for the erection of 1 dwelling- Withdrawn.

## **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

For the purposes of determining current applications the Local Planning Authority considers that the relevant development plan primarily comprises the saved policies of the adopted South Somerset Local Plan (2006). However, the emerging Local Plan which will replace the adopted Local Plan is in an advanced stage of adoption. The proposed 'Submission South Somerset Local Plan (2006 - 2028)' was submitted to the Planning Inspectorate for Independent Examination in January 2013. A series of Examination Hearing Sessions were held during May and June 2013, which resulted in the Inspector issuing a Preliminary Findings Letter to the Council outlining some issues of concern. The Examination resumed in June 2014 following additional work being undertaken by the Council to address the Inspector's concerns. It is anticipated that the emerging Local Plan will be ready for adoption early in 2015. Having regard to the advanced stage in the adoption of the emerging Local Plan, emerging policies can be afforded some weight in determining the application.

### Relevant Development Plan Documents

South Somerset Local Plan (Adopted April 2006)

ST2 - Villages

ST3 - Development Area

ST6 - Quality of Development

ST5 - General Principles for Development

TP7 - Residential parking provision

EC3 - Landscape Character

Emerging Local Plan:

SS2- Development in rural settlements

EQ2- General Development

### Policy related material considerations

National Planning Policy Framework - March 2012

Chapter 6. Delivering a Wide Choice of High Quality Homes

Chapter 7. Requiring Good Design

Chapter 11. Conserving and enhancing the natural environment

## **CONSULTATIONS**

**Tatworth and Forton Parish Council:** - Recommended approval

### **Tree Officer:**

Two responses given. The first response provides informal comments and is included on the application file. However following additional viewing of the tree a second response which supercedes the first and is set out below:

Having had a closer look, I'm afraid that the tree has a disappointing form and is showing symptoms of poor vigour.

I do not recommend that it ought to constrain development.

**County Highway Authority** - Standing advice applies.

The following comments received in relation to the previous application (13/00174/FUL) are considered to be relevant to this application:

I would refer you to Mr Fellinghams letter dated 19th December 2011 in connection with planning application no. 11/04714/FUL, I consider that these comments apply equally to the present application in that no objection was raised subject to seeing drawings showing the visibility splays, drainage and surfacing details. Therefore the applicant is required to submit amended drawings showing these details.

Therefore subject to the submission of amended drawings showing the visibility, drainage and surfacing I raise no objection to this proposal and if planning permission were to be granted I would require the following conditions to be attached.

- Before the dwelling hereby permitted is 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.
- Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority.
- The area allocated for parking and turning on Drawing No. AUSDHP3 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.
- There shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 33m either side of the access. Such visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be maintained at all times.

**PLEASE NOTE:**

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 will require a Section 184 Permit. This must be obtained from the Highway Service Manager, South Somerset Area Highway Office, Mead Avenue, Houndstone Business Park, Yeovil, Tel No. 0845 345 9155. Application for such a permit should be made at least four weeks before access works are intended to commence.

**REPRESENTATIONS**

Four letters of objections have been received from two adjoining occupiers. The following objections are made:

- The bedroom/living room of The Elms looks over the proposed site.
- Impact on views.
- The applications have caused stress to neighbours.
- Impact on sewerage infrastructure.
- Drainage is currently an issue- the systems are at full capacity.

- Concerns over safety of the access- 30 mph speed limit, no pavements, variety of users of the lane would be affected.

## **CONSIDERATIONS**

### **Principle**

The northern half of the site is located within the defined Development Area as defined in the adopted 2006 Local Plan whereas the remainder of the site is located outside development limits. It should be noted that the Local Plan is out of date and the Emerging Local Plan is at an advanced stage of adoption and is expected to be adopted early in 2015.

Having regard to the location of part of the site outside development limits, Saved Policy ST-3 would apply to the proposal and strictly controls development in such a location. However, paragraph 215 of the NPPF states that:

"due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)".

It should be acknowledged that the 2006 plan is now out of date and only those policies that are compliant with the aims of sustainable development as set out within the NPPF have been saved, furthermore where a saved policy isn't fully compliant with the NPPF it has diminished weight.

Whilst the emerging local plan has yet to be adopted, Policy SS2 designates Tatworth as a rural settlement. Development in Rural Settlements applies. Policy SS2 strictly controls development at Rural Settlements and limits it to that which provides employment opportunities of an appropriate scale and or, enhances community facilities and or meets identified housing need, particularly for affordable housing. SS2 has not been queried by the local plan inspector or challenged in the course of the local plan suspension and was not debated at the recent re-opening of the local plan inquiry. Accordingly, for the purpose of this application, it is considered that the general thrust of Policy SS2 and the NPPF's support for sustainable development should be balanced against the historic interpretation of Policy ST3 which weighs heavily against unwarranted development outside settlement boundaries.

Given these circumstances, the proposal to construct a single dwelling should be considered on its own merits. Paragraph 7 of the NPPF states that there are three dimensions of sustainable development, economic, social and environmental. Each dimension of sustainable development should not be considered in isolation and they are mutually dependant. Furthermore, Paragraph 6 of the NPPF states that paragraphs 18 to 219 of The NPPF should be taken as a whole and constitute the Government's view of what sustainable development means in practice for the planning system. In reaching a view as to whether the site is suitable for the development proposed a range of considerations are relevant.

There are some relatively basic services within Tatworth including a pub, a shop and a primary school. Whilst these are located within the lower portion of the village some walking distance from the site, it is nevertheless considered that they are adequately related to the subject site. Given the access some services and the scale of the development being commensurate with the village, it is considered that residential development is acceptable in principle within the village. However, the acceptability of the scheme depends on compliance with the relevant development plan policies.

## **Planning history**

An inspector dismissed an appeal against the refusal of outline planning permission for the erection of a dwelling and garage on the site in 1997. He concluded that the character of the village is of loose frontage development along narrow lanes, interspersed by landscaped green areas, which provide the area with a semi rural appearance. It was felt that the visual break that the site provides between buildings and its hedgerow and mature trees makes an important contribution to the character and appearance of the area.

An objection to the exclusion of the application site from the development area was considered at the Local Plan Inquiry. The Inspector commented that "this small site provides a break between development in an area of loosely spread housing. With its roadside bank it contributes to the balance between the built form and the open space that provides the semi rural character of this part of Tatworth". The Inspector also made reference to the appeal decision and agreed with the conclusions of the Inspectors appeal decision commenting that "there would be a major visual impact if the site were to be developed. I believe that there are strong landscape grounds not to alter the Development Area Boundary at this point". The Local Plan was adopted in April 2006.

In 2007, an Inspector dismissed a second appeal against the refusal of planning permission for the erection of a detached dwelling and garage on the application site. This site was slightly smaller than the current application site with its northern boundary being 1m further away from Upper Springs bungalow. It was an outline application with all matters reserved although a site layout plan indicated that a dwelling could be accommodated to the rear of the site and mainly within the northern half of the site. The Inspector concluded that it was an important gap in the developed road frontage that makes a significant contribution to the character of the area.

These appeal decisions and the Inspectors' consistent assessments of the value of the undeveloped site to the character of the area are a material consideration in determining the application.

A similar application to the current application was refused in 2011 (11/04714/FUL) on the grounds that the position of the house and its scale, form and design would result in the loss of an important visual break between the buildings, and would appear cramped and out of keeping. In addition, it was considered that, due to its position close to a south facing window on Upper Springs, the proposal would result in loss of light and an overbearing impact.

A further application was considered and refused at appeal in 2013. In dismissing the appeal the inspector concluded that the proposal would result in an "intensification in the use of the site, which currently continues to provide a break between development in an area that comprises loosely spread housing and, as such, contributes to the balance between built form and open space which add to the semi rural nature of the area."

## **Pattern of development and visual impact**

Whilst there is a variety of property styles and positions in Loveridge Lane, the immediate surroundings of the site are characterised by three large bungalows on spacious plots set well back from the road to the north-east and north-west, a sizeable house to the south-east and a large open area to the south-west. The Lane changes in character further to the south-east of the site where development becomes more dense and is characterised by two storey buildings.

The indicative plan is an improvement over the previously refused scheme. The proposed dwelling would be located in the centre of the plot with approximately equal spacing to the side boundaries. However, there are remaining considerations relating to site circumstances that weigh significantly against the proposal. The indicative layout indicates a dwelling approximately 9 metres in width and 9 metres in depth. This would be significantly smaller in scale when compared to surrounding properties such as Upper Springs to the north and The Elms to the south east which each have a width of approximately 17 metres. In addition the scale of the plot would be constrained in relation to the size of the proposed dwelling. For example, whilst indicative only, the proposed dwelling would be approximately 2 metres from the shared boundary with The Elms at its closest point.

The narrow frontage of the plot reinforces its cramped nature, which distinguishes it from other sites in the village (Pipping Hill, Tatworth Street 11/05114/FUL and Waterlake Road/Fore Street/Bulls Lane junction 12/03268/FUL) which have been given permission for new dwellings in 2011 and 2012. These other sites are also fully within the Development Area. Other dwellings in the locality by contrast have relatively regular shaped plots with wide frontages.

It is noted that the appeal inspector in 2013 concluded that the site continues to provide a break between development and contributes to the semi rural character of this part of Tatworth. It is acknowledged that the area to the south east is higher density, however it is considered that the site provides a visual buffer between the more spacious development consisting of single storey dwellings to the north and more dense two storey development, to the south east of the adjoining dwelling, The Elms. The provision of a vehicular access, necessary visibility splays and hard standing would erode the openness of this important gap to the detriment of the streetscene and the character of the locality.

It is noted that there is semi mature tree to the front of the site which would be located adjacent to the proposed access. A tree survey has not been submitted. The Councils tree officer has been consulted on the application. It is considered that the tree provides significant amenity value to the appearance of the streetscene and therefore it would be beneficial to retain the tree. Based on the indicative plan, the tree would be located approximately 10 metres from the front of the proposed dwelling. The tree officer has assessed the tree and has concluded that the tree is a relatively poor specimen not worthy of protection.

### **Highway safety**

The indicative layout indicates that parking and turning can be provided to the side and front of the proposed dwelling. It is considered that in order to provide the required visibility splays, some trimming of plants to the front of the site would be required.

### **Residential amenity and neighbour objections**

The concerns of the neighbours in respect to amenity are noted. However, it is considered that an acceptable scheme can be achieved in this regard. There is a bedroom window at first floor level within The Elms that overlooks the site. The bedroom is not served by any other windows, however, it is considered that there would be an acceptable impact on light levels to this room provided that adequate spacing is provided between the proposed dwelling and the shared boundary and also subject to an appropriate overall size for the proposed dwelling.

There is a bedroom window to the side elevation of Upper Springs which would face the application site and is the only window serving the bedroom, however, it is considered that



there would be an acceptable impact on light levels to this room provided that adequate spacing is provided between the proposed dwelling and the shared boundary and an appropriate overall scale for the proposed dwelling.

Issues of drainage/sewerage should be addressed through Building Regulations. Subject to the provision of adequate visibility splays to satisfy the Highway Authority, it would be unreasonable to refuse permission on the grounds of increased traffic in this location.

### **Accuracy of plans**

The location plan is inaccurate in that it does not show the new house recently built to the north of Upper Springs and the second bungalow opposite the site.

The roof plan for Upper Springs on the block plan is incorrect.

### **CONCLUSION**

This part of Tatworth has a distinct semi-rural and spacious character. The proposed development would result in the loss of an important gap in the Lane between the buildings in this loosely developed frontage, which would detract from the character and appearance of the area. It is also considered that the plot is constrained in size and is irregular in shape with a very narrow frontage. As such a dwelling sited within this plot would appear cramped and out of keeping with its surroundings.

### **RECOMMENDATION**

Refuse Permission

01. The proposal, by reason of the constrained dimensions and irregular shape of the plot would result in a cramped and awkwardly sited development and would result in the loss of an important visual break between the buildings. The proposal would appear cramped and out of keeping with and detract from the character and appearance of the site and its surroundings. This would be contrary to saved policies ST5 and ST6 of the South Somerset Local Plan (Adopted April 2006) and paragraph 64 of the National Planning Policy Framework.

### **SUBJECT TO THE FOLLOWING:**

#### **Informatives:**

01. In accordance with paragraphs 186 and 187 of the NPPF the council, as local planning authority, takes a positive and proactive approach to development proposals focused on solutions. The council works with applicants/agents in a positive and proactive manner by;
- offering a pre-application advice service, and
  - as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

The Local Planning Authority undertook pre-application negotiations following the previous refusal and positively engaged with the applicant to minimise the reasons for refusal. However, no satisfactory solution could be achieved and the applicant was advised of his right to appeal.

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