

Officer Report On Planning Application: 17/03517/FUL

Proposal :	Demolition of cottage and the erection of 2 No. dwellings.
Site Address:	Torwood, High Ham, Langport.
Parish:	High Ham
TURN HILL Ward (SSDC Member)	Gerard Tucker
Recommending Case Officer:	Nicholas Head Tel: (01935) 462167 Email: nick.head@southsomerset.gov.uk
Target date :	2nd November 2017
Applicant :	Mr & Mrs C Dyer
Agent: (no agent if blank)	Clive Miller, Clive Miller & Associates Ltd, Sanderley Studio, Kennel Lane, Langport TA10 9SB
Application Type :	Minor Dwellings 1-9 site less than 1ha

Reason For Referral To Committee

The report is referred to Committee at the request of the Ward Member to enable a full discussion of the issues raised by the proposal.

SITE DESCRIPTION AND PROPOSAL





The site is located at the northern end of the village, on the east side of Hillside Farm Road, one house to the north of the junction with Main Road/Ham Hill. The site is currently occupied by a traditional stone cottage fronting directly onto the highway, with a small garden area separating it from the dwellinghouse to the south. The existing dwelling is in a poor state of repair.

Permission is sought for the demolition of the dwelling and the erection of two new dwellinghouses.

HISTORY

09/00959/FUL - The demolition of 2 no. semi-detached dwellings and the erection of 2 no replacement semi-detached dwellings - permitted with conditions (not implemented)

08/01325/FUL: The demolition of existing buildings and the erection of 3 no dwellings. Application withdrawn on 30/04/2008.

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
SS2	Development in Rural Settlements
TA5	Transport Impact of New Development
TA6	Parking Standards
EQ2	General Development

National Planning Policy Framework (March 2012)

National Planning Practice Guidance - Department of Communities and Local Government, 2014.

Policy-related Material Considerations

Somerset County Council Parking Strategy, March 2012 and September 2013.
Somerset County Council Highways Standing Advice, June 2013.

CONSULTATIONS

Parish Council: The application is supported.

Highways Authority: Initial comment: Standing advice applies. Further advice was sought, given the unsafe nature of the access. *The Highway Authority has concerns regarding visibility for vehicles emerging from the southern-most access as this is seriously impeded by the roadside building immediately to the south of the site. Consequently visibility cannot be achieved at this access. This would represent a highway safety concern and be contrary to TA5 of the South Somerset Local Plan (adopted March 2015) and the aims and objectives of the National Planning Policy Framework (NPPF) (i.e. to provide a safe and satisfactory access).*

SSDC Highway Consultant: Reference is made to pre-application discussions with the applicant, in which it was advised that a safe access could only be achieved by positioning the parking for the two dwellings centrally between the dwellinghouses, with an adequate setback to grant reasonable visibility. *The concern with the current submission is that visibility for and to vehicles emerging from the southern-most access would be seriously impeded by the roadside building immediately to the south of the site and therefore in reference to paragraph 32 of the NPPF safe and suitable access would not be provided. I believe the agent should be encouraged to revert back to the centrally located access arrangement, otherwise a highway reason for refusal could be sustained.*

SSDC Landscape Officer: *The proposal intends the demolition of a pair of cottages and their replacement with two individual dwellings. The site lays to the immediate south of the former Fountains Garage site - which is now characterised by residential form - and a single cottage to the south, at the road junction.*

As residential form characterises the site and the immediate surrounds, there is no landscape issue with the principle of replacement. The house design indicates road frontage elevations that are of a scale that is commensurate with the existing street scene, which is acceptable. However, with the land falling to the east, the 'rear' elevations are presented over 3 storeys, with a high proportion of glazing, which allows a potential for escape of nightlight as viewed from this side. I note however, that there are limited close and mid-distance views of these east-facing elevations, whilst potential views from longer distance will take in the new houses as a minor component of the village's housing edge. Consequently on balance, I do not consider the visual effect of this development proposal to be any more than negligible-minor adverse, and thus raise no further landscape issues.

REPRESENTATIONS

One letter has been received from the neighbouring resident of Hillcrest, raising the following concerns:

- concern about the loss of light to the dwellinghouse which has a ground floor kitchen window on the shared boundary.
- There are shared drains crossing the application site which are used by Hillcrest.
- Construction work on the new development could harm the integrity of Hillcrest.

CONSIDERATIONS

Background

The applicant was advised on submission that this scheme could not be supported on highway safety grounds. Accordingly, an alternative scheme was prepared and circulated for comment, with the dwellinghouses placed further apart, and parking for plot number 2 located between the houses. This would overcome the severe highway safety impact identified in the original layout.

The Parish Council objected to this revised scheme after consultation with the neighbouring resident in Hillcrest, and the applicant has now reverted to the original scheme, with the unsafe parking/access layout.

Principle of Development

The site is within a village with reasonable services and facilities, and therefore falls within the ambit of Policy SS2 of the Local Plan. The proposal effectively seeks the creation of one additional dwellinghouse. As the proposal enjoys local support, the principle of development is accepted.

Visual and Landscape Impact

The Landscape Office has given a clear assessment of the impact on the landscape setting. From the point of view of the street scene, the proposed dwellings address the road frontage in a traditional way, presenting a pair of two storey cottages. The detailed design uses the massing in a more modern way, but is considered to respect this setting.

There are not considered to be any harmful visual impacts resulting from the proposal that would warrant a negative decision.

Impact on Residential Amenity

The design presents gable ends onto neighbouring dwellings. All side windows are to be obscure glazed, and it is not considered that there would be any harmful overlooking. There is a minimum of 5m between the proposed houses and their existing neighbours to north and south, and it is not considered that there would be any harmful loss of light or overbearing.

Highway Safety and Parking

The scheme provides adequate off-street parking for each of the two dwellings in terms of the Somerset Parking Strategy. However, the parking arrangement for Plot 2 (the southernmost dwelling) relies on a parking area with an exit onto the highway that fails to provide reasonable visibility. The dwelling to the south of the site, Hillcrest, is built hard up against the highway edge and the site boundary. Assuming drivers were to park by reversing into these bays, they would have zero visibility towards the south on exiting the site. This is compounded by the less than optimal tandem arrangement of parking bays. As

noted by the Council's consultant, this poor visibility would represent a severe potential harm to highway safety, and for this reason the proposal cannot be recommended for approval.

The proposal is clearly contrary to the Standing Advice, and the Highway Authority was asked for further comment, which is recorded above. The proposal is considered to be harmful to highway safety by reason of the poor visibility at the southernmost access, and is accordingly recommended for refusal for this reason.

Neighbour Concerns

Whilst there might be a 'right to light' issue, this is not a planning issue. For purposes of residential amenity, it is considered that there is adequate separation between the dwellings. It should also be borne in mind that the ground floor window does not enjoy planning protection, as permitted development rights could allow for the erection of a 2m wall obscuring this window.

The drainage and construction issues are civil matters to be resolved between the respective land owners.

Conclusion

The proposal represents the creation of two dwellinghouses (only one being an additional new dwelling in the settlement) that would make a positive contribution to the overall supply of housing, and the vitality and sustainability of the settlement. In this respect, the proposal is considered to comply with the aims of Policy SS2 of the Local Plan, and the general objective of sustainable development expressed in the NPPF.

However, the layout is unable to provide safe vehicular access to parking bays for Plot number 2, and would thereby represent potentially severe highway safety harm, contrary to the aims of Policy TA5 of the Local Plan and Paragraph 32 of the NPPF. For this reason, the proposal is recommended for refusal.

RECOMMENDATION

Refuse.

01. The proposal, by reason of the design and layout of the parking and access arrangements, would be prejudicial to highway safety. In particular, the vehicular access and parking for Plot 2, by reason of the severely restricted visibility in a southerly direction, are considered unsuitable for use in connection with the development proposed, contrary to the aims of the NPPF and Policy TA5 of the South Somerset Local Plan.

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

In this case, the applicant/agent did not take the pre-application advice offered, and has proceeded with a proposal contrary to Highways Standing Advice that would result in highway safety harm.
