

Officer Report on Planning Application: 18/03204/FUL

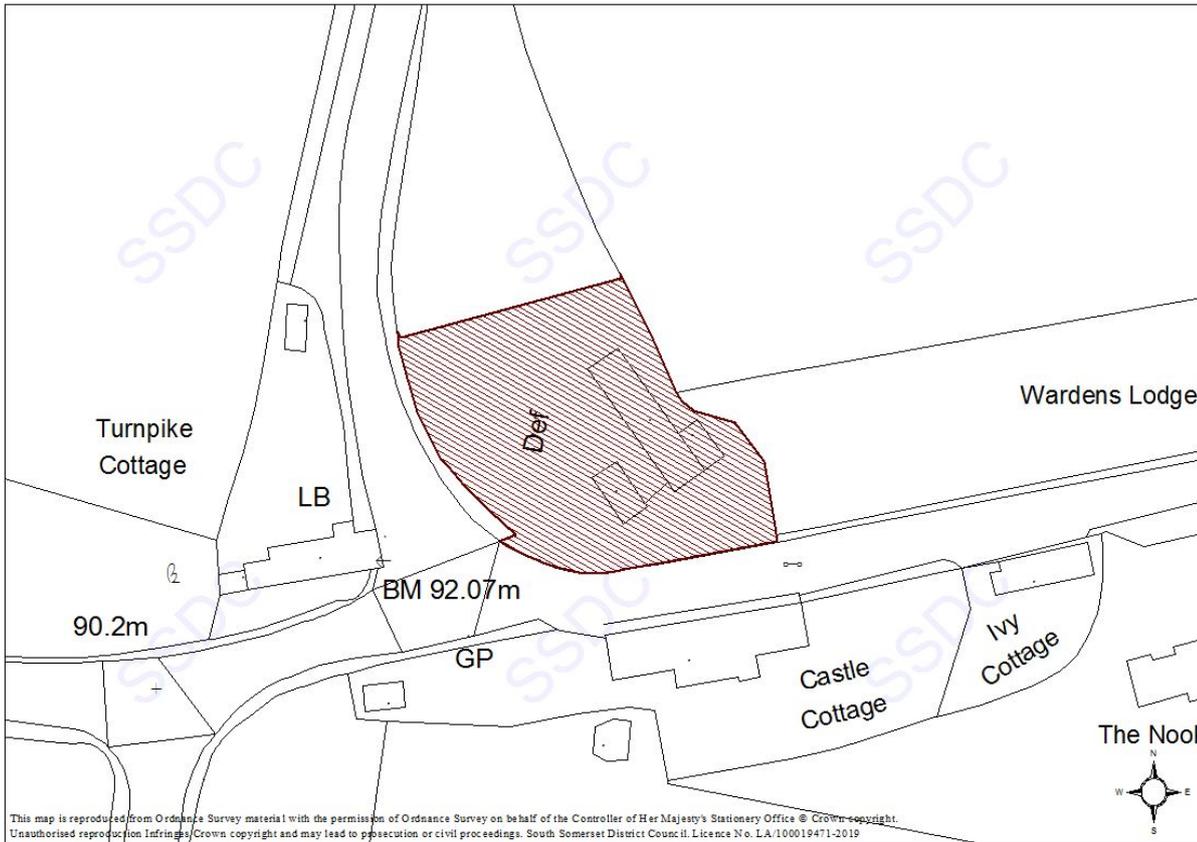
Proposal:	Demolition of buildings, the erection of an extension and conversion of buildings into one dwelling and the formation of a vehicular access
Site Address:	Land Opposite Castle Cottage Kingstone Ilminster
Parish:	Dowlish Wake
WINDWHISTLE Ward (SSDC Member)	Cllr S Osborne
Recommending Case Officer:	Louisa Brown Tel: (01935) 462344 Email: louisa.brown@southsomerset.gov.uk
Target date :	29th November 2018
Applicant :	Mr Paul Fowler
Agent: (no agent if blank)	Clive Miller Planning Ltd Sanderley Studio Kennel Lane Langport TA10 9SB
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

The Ward Member, in agreement with the Area Chair, has requested that this application goes to committee due to objections raised on highway safety.

SITE DESCRIPTION AND PROPOSAL





This is an application seeking planning permission for the demolition of buildings, the erection of an extension and conversion of buildings into one dwelling. The description on the application refers to the formation of an access also, however the access is already in existence and the proposal is to modify it.

The site is located in the small settlement of Kingstone on the northern side of the highway on a corner plot, with the highway sweeping round on the west boundary and heading north towards Ilminster. There are listed properties to the northeast, east and west of the site. To the south are detached residential properties. The area is characterised by properties of various age and style, with the majority being finished in natural stone.

On the site the existing buildings are single storey and finished in stone and wood under a mixture of tiles and galvanised sheet roofs.

The agent has stated that the buildings were originally used in connection with the former Castle Inn which was located opposite the site and is now in residential use. The longer of the two buildings was used as a skittle alley whilst the area in front was apparently the public house car park.

The proposal seeks to remove a building to the north of the actual red site line and remove part of Building 1, then building 1 and building 2 will be converted to a dwelling with a linked extension to the rear of building 2. The existing access will be reused and improvements made to it for additional visibility splays to be incorporated.

HISTORY

761408: Erection of a pig hut - approved 19/11/76

792647: the retention of a pig hut - approved 12/02/80

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.

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.

South Somerset Local Plan (2006-2028)

Policy SD1 - Sustainable Development

Policy SS2 - Development in rural settlements

Policy SS4 - District Wide Housing Provision

Policy SS5 - Delivering New Housing Growth

Policy SS6 - Infrastructure Delivery

Policy EQ1 - Addressing climate change in South Somerset

Policy EQ2 - General Development

Policy EQ3 - Historic Environment

Policy EQ4 - Biodiversity

Policy TA1 - Low Carbon Travel

Policy TA5 - Transport impact of new development

Policy TA6 - Parking Standards

National Planning Policy Framework

Chapter 5: Delivering a sufficient supply of homes

Chapter 12: Achieving well-designed places

Chapter 16: Conserving and enhancing the historic environment

National Planning Practice Guidance

Design

CONSULTATIONS

The parish boundaries cut through the site

Dowlish Wake Parish Council:

"Having considered the application we are against it on the grounds of road safety. We as a council have for the past 30 years or more tried to get the speed limit and safety ensures put in place round the bend, road junction and stretch of road leading into it. Our last meeting with Highways about this issue was in the spring of this year when we were told that no funds were available for such works. Highways current response to this application i.e. 'Standing advice only' is quite frankly not good enough. We will only consider this application if Highways prepare a full safety report in consultation with our Council and Kingstone Parish Meeting. It may be that the applicant as part of their planning conditions has to pay for this and any necessary road safety measures.

We do not propose to go into full details of the road safety issues Mr David Kings comments fully cover this. It is sufficient to say that the applicants Highway report does not.

We also feel that the whole of this plot should be part of the application and no boundary hedges planted which could affect future visibility on this dangerous junction."

Kingstone Parish Council:

"Vehicular access at this location is dangerous because the site is on a blind bend.

The national speed limit applies at this point and vehicles turning either direction from the application site would be invisible to traffic approaching from Ilminster, until too late to react. Vehicles routinely overshoot the bend (from both directions), and drift across what remains of the white line. There are many shunts and near misses at this location and within a hundred metres in either direction.

Properties on this stretch of road are regularly damaged by vehicles. This development would exacerbate an already significant problem.

Note that access to the rear of the site, from Orchard Hill (Ilminster direction), could be created if the apron of land, roadside of the adjacent gateway, could be used as turning space.

For years Kingstone Parish Meeting has lobbied SCC Highways to impose a speed limit and/or traffic calming measure between the Church and the Toll House. Ideally, measures would also apply up to the junction to Allowenshay. These requests have been refused on financial grounds.

Kingstone PM believes improvements, as proposed by Dowlish Wake Parish Council, are essential in this location regardless of what happens to this application. If permission is granted, it should be a condition that the applicant pays for these highway safety improvements.

KPM does not support the Highway Consultant's report, which minimises the highway problems that local people are only too familiar with."

SCC Highway Authority:

Standing Advice applies

Conservation Officer:

Verbally raised no objection.

REPRESENTATIONS

Five neighbours were notified and a site notice displayed. Two letters of objection have been received and one letter of representation, in summary the issues raised are;

- highway safety, one letter sets out exact points of issue
- visibility splays not achievable
- Increased use of access
- Traffic speeds on the main road need to be lowered

CONSIDERATIONS

The main issues to assess as part of this application is the principle of the conversion of the redundant buildings in this location, the impact on visual amenity, the setting of listed buildings, residential amenity, and highway safety. There are no objections to the general principle of conversion, the main issues raised is all in relation to the impact on highway safety.

Principle of conversion:

The principle of a conversion is acceptable. Pre-application advice was sought and the agent was advised that a small connecting extension would be acceptable subject to the overall design and materials used.

The NPPF paragraph 79 supports the conversion of redundant and disused buildings in the countryside where it will enhance the setting and thus provide a sufficient supply of housing. Kingstone is on the edge of the open countryside and is a small settlement with no facilities other than a Church.

The buildings are no longer in use, having been used in the past in connection with the public house that was opposite the site and prior to that for cider making. Currently the site has a 'run down' appearance and it is considered that the proposed demolition of the building to the north and part of building 1 and the conversion of the existing structures will help to enhance the setting of the area and the setting of the listed buildings. It is considered that the proposal is acceptable in principle in accordance with paragraph 79 of the NPPF and provides additional housing in accordance with policies SD1, SS4 and SS5 of the South Somerset Local Plan 2006-2028.

Visual Amenity and setting of a listed building:

Part of building 1 will be demolished and building 1 and 2 converted. The existing opening will be retained and then 3 no. roof lights inserted on the north east elevation. An extension will be formed off the rear of building 2 to link into building 1. The extension will be flat roofed with a skylight and finished in natural stone and render. There will be bi-fold doors on the southeast elevation facing the highway and windows to the southwest and northwest elevation.

The ground levels to the northwest of the building will be reduced to allow the extension and conversion to sit better within the site and allow some 'space' around the buildings.

There have been no objections to the overall design of the proposed conversion. It is considered that the conversion of these buildings will enhance the setting of the area as currently the buildings are redundant and look in disrepair.

It is considered that the proposed extension and conversion, by reason of scale, design and materials will not adversely affect visual amenity or the setting of the listed buildings in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan and the NPPF.

Residential Amenity:

There is a residential property directly to the east and south of the site, however given the existing boundary vegetation, highway and distance to the properties it is considered that the single storey conversion will not adversely overlook any neighbouring properties nor be overbearing.

It is considered that the proposed conversion to a dwelling will not adversely affect residential amenity in accordance with policy EQ2 of the South Somerset Local Plan.

Ecology:

A certificate has been submitted with the application from Pete Banfield Environmental Consultant, indicating that there is no evidence of bat activity on the site.

Based on the submitted information the SSDC Ecologist has not been consulted. It is considered that the proposed conversion will not adversely affect ecology in accordance with policy EQ4 of the South Somerset Local Plan.

Highway Safety:

The objections raised to the proposal by both residents and the Parishes, is all to do with highway safety concerns. There appears to be an ongoing issues with speeding in the area and the Parishes have been requesting Somerset County Council to have the speed limit reduced.

This application indicates that the existing access will be modified to try and make it safer than how it currently operates. The application was accompanied by an independent highway consultant's report.

Although local residents state that the site has not been in use for some time, we have to take into consideration how it can be lawfully used. The buildings have been used for cider making in the past and as part of the public house. Lawfully the site can operate now for agricultural use or allotments and as such the access can generate a level of traffic in relation to that use. The Highway Report sets out that the building have also been used for garaging and could accommodate up to 3 no. vehicles. The level of traffic movements generated by a single dwelling would not be more than what could take place on the site at present and as such it is considered that there will not be a 'severe' impact on highway safety.

The existing access could have been retained as it is however to help improve visibility the agent has modified the access by moving it slightly to the west. The plans show how this will improve visibility to the east, although it will not meet the required visibility, however what is provided is better than the current situation. To the west a large section of the corner of the plot will be included within the visibility splay, which will aid general traffic on the approach to and from Kingstone.

The Parish have requested a full report from County Highways, however they have referred their comment to Standing Advice, which is usual practice for planning applications such as this one. When considering the proposal in line with Standing Advice, it must be noted that the access is existing and as such there is no requirement to alter it, other than ensuring it is properly consolidated and drained. The applicant is modifying the access to try and improve the current situation. The visibility splays will be improved, there will be parking for 3 no. cars and turning to allow them to exit the site in a forward gear.

Whilst the concern of residents and the parishes is noted there seems to be a general ongoing issue with traffic speeds which cannot be controlled as part of this application. If this were an application with a new access proposed then there would be more concern over the proposal, however the access is existing and will generate less traffic than could potentially take place on the site without the need for planning permission and the access will be improved as part of this application.

Policy TA1 requires that all new residential development 'should' provide certain elements to ensure low carbon travel. As this proposal is for a conversion to a dwelling it is considered acceptable to condition an electric vehicle charge point, however due to the scale of the development travel plans will not be required.

It is considered that the proposed parking, turning and improvements to the existing access for the residential conversion is acceptable and, subject to conditions, is in accordance with policies TA1, TA5 and TA6 of the South Somerset Local Plan.

RECOMMENDATION

Approved with conditions

01. The proposed development, by reason of its location, scale, design, materials and use of existing improved access, is an acceptable residential conversion that contributes to housing provision and causes no demonstrable harm to residential amenity, visual amenity, the setting of a listed building, ecology or highway safety in accordance with the aims and objectives of policies SD1, SS4, SS5 EQ2, EQ3, EQ4, TA1, TA5 and TA6 of the South Somerset Local Plan (Adopted March 2015) 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:

Location plan Rev. B received 4 October 2018
Site plan Rev. E received 4 October 2018
Proposed Plan and elevations Rev. A received 4 October 2018
Proposed Sections received 4 October 2018

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

03. No new stonework shall be constructed on site unless full details of the new natural stonework walls, including the materials, coursing, bonding, mortar profile, colour, and texture along with a written detail of the mortar mix, have been provided in writing; this shall be supported with a sample panel to be made available on site and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the agreed details, and the sample panel shall remain available for inspection throughout the duration of the work.

Reason: In the interests of visual amenity and setting of a listed building and to accord with Policies EQ2 and EQ3 of the South Somerset Local Plan 2006-2028.

04. No external rendering shall be carried out on site unless details of the external render to be used have been provided to and approved in writing by the Local Planning Authority. Details shall include the finish, materials and colour of the render. The work shall be carried out in accordance with the agreed details.

Reason: In the interests of visual amenity and setting of a listed building and to accord with Policies EQ2 and EQ3 of the South Somerset Local Plan 2006-2028.

05. No work shall be carried out to fit any doors, windows, boarding or other external openings unless details of the materials and external finish of these elements have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and setting of a listed building and to accord with Policies EQ2 and EQ3 of the South Somerset Local Plan 2006-2028.

06. 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) the following shall not be implemented/erected on the dwelling or within the approved residential curtilage without the prior express grant of planning permission (other than those expressly authorised by this permission).

- No extensions
- No porches
- No addition or alterations of the roof
- No outbuildings, garages, swimming pools or enclosures

Reason: In the interests of visual amenity and landscape character and to accord with Policy EQ2 of the South Somerset Local Plan 2006-2028.

07. Prior to the first occupation of the dwelling hereby approved the visibility splays, shall all be implemented in accordance with the approved Site plan Rev. E, unless otherwise agreed in writing,

and shall thereafter be retained and maintained as per the approved plan. There shall be no obstruction to visibility within those splays greater than 900mm above adjoining road level.

Reason: In the interests of highway safety, in accordance with policies TA5 and TA6 of the South Somerset Local Plan 2006-2028.

08. Prior to the first occupation of the dwelling hereby approved the access and parking area shall be finished in a macadam surface as indicated on the approved Site plan Rev. E, and shall thereafter be retained and maintained as such unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan 2006-2028.

09. Provision for the disposal of surface water so as to prevent its discharge onto the highway shall be carried out prior to the first occupation of the dwelling hereby approved.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan 2006-2028.

10. The areas allocated for parking and turning on the approved plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety, in accordance with policy TA5 and TA6 of the South Somerset Local Plan 2006-2028.

11. Any entrance gates erected shall be hung to open inwards, shall be set back a minimum distance of 5 metres from the carriageway edge and shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety, in accordance with policy TA5 and TA6 of the South Somerset Local Plan 2006-2028.

12. Prior to first occupation of the dwelling hereby permitted, a 16amp electric charging point for electric vehicles shall be provided adjacent to the parking spaces hereby approved. Once installed such electric charging points 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.

13. The new hedge shown on the approved Site Plan Rev. E, shall be carried out in the first planting and seeding season following the first use of the dwelling hereby approved or the completion of the development, whichever is the sooner; with a species listed on the approved plan. If any part of the hedging, which within a period of five years from completion of the development, dies, is removed or becomes seriously damaged or diseased it shall be replaced in the next planting season.

Reason: In the interest of visual amenity and to define the residential curtilage 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
