

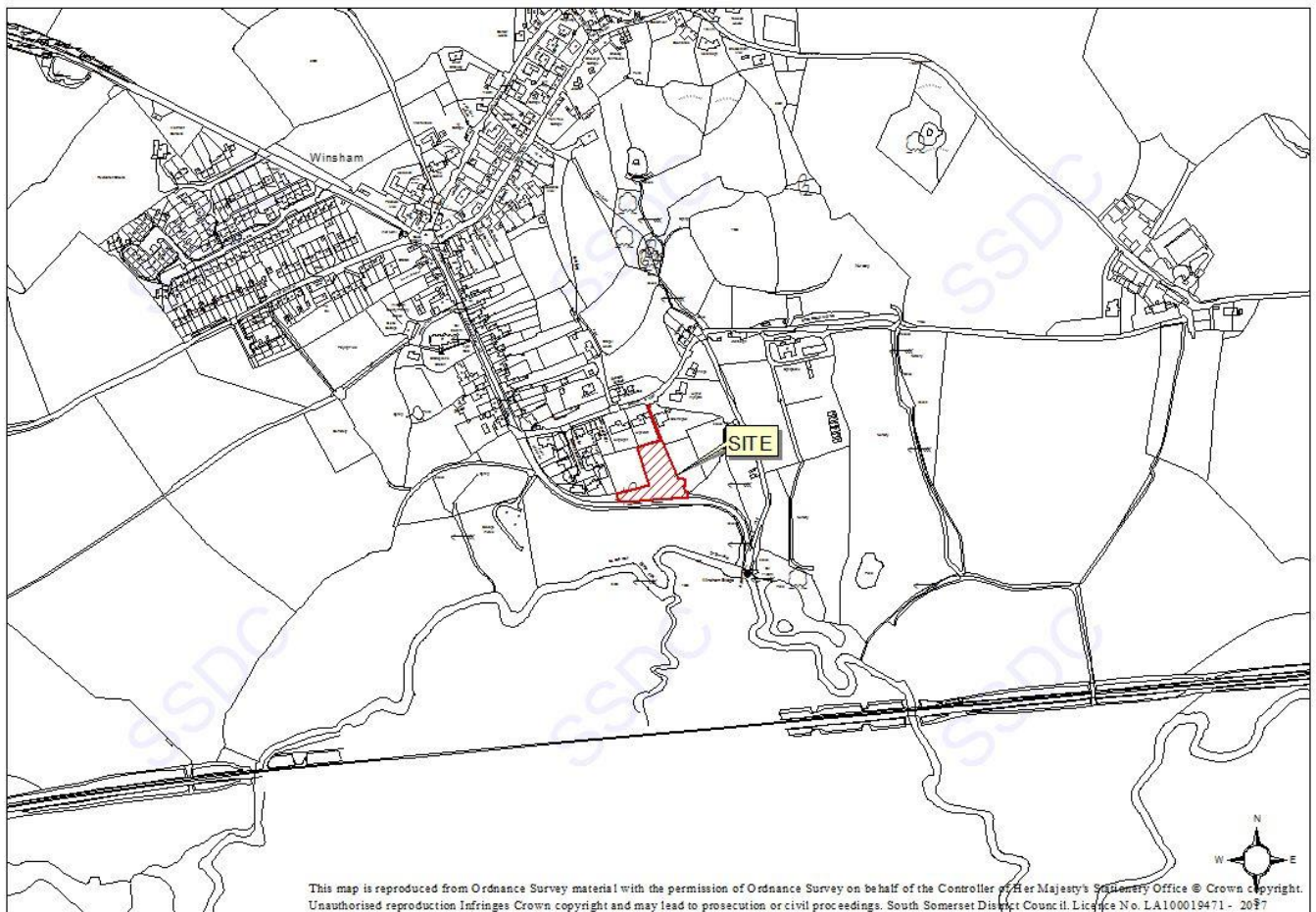
Officer Report On Planning Application: 17/03908/OUT

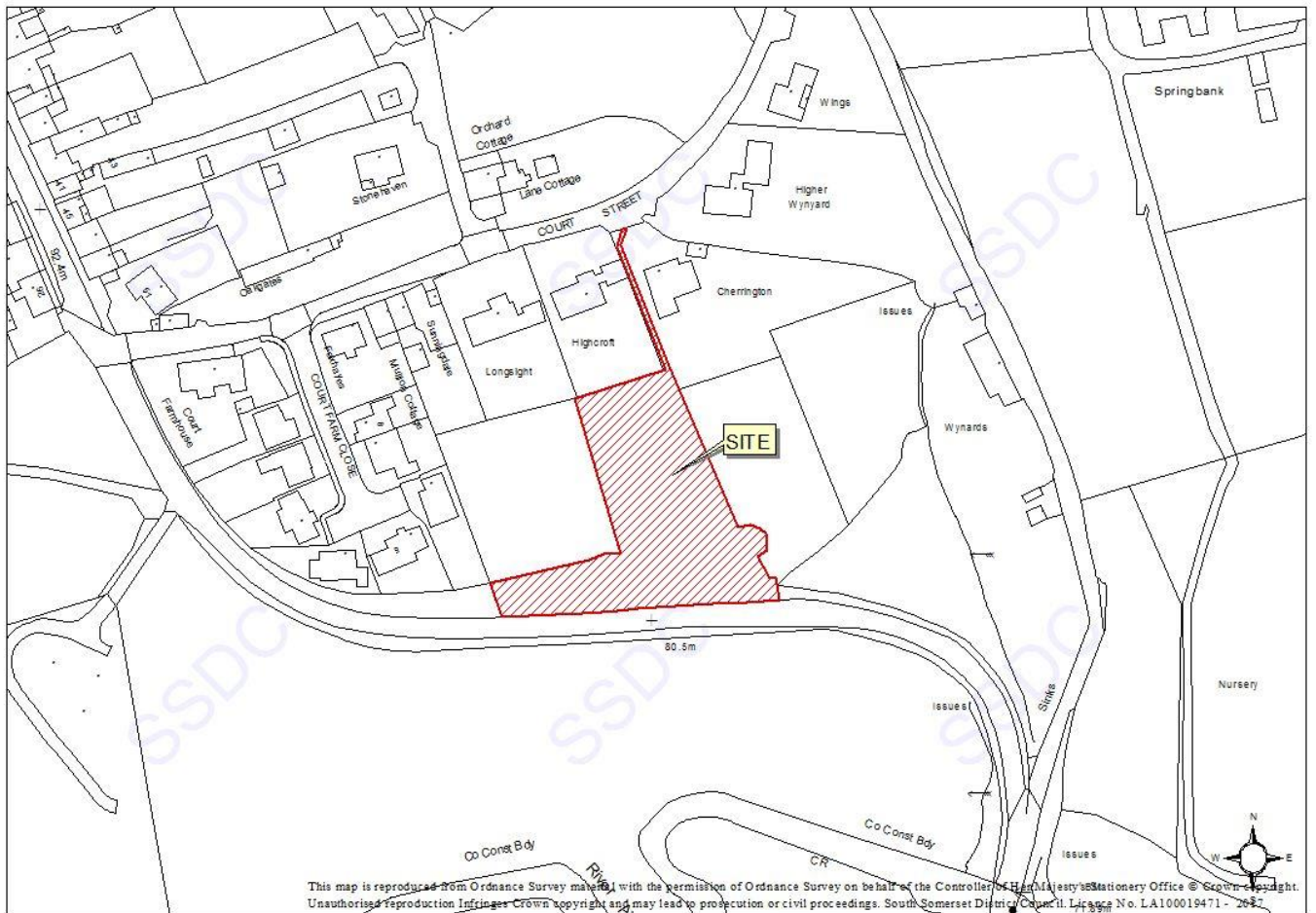
Proposal :	The erection of a dwellinghouse and detached double garage.
Site Address:	Land Os 7216 Part Church Street Winsham
Parish:	Winsham
WINDWHISTLE Ward (SSDC Member)	Cllr S Osborne
Recommending Case Officer:	Linda Hayden Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
Target date :	22nd November 2017
Applicant :	Mr & Mrs P Frecknall
Agent: (no agent if blank)	Greenslade Taylor Hunt 1 High Street Chard TA20 1QF
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

This application is referred for Committee consideration at the request of the Ward Member with the agreement of the Area Chairman in order to allow the planning issues to be debated.

SITE DESCRIPTION AND PROPOSAL





The application site is a small paddock situated to the south of a row of properties within Court Street in Winsham. The site slopes from north to south and west to east and is bounded by residential properties to the north and west with a tree lined bank along part of the southern boundary. There is an access to the site to the south from the B3162 (Church Street). Outline permission was granted in October 2016 for a single dwelling on the site (16/02521/OUT)

This is an outline application for the erection of a further house and detached double garage to be sited to the west of the dwelling approved in 2016. Layout and access are to be considered at the outline stage with appearance, scale and landscaping reserved for a later reserved matters application. The plans show improvements to the existing access from the B3162 to the south of the site which is to be consolidated over the first 6 metres with a new track running up the slope to the west to serve the new dwelling (as with the previous application). The plans include the footpath running along the northern boundary and exiting on to Court Street to the western side of the property known as 'Cherrington' (within the ownership of the applicant).

The application documentation includes a Landscape Statement, Arboricultural Impact Assessment and Highway Access Statement.

HISTORY

16/02521/OUT - The erection of 1 No. dwellinghouse and detached double garage (Outline). Approved 20/10/2016.

892312 - Formation of agricultural vehicular/access. Approved 27/9/1989.

891640 - Alterations and extensions to bungalow. Approved 10/7/1989.

891304 - Formation of vehicular/agricultural access onto the B3162 road. Refused 28/6/1989.

860035 - Reserved matters (850330) The erection of a dwelling and garage. Approved 21/2/1986.

850330 - Outline: The erection of a bungalow on land at Cherington. Approved 19/7/1985.

812299 - Outline: The erection of a bungalow on land at Court Farm. Refused 11/3/82.

782216 - Erection of dwelling and garage. Refused 22/3/1979

771932 - Erection of 2 bungalows and garages. Approved 3/2/1978.

740295 - Reserved matters - Erection of 2 bungalows and garages. Approved 10/2/1975.

86601 - Outline erection of 2 bungalows and garages. Approved 10/2/71

19705 (A-E) - Retention of garage. Approved 1953 - 1975.

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 decisions must be made in accordance with relevant Development Plan documents unless material considerations indicate otherwise.

Relevant Development Plan Documents

South Somerset Local Plan 2006-2028:

Policies:

SD1 - Sustainable Development

SS1 - Settlement Strategy

SS2 - Development in Rural Settlements

HG4 - Affordable Housing Provision - Sites 1-5 Dwellings

TA5 - Transport Impact of New Development

TA6 - Parking Standards

EQ2 - General Development

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 we are not seeking an affordable housing obligation from this development.

National Planning Policy Framework:

Part 4 - Promoting sustainable transport

Part 6 - Delivering a wide choice of high quality homes

Part 7 - Requiring good design

Part 8 - Promoting Healthy Communities

Part 10 - Meeting the challenge of climate change, flooding and coastal change

Part 11 - Conserving and enhancing the natural environment

National Planning Practice Guidance:
Design

Somerset County Council Parking Strategy (March 2012)

Somerset County Council Highways Development Control - Standing Advice (June 2013)

Other Material Considerations

In September 2017 a report was accepted by the District Executive that confirmed that the Council is currently unable to demonstrate that it has a 5 year supply of deliverable housing land as required by paragraph 47 of the NPPF. In such circumstances paragraph 49 is engaged, this states:-

"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

CONSULTATIONS

Winsham Parish Council:

'Recommend Refusal on the following grounds:

Road Safety - The Parish Council are still extremely concerned about road safety owing to the excessive road speeds the village experiences, and also without sufficient visibility and stopping distance at the point of proposed access. The entrance to the proposed property is after a sharp left bend, half way along a downward slope, but the speed limit on the popular B3162 goes from 30 mph to 60 mph (with no 40mph buffer zone) just before the point of access. The road is narrower at the point of access to the proposed property. Visibility splays have not been provided in the outline plan. The concern over speeding is further evidenced in a recent survey using SID's proved that speeding is an issue in the village. In the 30mph zone on Church Street, particularly coming from the Chard end, the average vehicle speed there was 37 mph. (Ref. Dave Grabham, SCC Traffic Engineer, April 2016). Therefore the proposed access, which includes a sloping driveway, represents a potential road safety hazard.

The Parish Council would wish to see a better access on the entrance with a slip road/escape lane.

These comments reflect our comments on application 16/02521/OUT on the same site.'

County Highway Authority:

'The Highway Authority has already commented on an application on this site previously and this application is for an additional dwelling.

The access was looked at during the previous application and no objections were raised to the principle of the access itself. The average dwelling generates 6-8 vehicle movements per day and it is the opinion of the Highway Authority that there is sufficient capacity to cope with the proposed level of vehicle movements from this junction.

It was apparent from my onsite observations that the B3162 did not have a high traffic flow and there is sufficient capacity to cope with the proposed level of vehicle movements that would be generated from this application.

The access would have to be fully consolidated over the first 6.0metres of the access to help prevent

loose material from being deposited onto the highway, which could represent a potential highway safety concern.

The applicant should also be made aware that it is an offence under the Highways Act (1980) to allow for water or detritus to be discharged onto the highway and as such would need to make sure that under no circumstance should water be discharged onto the highway. Assumption should not be made that connections can be made into any highway drainage.

Turning to the internal layout of the proposal, the applicant must ensure that there is sufficient space to allow vehicles to turn around. The proposal is to erect a double garage as well; this must be in line with the Somerset Parking Strategy (SPS). A double garage should ideally measure a minimum of 6x6 metres. The application falls within Zone C of the SPS and as such the optimum level of parking for this site would mean that 4 spaces (rounded up) should be provided within the site.

To prevent over reliance of vehicular movements, as well as preventing pedestrians from walking along the B3162, which could cause a potential highway safety concern, a pedestrian access would be required onto Court Street and would have to be maintained in such a condition that it can be utilised at all times.'

The Highway Authority therefore does not wish to raise an objection to the planning application but recommends that should planning consent be granted conditions are imposed in relation to; consolidation of access surface; visibility splays; access gradient; disposal of surface water; provision of parking and turning; provision of pedestrian route; and restriction on use of garage.

Landscape Officer:

'I recollect the earlier application for a single residence. This application intends a second dwelling to the east of that permitted last year. Reviewing the layout, and the landscape material that has been submitted in support of this application, my views are as expressed for the initial application, which follow below. My main concern remains that of the character of the site's access, and I note that there is no intent to amend the design agreed at that time. Consequently I have no further landscape issues to raise, and if you are minded to approve, please condition the hedgerow containment of the residential plot, and adjacent woody management works as set out on drawing no; 2271-PL-04.'

Previous comments in relation to permission 16/02521/OUT:

'...whilst laying outside the current village curtilage of built development, I note that the application site (a) is located within a field that is already characterised by development form within its historic boundaries, and (b) is sited such that existing residential plots lay to the immediate west and north of the site, to thus provide a residential context. This confirms that the proposal will not extend beyond an established traditional boundary, and is well-related to existing village form. A landscape statement is submitted with the application, which has reviewed the visual profile of the site. It finds that there are limited views of the site beyond the immediate boundary, and where seen from outside the site, the house would be viewed in relation with adjacent housing. Consequently, providing there is a planning case for the small-scale growth of village housing, I have no substantive landscape issues with the location of the application plot.

I have a greater concern relating to the access. The impact of a residential access created in a location that is not characterised by residential expression, upon the rural approach to Winsham, is potentially adverse. This has been recognised by the proposal, which has opted for a low-key highways approach, which offers a limited amendment to the existing entrance, with limited change in grade and alignment of the existing agricultural access, allied to a vegetation management proposal, that seeks to ensure a healthy, rejuvenated tree and shrub cover is perpetuated. Whilst I consider the landscape impact of the highway's works will create a local adverse effect, I am also aware that such works could be undertaken as PD. With that in mind, I advise that there is a minor degree of landscape harm associated with this

proposal, but I do not consider it to be sufficiently weighty to provide basis for an over-riding landscape objection. If minded to approve, please condition the woody vegetation adjacent the access to be managed as set out in the landscape statement, similarly the hedgerow containment of the residential plot.'

Crime Prevention Design Advisor

No objection or comments.

Environmental Protection Officer:

Recommends an Informative be attached in relation to the proximity of the site to a suspected landfill site.

Senior Historic Environment Officer:

'As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.'

South West Water:

No objections.

REPRESENTATIONS

17 letters of objection have been received making the following comments (summarised):

- Concerned about the vehicle exit onto the B3162 due to speed of traffic (it is outside of 30 mph limit) gradient and traffic levels; access has been described as substandard and dangerous by council officers.
- Visibility is poor at the access and situated between two dangerous bends; it fails to comply with national and local guidance, Manual for Streets 2.
- As one dwelling has already been approved an additional dwelling will double the danger at the access.
- First house has not been built yet.
- New residents may choose to park in Church Street rather than use the access and this could cause problems for existing residents.
- Access was granted for agricultural needs and lightly used.
- Parking of service vehicles on the highway (e.g. refuse lorries) will cause an obstruction to larger vehicles.
- The conditions from the 2016 permission should be imposed upon any consent.
- Concerned about damage to wildlife within the roadside bank.
- Have experience of near misses on the road.

CONSIDERATIONS

Principle

As set out above, the starting point for decision-making is the statutory development plan, which is the South Somerset Local Plan (2006 - 2028). Adopted in March 2015, this provides the policy framework for assessment of grant planning applications for development in the district.

However, the lack of a five-year housing land supply means that policies relating to the supply of housing should not be considered up-to-date. As such, proposals for residential development fall to be determined in light of Paragraph 14 which states that where development plan policies are out-of-date planning permission should be granted unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits,

- when assessed against the policies in this Framework taken as a whole;
- or specific policies in this Framework indicate development should be restricted.

According to the recent High Court decision (Woodcock Holdings Ltd) in reaching a conclusion on an application, the appropriate weight to be attached to 'out-of-date' housing supply policies needs to be considered in the 'planning balance' of whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. It falls to the local planning authority to strike the appropriate balance between the very clear benefits stemming from the delivery of houses to meet the Council's shortfall and any harmful impacts arising from this proposal. The NPPF is very clear that, without a 5 year housing land supply, housing application should be considered "in the context of the presumption in favour of sustainable development" (para. 49) and that any adverse impacts would need to significantly and demonstrably outweigh the benefits when assessed against the policies in the framework taken as whole; or specific policies in the Framework indicate development should be restricted. (para.14).

In this case, whilst the development would only contribute a single dwelling towards the housing supply in the district, it is considered that given the proximity of the site to the village centre which includes a pre-school, primary school, shops/post office, church and recreation ground the site does occupy a sustainable location that is appropriate for development.

Highway safety and parking

The County Highway Authority (CHA) has assessed this application and determined that the impacts of the proposal would not be so adverse as to justify refusal of the application subject to the imposition of appropriate highways conditions.

It is noted that the highways issues were fully considered by the Committee prior to determining the 2016 application where it was determined that planning permission should be granted. Therefore, the principle of using this access to serve a residential dwelling has now been established. As such, it is necessary to consider if the use of the improved access by an additional dwelling would be acceptable and if the proposal would result in such a significant increase in traffic movements as to justify refusal of this planning application. The NPPF states that:

'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.'

In this case, both the CHA and the applicant's highways consultant have stated that, in their expert view, the development would not result in such an adverse impact upon highway safety as to justify refusal on highways grounds. As such, it is considered that to refuse this application on highways grounds would be unreasonable and would not accord with the advice given in the South Somerset Local Plan 2006-2028 and the NPPF.

In terms of parking provision, the proposed layout shows that there will be sufficient space within the site to provide the necessary levels of parking and turning to accord with the relevant standards.

Visual amenity and Impact on the setting of the locality

The application site is adjoined by residential development on two sides and is considered to be well related to the existing built form of the village. Given that there are only limited views of the site from the wider landscape it is not considered that the proposal will adversely impact upon the character of the rural surroundings. The Landscape Officer has no substantive issues with the location of the application plot.

The Landscape Officer has expressed some concern about the alterations to the access but given the

low-key approach that has been proposed in terms of the materials and vegetation management he does not object to this part of the proposal nothing that such works do not require planning permission.

In the circumstances, it is felt that a further dwelling on this site can be accommodated without demonstrable harm to the rural landscape and as such the proposal complies with policy EQ2 of the South Somerset Local Plan 2006-2028.

Residential Amenity

This is an outline application with layout and access to be considered at this stage, the application form states the development is for a 1.5 storey dwelling with ancillary garage.

It is felt that given the distances from the shared boundaries, a 1.5 storey dwelling in the location proposed would not result in demonstrable harm to the amenities of neighbouring residents. The proposed dwelling would be 43 metres from the rear of the property to the west (No. 6 Court Farm Close) and 35m from then dwelling to the north (Highcroft). The distances to the dwelling will ensure that the proposal will not result in a significant loss of light to the neighbouring properties and will not result in significant over shadowing. As such, it is not considered that the proposed dwelling would have an overbearing impact upon residential properties adjoining the site.

With regard to potential overlooking, the location of first windows will be considered at the reserved matters stage but it is felt that a property can be designed in the location proposed with no significant overlooking of neighbouring gardens.

Affordable Housing

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 we are not seeking an affordable housing obligation from this development.

Summary

In light of the Council's lack of a demonstrable five year supply of housing land, the housing supply policies within the local plan can only be given limited weight. Given the sustainable nature of the site, it is considered that the proposal accords with the relevant requirements of the NPPF and as such can be supported in principle. This is an outline application and it is considered that a dwelling can be accommodated on the site without resulting in demonstrable harm to neighbouring amenity. In terms of the highways issues, the County Highway Authority have thoroughly assessed the application and determined that it is acceptable subject to conditions as such it is not considered that the proposal could be refused on highway safety grounds.

RECOMMENDATION

Approve

01. Notwithstanding the objections from local residents and the Parish Council, 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 and highway safety, in accordance with policies SD1, SS1, SS2, TA5, TA6 and EQ2 of the South Somerset Local Plan (2006-2028) and the core planning principles of the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

01. Details of the scale and appearance of the building(s) and the landscaping of the site (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

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

02. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development shall begin no later than 3 years from the date of this permission or not later than 2 years from the approval of the last "reserved matters" to be approved.

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 approved plans: Drawing No.'s 2271-PL-03 and 2271-PL-04.

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

04. Before the development hereby permitted is commenced, 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 and in accordance with Policy TA5 of the 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 2.4 metres back and parallel to the nearside carriageway edge over the entire site frontage. 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 and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

06. The gradient of the proposed access shall not be steeper than 1 in 8 and shall be maintained at that gradient thereafter at all times.

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

07. 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. Such provision shall be installed before the site is first brought into use and thereafter maintained at all times.

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

08. The development hereby permitted shall not be occupied until 4 parking spaces for the dwelling and a properly consolidated and surfaced turning space for vehicles have been provided and constructed within the site in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such parking and turning spaces shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

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

09. Before commencement of the pedestrian path from the site to Court Street details of the pedestrian path (including proposed surfacing, lighting and lock/security measures) shall be submitted to and approved in writing by the Local Planning Authority. The path shall be fully implemented in accordance with the approved details before occupation of the dwelling hereby approved. Once constructed the pedestrian route shall be made available and maintained at all times in accordance with the details agreed.

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

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order), the use of any existing garage, or garage hereby permitted, as part of this development shall not be used other than for the parking of domestic vehicles and not further ancillary residential accommodation, business use or any other purpose whatsoever.

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

11. The dwelling hereby permitted shall not exceed 1.5 stories in height.

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

12. The landscaping details to be submitted as part of the reserved matters shall fully comply with the advice and guidance contained within the Landscape Statement dated September 2017 prepared by Clark Landscape Design and the landscaping details and planting shown on Drawing No. 2271-PL-04.

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

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

02. The application site is within 250 metres of a suspected landfill site. The applicant/developers attention is drawn to the fact that there is the potential for production and migration of landfill gas. You are reminded that the responsibility for safe development rest with the owner and/or developer. Accordingly, the applicant/developer is advised to seek independent expert advice regarding the possibility of the presence, or future presence, of gas and whether any precautionary measures are necessary. The Council's Environmental Health Service will make available to you, free of charge, any information data that it has in relation to the land to which the application applies. For further information please contact Tim Cox.
 03. The applicant is advised that the landscaping plan submitted as part of the reserved matters should include the recommendations of the Landscape Statement and Arboricultural Impact Assessment prepared by Clark Landscape Design that accompany this outline application. It is also suggested that the plan includes proposals for the maintenance of the leylandii boundary hedge.
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