

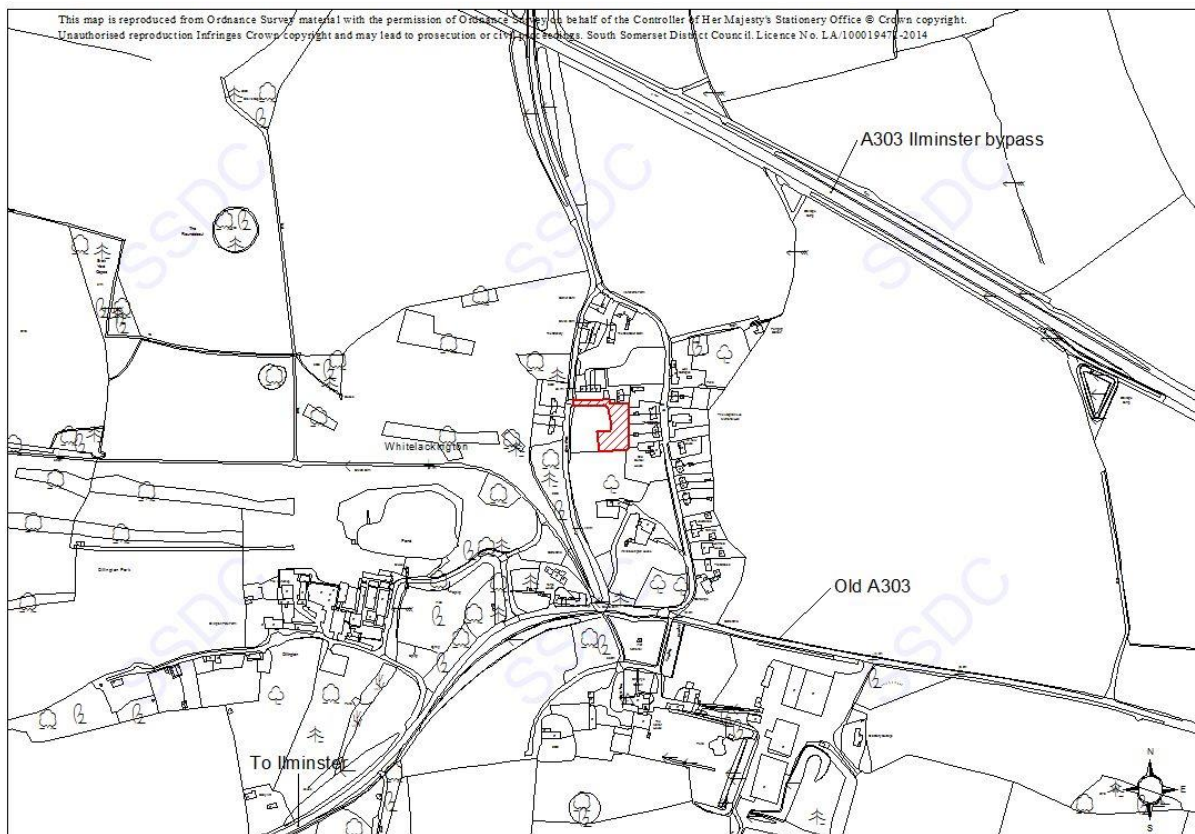
Officer Report On Planning Application: 14/03945/FUL

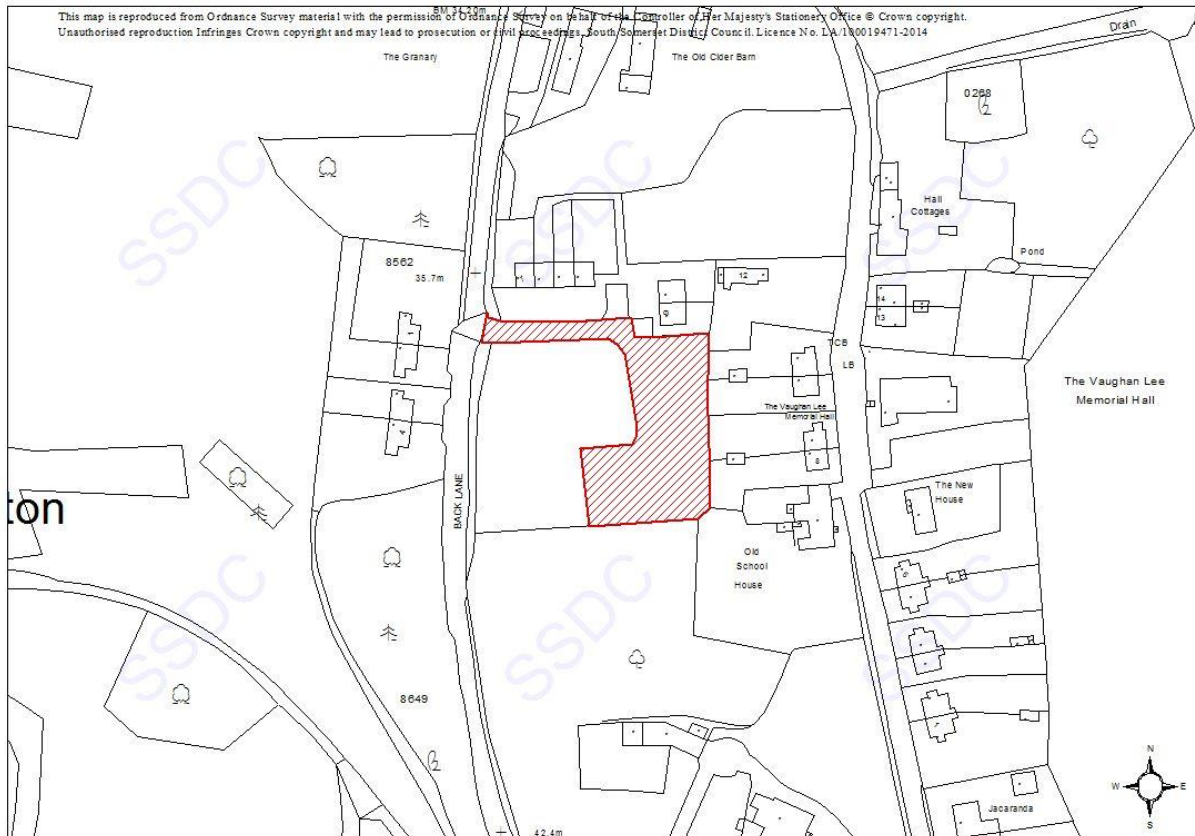
Proposal :	The erection of 6 No. dwellings with associated parking. (GR 337915/115596)
Site Address:	Land South Of Hanning Close Whitelackington
Parish:	Whitelackington
ILMINSTER TOWN Ward (SSDC Member)	Cllr C Goodall Cllr K T Turner
Recommending Case Officer:	Linda Hayden Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
Target date :	29th October 2014
Applicant :	Mr Chris Wilson
Agent: (no agent if blank)	John Wratten Associates The Waggon Shed Flaxdrayton Farm, Drayton, South Petherton, TA13 5LR
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

This application for residential development is recommended for approval as a departure from saved policy ST3 of the South Somerset Local Plan which seeks to constrain development within Development Areas. However, the adopted local plan is increasingly out-of-date and policy ST3 is not consistent with the NPPF, as it is overly restrictive particularly in light of Paragraphs 54 and 55 of the NPPF, which aim to facilitate appropriate and sustainable housing to meet local need. Accordingly, the application is referred to Committee to enable the justification for the development to be considered in light of the issues raised locally.

SITE DESCRIPTION AND PROPOSAL





The application site forms part of a small area of open land situated within the small village of Whitelackington. It is adjoined by residential gardens to the north and east with an orchard to the south. The site slopes gently from north to south siting on higher land than the surrounding residential properties.

The application proposes the erection of 6 one-bedroom properties (3 semi-detached pairs) to be accessed from Hanning Close, four would run along the eastern part of the site and two along the southern part of the site. The properties would be single storey in design with galleried accommodation within the roofspace. They would be constructed in brick and render with double Roman roof tiles. A parking area would be provided at the south-east corner of the site to provide eight parking spaces with turning.

HISTORY

93653 - Reserved matters: Erection of six dwelling houses and provision of car parking spaces. Approved 1990.

890637 - Outline: Residential development (six dwellings). Approved 1989.

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:

Government Guidance:

National Planning Policy Framework

Chapter 6: Delivering a wide choice of high quality homes

Chapter 7: Requiring Good Design

Chapter 11: Conserving and enhancing the natural environment

South Somerset Local Plan (2006) Saved policies:

ST3 - Development Areas

ST5 - General Principles of Development

ST6 - The Quality of Development

ST10 - Planning Obligations

EC3 - Landscape Character

EC8 - Protected Species

Submission South Somerset Local Plan (2006 - 2028)

Policies

SS1 - Settlement Strategy

SS2 - Development in Rural Settlements

SD1 - Sustainable Development

Planning Practice Guidance 2014

Updated 19 November 2014 to specify circumstances where s106 tariff style obligations can be sought. The guidance now states that such contributions cannot be sought from developments of 10 units of less.

CONSULTATIONS

Whitelackington Parish Meeting:

No response or request for extension of consultation period received.

County Highway Authority:

Advise that they have no highway objections subject to planning conditions in relation to formation of access; estate road details; and maintenance of parking area.

Landscape Officer:

No substantive landscape issues, requests a landscaping condition.

Planning Policy:

Support the application in principle as it accords with the thrust of Policy SS2.

Community, Health and Leisure Service:

Have calculated that the following contributions should be required:

Local Facilities (community hall)	£6,141
Strategic Facilities	£4,757
Total	£10,899.

(Officer note: The applicant has agreed to pay the required contribution.)

Ecologist:

Notes that a representation mentions a bat roost adjacent to the site but as the site is fairly open and there aren't any significant landscape features affected by the development than he doesn't consider that this is a significant constraint to the development. Ecologist does request a condition with regard to street lighting.

Senior Historic Environment Officer (SCC):-

Requested an archaeological evaluation but having visited the site during the evaluation confirms that there is only limited archaeology and, as such, has no further archaeological issues.

REPRESENTATIONS

One letter of representation has been received making the following comments:

- Concerned about the placement of the entrance adjacent to existing driveways; no pedestrian pathways are shown.
- There is already on-street parking in Hanning Close and further traffic movements will make the situation dangerous.
- Concerned about the potential loss of light to neighbouring dwelling as new properties will be on higher land.
- Concerned about drainage as existing garden is already boggy.
- There is a maternal nest of bats in existing roof.

CONSIDERATIONS**Principle of Development**

The Council has presented a report on the five-year housing land supply position to its District Executive Committee on the 5th June 2014. This report stated that the Council can now demonstrate a five-year housing land supply, with appropriate buffer. The meeting accepted the conclusion. However, with or without a five-year housing land supply, it is important to judge an application on its merits, taking account of the impacts and benefits that the scheme provides. In this context the application must be considered in light of the existing Local Plan, the National Planning Policy Framework, and the emerging Local Plan.

It should be noted that the policy framework provided by the extant Local Plan (1991 - 2011) is increasingly out-of-date, with certain policies not in accordance with the National Planning Policy Framework. The proposal is contrary to Policy ST3; however Policy ST3 is not consistent with the NPPF, as it is overly restrictive particularly in light of Paragraphs 54 and 55 of the NPPF, which aim to facilitate appropriate and sustainable housing to meet local need.

The LPA is currently in a period of transition where regard should be had to the emerging Local Plan. The policies within the emerging Local Plan have weight and should be borne in mind, particular where there are concerns as to the out-of-date nature of existing policies.

For this proposal, reference should be made to emerging Local Plan Policy SS2 which allows for housing in smaller, less sustainable settlements where the housing will meet a local need. In this case, the proposed units are small, one bedroom homes that will provide accommodation for retired estate workers (or their widows) or starter units for younger members of the community. Such accommodation is supported in the text (para 4.46) of the preamble to Policy SS2.

In summary, the focus should not be on whether the Council has a five-year land supply or not. It is more important that the impacts and benefits of the scheme are considered appropriately in light of the existing Local Plan, the NPPF and the emerging Local Plan. Particular reference should be made to NPPF Paragraph 14 where it states that where the development plan relevant policies are out of date, there should be a presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Therefore, although the site is outside a defined development area it is considered that the principle of the residential development of this site is acceptable due to the type of accommodation that is proposed. The very modest size of the dwellings will ensure that they remain 'affordable' and conditions can be imposed to withdraw permitted development rights to ensure that the dwellings remain of a small size. In the circumstances, these dwellings will always remain of a size that will meet a local need and, as such, neither conditions nor a s106 agreement are considered to be required in this case. The application therefore falls to be determined on the basis of its impacts.

Landscape Impact

The proposal will follow the form of the existing development in Hanning Close and whilst the land is slightly higher it is not considered that the dwellings will be overly intrusive especially as they are single storey in design. It is considered that due to the modest size of the dwellings they can be incorporated into this site without undue impact upon the landscape. The site is adjoined by residential development on two boundaries and is well screened on the third boundary, the Landscape Office has suggested that a landscaping condition be imposed to ensure appropriate planting is agreed on the new boundary. As such, it is considered that the proposal is acceptable in terms of its landscape impact.

Impact on residential amenity

In terms of the impact upon residential amenity, it is considered that the distance between the properties and existing dwellings on the eastern boundary is acceptable and there will be no significant adverse impact upon amenity as the proposed dwellings are single storey with no openings in the roofspace.

Whilst the concerns of the neighbouring resident (6 Hanning Close) to the north are noted, it is considered that there will be a good separation between the proposed dwelling and this property (8.5m) and as such there will not be a significant loss of light to No. 6 as a result of this application. In terms of access, the Highway Authority note that the plans do not include for the

formation of a pedestrian pathway but given there is no pathway to link into, it is not considered appropriate to require that a pathway be provided. There is considered to be sufficient space between the access and the driveway of No. 6 and as such it is not considered that the plans could be refused on this basis. Due to the very modest size of the dwellings proposed it is felt that only limited traffic movements are likely to be generated by the proposal and, as such, existing users of the highway should not be unacceptably impacted by the development.

It is therefore considered that the proposal is acceptable in terms of its impacts upon neighbouring amenity.

S106 Contributions

The government has recently made changes to the Planning Practice Guidance so that only developments of 10 units or more can now be subject to the need to pay contributions. As such, whilst the applicant has agreed to pay the contributions, it is no longer possible to require such a payment as this would not accord with the updated guidance.

Summary

Given the limited weight that can be given to policy ST3 of the local plan and that the proposal is for housing that meets a local need, it is considered that, in principle, the proposal is acceptable. No adverse impacts on the landscape, ecology, residential amenity or highway safety have been identified that justify withholding planning permission.

Therefore, notwithstanding the various concerns raised, the proposed development is considered to be in accordance with policies ST3, ST5, ST6, ST10, EC3 and EC8 of the South Somerset Local Plan and the aims and provisions of the NPPF. As such the application is recommended for approval.

RECOMMENDATION

Approve

01. Notwithstanding the local concerns, the provision of six local need houses would contribute to the council's housing supply without demonstrable harm to residential amenity, highway safety, ecology or visual amenity. As such the scheme is considered to comply with the saved policies ST3, ST5, ST6, ST10, EC3 and EC8 of the South Somerset Local Plan (2006) 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: 0139-PP01, 0139-PP03, 0139-PP04, 0139-PP05 and 0139-PP06 received 2 September 2014; 0139-PP02 Rev A received 3 September 2014; and 0139-PP07 received 22 September 2014.

Reason: For the avoidance of doubt as to the development authorised and in the interests of proper planning.

03. No development hereby approved shall be carried out until particulars of following have been submitted to and approved in writing by the Local Planning Authority;
- a. details of materials (including the provision of samples where appropriate) to be used for the external walls and roofs;
 - b. panels of brickwork and stonework shall be provided on site for inspection;
 - c. details of the recessing, materials and finish (including the provision of samples where appropriate) to be used for all new windows (including any rooflights) and doors;
 - d. particulars of all boundary treatments and hard surfacing materials. Such details shall include the use of porous materials to the parking and turning areas;
 - e. details of meter cupboards and gas boxes;
 - f. internal floor levels of the buildings;
 - g. foul and surface water drainage detail to serve the development.

Once approved such details shall be fully implemented unless agreed otherwise in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the area in accordance with policies ST5 and ST6 of the South Somerset Local Plan 2006.

04. The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels; all planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and 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 in accordance with policies ST5 and ST6 of the South Somerset Local Plan 2006.

05. 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), there shall be no extensions to these buildings without the prior express grant of planning permission.

Reason: To ensure that the dwellings remain available as affordable units and to safeguard the character and appearance of the area in accordance with policies ST5 and ST6 of the South Somerset Local Plan 2006.

06. 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 dormer windows or other openings shall be formed within the roofs of these buildings without the prior express grant of planning permission.

Reason: To ensure that the dwellings remain available as affordable units and to safeguard the character and appearance of the area in accordance with policies ST5 and ST6 of the South Somerset Local Plan 2006.

07. 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 in accordance with policies ST5 and ST6 of the South Somerset Local Plan 2006.

08. 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 garages/outbuildings shall be erected without prior express grant of planning permission.

Reason: To safeguard the character and appearance of the area in accordance with policies ST5 and ST6 of the South Somerset Local Plan 2006.

09. No street lighting will be permitted until surveys for bats, undertaken in the period May to September, have been completed and used to inform an impact assessment and the design of any lighting scheme. Such information and details to be submitted to Local Planning Authority for approval. The development shall be carried out in accordance with the approved details and thereafter maintained as such.

Reason: For the conservation and protection of species of biodiversity importance in accordance with NPPF, and of legally protected species in accordance with Policy EC8 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 and The Habitats Regulations 2010.

10. The proposed access shall be constructed in accordance with details shown on the submitted plan, drawing number 0139- PP02, and shall be available for use before occupation. Once constructed the access shall be maintained thereafter in that condition at all times.

Reason: In the interests of highway safety and in accordance with Policy ST5 of the South Somerset Local Plan (2006).

11. The proposed estate roads, footways, footpaths, tactile paving, verges, junctions, street lighting, sewers, drains, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with Policy ST5 of the South Somerset Local Plan (2006).

12. The area allocated for parking on the submitted plan, drawing number 0139- PP02, shall be kept clear of obstruction at all times 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 and in accordance with Policy ST5 of the South Somerset Local Plan (2006).

Informatives:

01. The applicant will be required to enter into a suitable legal agreement with the Highway Authority to secure the construction of the highway works necessary as part of this development. The developer should contact the Highway Authority to progress this agreement well in advance of commencement of development.
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