

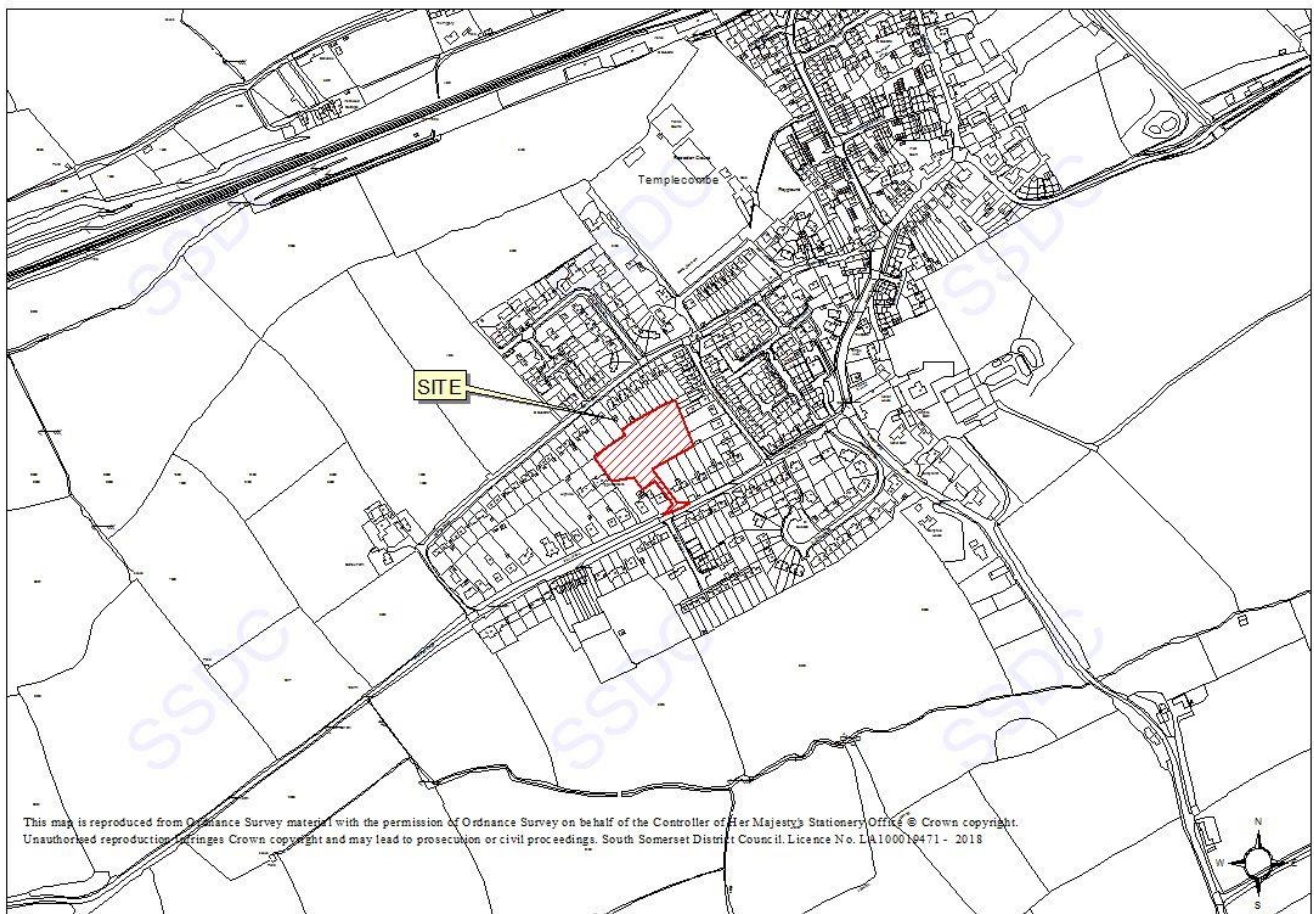
Officer Report On Planning Application: 17/04047/S73A

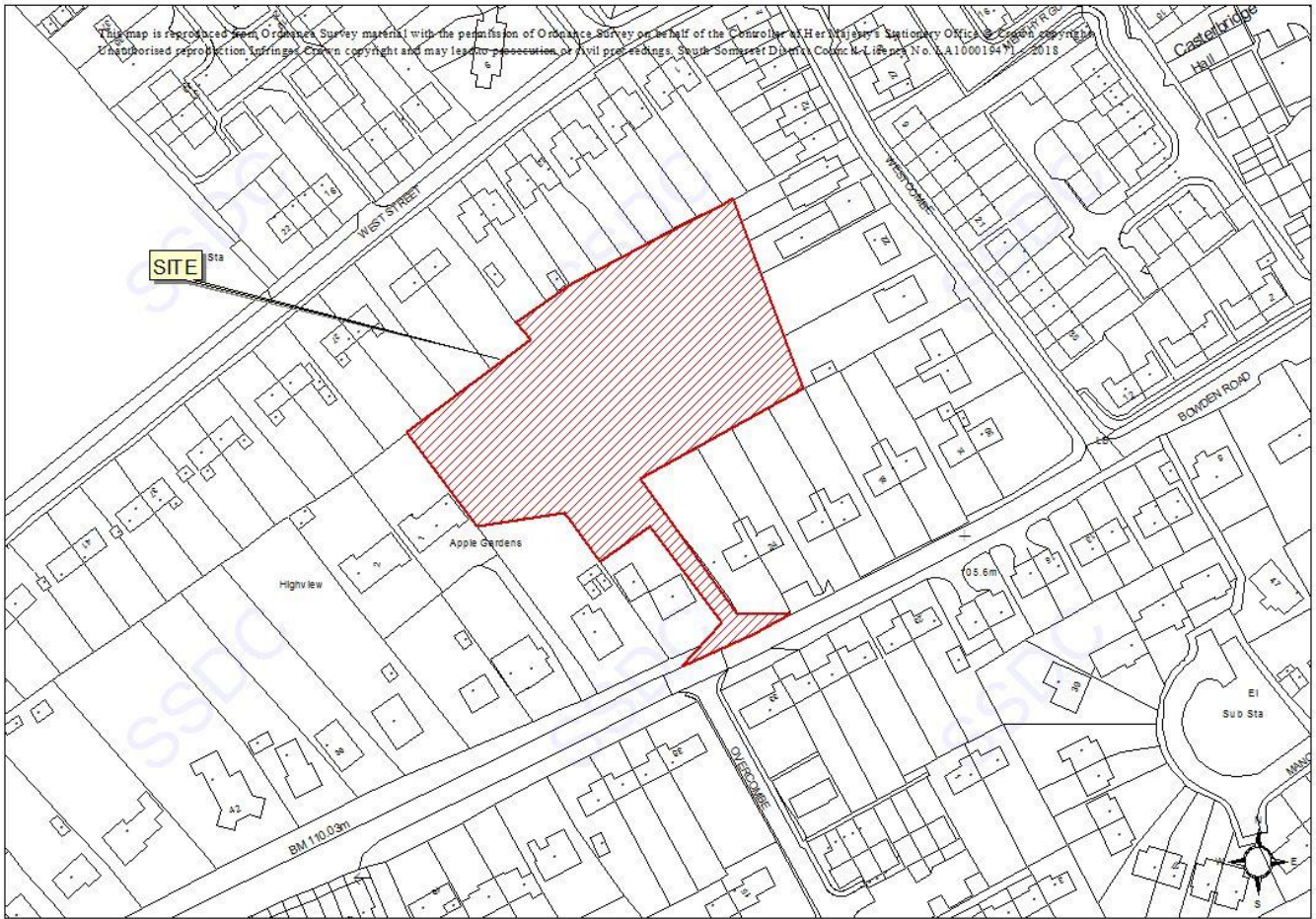
Proposal:	Application to vary condition No. 02 (approved plans) of planning approval 09/03037/FUL, 11/02147/S73 and 16/03330/S73A to substitute with revised plans.
Site Address:	Land Rear Of 18 To 24 Westcombe Templecombe
Parish:	Abbas/Templecombe
BLACKMOOR VALE Ward (SSDC Member)	Cllr William Wallace Cllr Hayward Burt
Recommending Case Officer:	Alex Skidmore Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
Target date:	8th January 2018
Applicant:	Mr R Thorner
Agent: (no agent if blank)	Mr Peter Clark Lake View Charlton Estate Shepton Mallet BA4 5QE
Application Type:	Major Dwigs 10 or more or site 0.5ha+

REASON FOR REFERRAL

The application has been referred to Area East Committee at the request of the Ward Members and with the agreement of the Area Chair to allow the concerns of the local residents and the Parish Council to be considered further.

SITE DESCRIPTION AND PROPOSAL





This application is seeking to vary the approved plans condition (condition 2) of planning approval 09/03037/FUL, and subsequent Section 73 applications 11/02147/S73 and 16/03330/S73A, in order to amend Plots 2 and 3 from single storey dwellings to two-storey dwellings. The application as originally submitted also sought to amend Plot 1 from a single storey dwelling to a two-storey dwelling however this element of the proposal has since been amended to retain this plot as single-storey albeit with an amended design.

The original consent for this site was application 09/03037/FUL which granted permission for the erection of thirteen dwellings, which included a mixture of two-storey and single-storey houses. This original scheme has since been varied by two separate Section 73 applications, the first of which was approved in 2011 (11/02147/S73) and permitted amendments to the site plan including changes to the positions of Plots 1, 2 and 3. The second Section 73 (16/03330/S73A) application permitted changes to the approved plans and floor level details in order to address final road and drainage issues and to make some slight changes to the fenestration detailing of a number of the plots.

The works to the development are now at an advanced stage with a number of the approved dwellings now complete and being occupied. The application site is former garden land that belonged to several neighbouring properties. The site is a relatively flat and level with adjacent development and is surrounded by residential properties to all sides including bungalows to the west (known as Collingham Close) immediately to the rear of Plots 1, 2 and 3, a bungalow to the north and two-storey dwellings to the east and south. An access road to serve the development runs between 26 and 28 Bowden Road.

HISTORY

16/03330/S73a: Section 73a application to amend conditions 2 (approved plans) and 9 (finished floor

levels) of planning approval 09/03037/FUL following level changes arising from final road and drainage designs. Permitted.

11/02147/S73: Application to vary condition 2 of planning approval 09/03037/FUL (revised site plan). Permitted.

10/02561/FUL: Erection of six bungalows with garages on former garden land (revised application). Pending consideration.

09/03037/FUL: The erection of thirteen dwellings. Permitted April 2010.

08/04307/FUL: Erection of six dwellings on former garden land. Application withdrawn 2008.

06/01540/FUL: Erection of a bungalow with detached garage. Permitted 2006.

05/02627/FUL: Alterations to garages for plots 9 and 10. Permitted 2005.

03/01480/FUL: Erection of twelve dwellings and access road. Permitted 2003.

01/00341/OUT: Erection of fourteen dwellings. Refused 2001.

POLICY

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

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

Policies of the South Somerset Local Plan (2006-2028)

SD1 - Sustainable Development

SS2 - Rural Settlements

SS6 - Infrastructure Delivery

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

TA5 - Transport Impact of New Development

TA6 - Parking Standards

HW1 - Provision open space, outdoor playing space, sports, cultural and community facilities in new development

EQ2 - General Development

EQ4 - Biodiversity

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

CONSULTATIONS

Templecombe Parish Council: Object for the following reasons:

The replacement of the 2 storey house on plot 1 to a bungalow still causes concern as the revised footprint is much bigger than the original bungalow and does not seem proportional to the scale of the total plot.

Plots 2 and 3 are still 2 storeys and still appear to overlook the existing bungalows resulting in a high level of loss of privacy and also seem disproportionate to the size of the plots allocated.

The position of both 2 storey buildings in the middle of the development appears to destroy the flow of the development.

The Parish Council understood that there was a specific need for bungalows within the area highlighted

in advice given for Slades Hill so brings into question the justification for amending this agreed consent at this late stage.

County Highways: Referred to their standing advice.

SSDC Highway Consultant: Consider the revised scheme in light of the Somerset Parking Strategy optimum standards. It would appear that Plots 1 and 2 would be three-bedroom dwellings requiring 2.5 (rounded up to 3) car parking spaces per property, yet it appears that only two spaces (a garage and a drive) would be provided. If the parking provision and bedroom accommodation is no different to that approved previously, the scheme would be acceptable, or the planning officer may consider the location of the site would warrant / justify a reduction to the SPS standards.

REPRESENTATIONS

Written representations have been received from four adjacent households raising the following objections and concerns:

This is a major change to the original planning approval and requires a new full application along with a Design, Access and Energy Statement.

Loss of privacy. Our garden (30 Bowden Road) would be considerably overlooked and our views and light greatly reduced.

Loss of privacy to 7 Collingham Close. If approved this amended scheme will allow the occupants of plot 3 and probably plots 1 and 2 as well unrestricted views over our garden wall and into our private garden space. We bought this plot on the understanding that it would be surrounded by single storey bungalows.

Plot 1 has been located within our own garden meaning the developer appears to wish to move our boundary in the construction of Plot 1.

Loss of light due to proximity of two-storey house at the end of our garden.

When the land was sold it was done so under the condition that it should have bungalows only directly behind it.

The two-storey houses will have a significant impact both visually and practically on the existing bungalows sited below.

Plot 1 is covered by a covenant which states that there should be no more than one dwelling within 12m of 28 Bowden Road. This proposal will allow more than one dwelling to be constructed within this distance.

The applicant has decided not to provide our property with the driveways promised.

The visibility splay appears to have been drawn through the trees that are growing along our frontage (28 Bowden Road) which appears to be a modification from that previously agreed.

Legal obligations to provide entrances to our property have been omitted from the latest plans.

I bought my property based on the original plans showing sites 1-3 as bungalows, any variation to this would be a "breach of contract".

The proposal would lead to increased traffic which would be an impediment to access. Larger houses means more residents and will result in street parking, which is expressly forbidden by covenant. Access by emergency vehicles could be a problem.

The appearance would be changed from a small select development to yet another high density housing estate.

Inadequate garden space.

Negative impact upon my view.

The selling agents believe that demand is for the new buildings to remain exactly as on the original plans, thus lack of demand cannot be used as an excuse to make any changes.

There is a national shortage of bungalows.

The existing bungalow (4 Collingham Close) has been built closer to our boundary than planned because of a lack of detailed land surveys beforehand, we therefore have no faith in the accuracy of these new plans.

CONSIDERATIONS

Planning permission for the erection of 13 dwellings on this site, including a mix of bungalows and two-storey houses, was granted in 2010 under application 09/03037/FUL. The current application follows several previous Section 73 applications that permitted various minor amendments to the original scheme, including alterations to some of the fenestration details and internal floor levels and agreement of some of the detailed condition details. This latest application as originally submitted sought to amend Plots 1-3 from bungalows to two-storey dwellings, the application however has since been amended and is now seeking to amend Plots 2 and 3 to two-storey dwellings and to keep Plot 1 as a single storey bungalow, albeit with a different design.

The key considerations with regard to this current scheme is the impact the proposal will have upon the visual amenity and the character and quality of the overall development and upon the residential amenities of neighbouring properties.

Visual amenity

The approved development comprises a mix of two-storey and single storey dwellings and is surrounded by a mixture of two and single storey dwellings. It is considered that the proposed amendment to change Plots 2 and 3 to two-storey dwellings and the proposed changes to the design of Plot 1 raise no substantive visual amenity concerns and are in keeping with the character of the wider development and general locality.

Residential amenity

Objections have been raised by both the Parish Council and a number of surrounding householders raising concerns that the proposal will result in harm to neighbour amenity with particular concerns relating to loss of privacy and loss of light to their homes.

The raising in height of Plots 2 and 3 will undoubtedly result in them having a more imposing presence to the immediate neighbours than if they were single storey however due to their juxtaposition with surrounding properties and the intervening distance it is not considered that they will result in any substantive overbearing concerns. For the same reasons they are not considered to give rise to any significant loss of light issues.

The occupiers of Plot 7, an adjacent bungalow to the east of Plot 3, have argued that the proposal will result in loss of privacy to their property. A single upper floor window serving a bathroom is proposed within the east elevation of Plot 3 which faces towards Plot 7, this window will look across a public road and due to the absence of any windows within the west elevation of Plot 7, will result in no new window to window issues. Any overlooking of their private garden area will be at such an oblique angle that this is not considered to be substantive. With regard to the neighbours at Plot 4 to the rear, windows in the rear of both Plots 2 and 3 will look towards the front / side of this neighbour, however, this side of the neighbouring property is open to views from the wider cul-de-sac and as such does not have a high level of privacy. In any case due to the distance and the intervening fence between Plot 4 and Plots 2 and 3 any window to window concerns are not considered to cause any significant loss of privacy issues.

The reduction in height of Plot 1 back to a single storey dwelling ensures that this Plot will not cause any substantive loss of light, loss of privacy or overbearing issues and that the amenities of 28 and 30 Bowden Road will be suitably safeguarded.

Other matters

There has been a claim that the position of Plot 1 encroaches on to land belonging to the neighbour at 28 Bowden Road, although it is unclear how this is the case as the redline area for the site has not changed from the original application and the dwelling clearly sits within the redline area. It should be noted however that the granting of planning consent does not then grant the right for a development to encroach upon someone else's land without the separate agreement of that third party.

Several neighbours have also objected on the basis of the terms that they bought their properties and make reference to covenants which they say placed a number of restrictions on the development including that the houses at plots 1-3 should be single storey in height. It has been stated that the approval of this application would be a 'breach of contract' for the existing residents. Whilst there may well be such covenants these are legal restrictions that are wholly separate to the planning system and as such should not influence the outcome of this application. It should be noted however that should this application be approved then the resulting permission does not override such legal matters, rather they will still need to be resolved separately between the relevant parties through the appropriate legal channels.

A neighbour has raised concern that the increased size in the houses will result in increased traffic generation and parking demand and that this could result in parking on the estate road which in turn could cause access problems in particular for emergency vehicles. The level of proposed parking for these plots is compliant with the highway authority's parking requirements and the estate road layout has previously been agreed by the HA. There is no evidence to contradict the HA's views with regard to the acceptability of these details, for this reason it is not considered that this amended proposal will lead to any undue on-street parking issues or other highway safety related.

Another neighbour has queried the visibility splays for the site access, however, the splays detailed on the plan have not altered from that agreed through the earlier permissions.

Conclusion

For the reasons set out above, the proposed amendments are not considered to give rise to any new demonstrable harm to visual amenity, residential amenity, highway safety or any other substantive concern that would justify withholding consent. The application is therefore recommended for approval.

RECOMMENDATION

Grant consent for the following reason:

01. The proposed development, by reason of its context, density, scale, layout, design and materials, respects the character of the area, causes no demonstrable harm to visual amenity, residential amenity or highway safety and is considered to constitute an appropriate sustainable form of development that accords with the aims and objectives of policies SS2, SS6, TA5, TA6, HW1, EQ2, EQ4 and EQ5 of the South Somerset Local Plan and the provisions of the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be carried out in accordance with the following approved plans numbered F1325/200B, F1325/203B, F1325/205C, F1325/206C, F1325/207C, F1325/208C, F1325/210C, F1325/212C and F1325/215 received 29/07/2016 and F1325/216F received 06/10/2017 and F1325/217Q, F1325/202D, F1325/209 and F1325/214F received 15/01/2018.

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

02. The external wall, roof and chimney materials, the materials and external finish for all external windows and doors, internal and external boundary treatments and surfacing materials for the access drive, paths, turning and parking areas shall accord with those detailed agreed under discharge of condition application 13/00878/DOC, unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the character and appearance of the area to accord with policy EQ2 of the South Somerset Local Plan.

03. Prior to any other works commencing in respect of the development hereby permitted the visibility splays shown on drawing no. F1325/217D shall be provided in full and shall thereafter be permanently maintained in this fashion.

Reason: In the interests of highway safety to accord with policy TA5 of the South Somerset Local Plan.

04. The proposed roads, including footpaths and turning spaces where applicable shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: In the interests of highway safety to accord with policy TA5 of the South Somerset Local Plan.

05. At the proposed access there shall be no obstruction to visibility greater than 300mm above adjoining road level within the visibility splays shown on the submitted plan F1325/217D, such visibility splays shall be permanently retained and maintained thereafter.

Reason: In the interests of highway safety to accord with policy TA5 of the South Somerset Local Plan.

06. The foul and surface water drainage details to serve the development shall accord with the details set out on drawing number F1325/225B received 29/07/2016, unless otherwise agreed in writing by the local planning authority. Such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: To ensure the site is adequately drained to accord with policy EQ7 of the South Somerset Local Plan.

07. The development shall be carried out in accordance with the internal ground floor levels set out on drawing number F1325/217Q received 15/01/2017, unless otherwise agreed in writing by the Local Planning Authority.

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

08. The development shall be carried out in accordance with the landscaping scheme detailed on drawing number J46-01A received 31/01/2013. All changes to existing ground levels and all planting, seeding / turfing comprised in the approved details shall be carried out in the first planting and seeding season following the first occupation of the dwellings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To safeguard the character and appearance of the area and to protect the trees on the site subject to a Tree Preservation Order to accord with policy EQ2 of the South Somerset Local Plan.

09. The tree protection measures detailed on drawing number J46/-01A received 31/01/2013 shall be implemented and kept in place until the approved development is completed, unless otherwise agreed in writing by the local planning authority.

Reason: To protect the trees on the site subject to a Tree Preservation Order to accord with policy EQ2 of the South Somerset Local Plan.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road.

Reason: To safeguard the character and appearance of the area to accord with policy EQ2 of the South Somerset Local Plan.

11. Prior to plot 16 (as identified on drawing number F1325/217D received 19/07/2016) being first brought into use the first floor window in the south elevation shall be fitted with obscure glass (and fixed closed) and shall be permanently retained and maintained in this fashion thereafter.

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

12. Prior to plot 3 (as identified on drawing number F1325/217Q received 15/01/2018) being first brought into use the first floor window in the east elevation shall be fitted with obscure glass and shall be permanently retained and maintained in this fashion thereafter.

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

Informatives:

01. The applicant is reminded that no consent is hereby granted for the installation of Air Source Heat Pumps (ASHPs). If the applicant wishes to install such equipment without the need for planning permission it will need to comply with the requirements of Class G, Part 14, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.
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