

**OFFICER: Andrew Gunn (01935) 462192**

**APPL.NO: 07/04032/REM APPLICATION TYPE: Approval of Reserved Matters**

**PARISH: Kingsbury Episcopi WARD: BURROW HILL**

**DESCRIPTION: The formation of a vehicular access and the erection of 6 houses with garages (GR 343444/121271)**

**LOCATION: Factory and Premises, Thorney Road, Kingsbury Episcopi, Martock, Somerset TA12 6BB**

**APPLICANT: Countrywide Mktg, Holdsworthy Dev's & M Wright Homes Ltd**

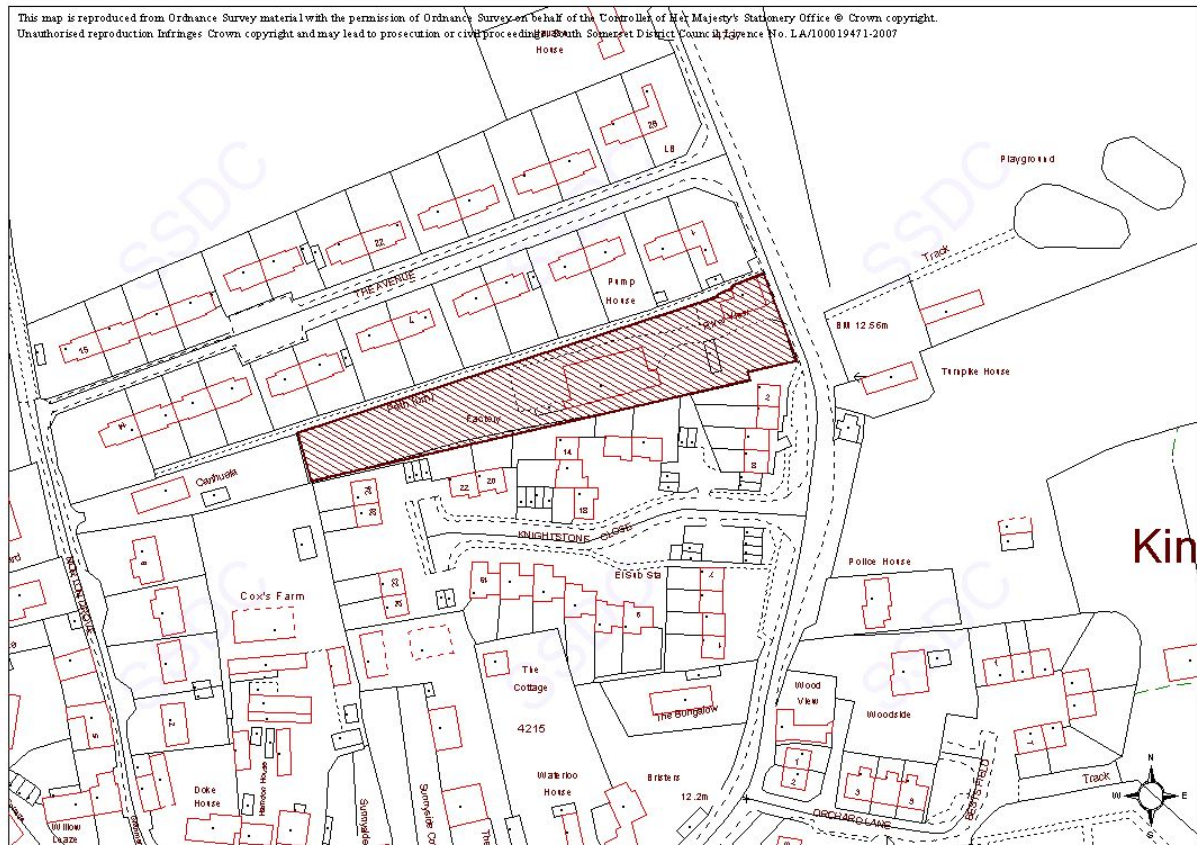
**AGENT: Mr Chris Dent, 5 North Avenue, Exeter, EX1 2DU**

**DATE ACCEPTED: 29 August 2007**

### Reason for Referral to Committee

When the Area North Committee granted Outline permission in April 2007, a condition of that approval was that the full details of the development be brought back for Committee approval when presented.

### Site Description and Proposal



The site is a thin rectangular piece of land, measuring 0.21ha, located towards the northern end of Kingsbury Episcopi. It is currently comprises a disused former glove factory (288m<sup>2</sup>), a dwelling on the site frontage and vacant land, much of which is currently overgrown vegetation. The site is sandwiched between 2 residential cul-de-sacs with The Avenue to the north and Knightstone Close to the south. A recreation ground lies opposite the site to the east.

The submitted scheme proposes 6 dwellings, each with garaging and off street parking. The shared access road will come off Thorney Road and be located between plot 1 and the

existing dwelling on the site, known as Riverview. The internal road will then extend along the northern part of the site. The access road will be constructed using block paviors. The parking areas will be recessed as best as possible in such a narrow site in order to provide a better street frontage. The dwellings will be mainly rendered elevations with double roman concrete tiles to match adjacent properties. Plot 1 will have natural coursed stone to the front elevation to match Riverview with rendered side and rear elevations. The agent has indicated cream and white finish rendering. A condition will be attached to any consent to agree all of the materials. A new 1800mm close boarded boundary fence will be erected along the southern boundary with new planting along the northern and western boundary to reinforce the hedging that exists. Details of the proposed landscaping scheme will be conditioned.

## **History**

851879 - Erection of a bungalow - permitted

850033 - erection of a dwelling - permitted.

06/04608/OUT - demolition of existing factory building and residential development (approved April 2007).

## **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,

Relevant Development Plan Documents

Regional Spatial Strategy:

VIS1 + VIS2

Somerset and Exmoor National Park Joint Structure Plan

South Somerset Local Plan (Adopted April 2006)

ST2 - Development in Villages

ST5 - General Principles of Development

ST6 - Quality of development

TP7 - Car Parking

## **Consultations**

### **Parish Council**

The Parish Council object to the application for 6 no 4/5 bedroom houses when the need for smaller properties still exists. A suggestion that plots 3 and 4 be designated as smaller properties, perhaps two pairs of semi-detached (2/3 bed) or 2 rows of three terraced houses (2/3 bed) and facing each other thus alleviating any overlooking of the adjacent properties and meeting the need for affordable homes.

The Parish Council also object to the positioning of plots 3 and 4 as they will be overlooking the existing properties in Knightstone Close (bungalows) and The Avenue. The original outline permission granted in April 2007 stated that 'all dwellings shall be designed with a low eaves height, which could include chalet bungalows, so as to minimise their impact on existing adjacent dwellings'. The size of these proposed houses does not meet that suggestion. The Parish Council would therefore suggest that plots 3 and 4 are rotated 90 degrees thus facing each other. The Parish Council also feels that the proposed height of

the boundary fence is not adequate to alleviate overlooking and would suggest the height be increased.

The Parish Council would also suggest that in the interests of highway safety and in accordance with Policy ST5 of the SSLP that plot 1 be positioned further back on the site and in line with number 2 Knightstone Close as it appears to be too far forward and could obstruct visibility at the access. The Parish Council would also ask that provision be made for a pedestrian crossing from the site to the recreation ground across Thorney Road be included, as the additional vehicle movements existing at the site could endanger children's lives, in accordance with Policy ST5 of the SSLP.

### **Highway Authority**

Raise no objections subject to conditions. The 7 conditions recommended were imposed on the outline consent. Therefore as this is a reserved matters application, these are still relevant and do not need to be repeated on any consent for reserved matters. The Highway Authority in their response indicate that the plan submitted as part of the reserved matters application incorporates the required details as requested at outline stage.

### **Landscape officer**

No substantive landscape issues. I look forward to seeing a detailed landscape proposal in due course.

### **Natural England**

Have records of bat activity in the area (50m) of the proposed development and requests that a bat survey of all buildings which are due to be demolished, is conducted by a suitably qualified person, prior to the application being considered for planning approval.

### **Representations**

3 letters have been received along with a petition with 24 signatories. The concerns raised relate to:

- new entrance road on a dangerous bend, and opposite children's playground
- overlooking directly into rear garden and property
- overpowering impact of development on amenity
- site too small for proposed development
- limit to bungalows
- boundary fence too low
- no objection to development in principle but to nature of the scheme.
- Rotate plot 2 to overcome overlooking.

### **Considerations**

The principle of residential development on this site has been accepted with the granting of outline consent in April 2007. All matters except for access were reserved for subsequent approval. In addition, a note was attached to the outline consent stating that 'no approval is given for the number, type or positions of the dwellings and that all dwelling should be designed with a low eaves height, which could include chalet bungalows, so as to minimise their impact on existing adjacent dwellings'.

The submitted reserved matters application seeks consent for the erection of 6 dwellings, each with their own garaging and off road parking. The thin rectangular shape of the site clearly limits the choices in terms of the layout and form of the development on the site. However, it is still imperative to seek to achieve the best layout and design of the proposed dwellings whilst respecting the amenity of adjoining residents.

In assessing the proposal to ensure that it meets the above criteria, the original scheme as submitted fell short. The biggest issue, particularly in relation to plots 2-4 was of overlooking into private gardens and windows of properties in Knightstone Close. The officer visited a couple of the properties in Knightstone Close mostly affected by the proposed development and this confirmed the amenity issues and concerns that had been raised. It is not considered that there are any harmful overlooking issues to those semi-detached properties in The Avenue due to the distance from the proposed dwellings and that overlooking of their gardens already exists from neighbouring properties.

Concern was also raised at the closeness of plot 5 to the southern boundary with no 24 Knightstone Close. It would be less than 2m at the nearest point. Whilst no harmful overlooking would occur, it is considered that plot 5 would have an overbearing impact upon the bungalow and create a feeling of enclosure within the rear garden. The design, siting and scale of plots 1 and 6 are considered to be acceptable. Both will have their southern gables facing towards the gable walls of properties in Knightstone Close. This relationship is considered to be acceptable. In terms of the eaves height, it is considered that this has been achieved with the mix of one and a half to two storey dwellings. These can be satisfactorily accommodated on the site without the need for chalet bungalows.

In terms of proposed design features, 5 of the proposed dwellings contained external chimneys. This is not a local characteristic or in keeping with local vernacular.

The above concerns were discussed with the agent and amended plans requested. Amended plans have been received and consultation undertaken. Any comments received in relation to the amended plans will be reported orally at Committee.

The amended plans have replaced external with internal chimneys. In terms of plot 2, this has now been rotated over 90 degrees so that the south gable wall now faces towards Knightstone Close. A small window will be included in the first floor of the south elevation serving a toilet room. A condition will be imposed on any consent ensuring that this window is obscured glazed and fixed shut. Plots 3 and 4 have now had the rear first floor windows removed and replaced with velux windows. The agent has indicated that the sills of the velux windows are 1.85m over the finished floor level and thus not create any overlooking issues. However, it is considered reasonable to condition that these are obscured glazed.

The design of Plot 5 has been amended to form half hipped gables and moved around 0.5m further from the boundary. Whilst the proposed design and small move northwards will reduce the impact on the bungalow, it is not considered that this design is appropriate or in keeping with local vernacular. The original design is preferred but the scale was of concern. During discussion with the agent, a suggestion was made to reduce the scale of this dwelling to reduce its overbearing impact on the occupiers of the bungalow. It is considered that this is the best solution in order to maintain a good design and will enable a siting further away from the bungalow and thus reducing its physical impact. The agent will be contacted to discuss the design and siting of plot 5. An update of discussions and receipt of any amended plans will be reported at committee.

The concerns that were raised by the Parish Council and local residents in terms of highway issues have been carefully assessed. The Highway Authority support the application as submitted and have stated that the layout plan is in accordance with details as requested at the outline stage. No objections are therefore raised on highway grounds. Furthermore, whilst the genuine concerns in terms of users of the recreation ground opposite have been fully considered, it is not deemed reasonable to seek provision of a pedestrian crossing in light of the relatively small scale scheme proposed.

## Section 106 Planning Obligation

Not applicable to this application.

## RECOMMENDATION

**Grant permission** subject to the receipt of satisfactory amended plans requested in relation to plot 5 and to no new objections received in respect of amended plans received on 9th November.

## JUSTIFICATION

01. The residential development of this site, by reason of its design, layout and materials represents an acceptable form of development that respects the character and appearance of the area, respecting the amenity of adjacent occupiers in accordance with the aims and objectives of Policies ST2, ST5, ST6 and TP7 of the South Somerset Local Plan.

### Application Permitted with Conditions

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. Details of the proposed boundary fencing along the southern boundary shall be submitted to and agreed in writing by the local planning authority. Such fencing shall be installed to the written satisfaction of the local planning authority before the dwellings hereby approved are first occupied.

Reason: In the interests of residential amenity.

03. The first floor window in the southern elevation of plot 2 shall be constructed from obscure glass and shall be fixed shut, details of which shall be submitted to and agreed in writing by the local planning authority and shall remain permanently maintained as such.

Reason: In the interests of residential amenity.

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: In the interests of visual and residential amenity.

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), no additional windows, including dormer windows, or other openings (including doors) shall be formed in the dwellings hereby approved or other external alterations made without the prior express grant of planning permission.

Reason: In the interests of residential amenity.

06. Before the development hereby permitted shall be commenced details of all eaves/fascia board detailing, guttering, downpipes and other rainwater goods shall be submitted to and approved in writing by the Local Planning Authority. Such details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity.

07. The development hereby permitted shall not be commenced until particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

08. The velux windows to be inserted into the southern elevation of plots 3 and 4 shall be constructed from obscure glass, details of which shall be permanently retained and maintained as such. The agreed windows shall be fully installed before the dwellings are first occupied.

Reason: In the interests of residential amenity.

09. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted plans and specifications as amended by plans received from the agent on 9th November 2007. This does not include amendments to plot 5.

Reason: In the interests of clarity.

**NOTES** (if any)

01. The applicant's attention is drawn to the letter received from Natural England dated 11th September 2007 with regard to the recorded presence of bats in the vicinity of the development site. The applicant is reminded that bats are a legally protected species and would advise that natural England and/or a bat consultant is contacted for advice prior to the demolition of the factory building.
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**OFFICER: Andrew Gunn (01935) 462192**

**APPL.NO: 07/03984/FUL APPLICATION TYPE: Full Application**

**PARISH: South Petherton WARD: SOUTH PETHERTON**

**DESCRIPTION: The erection of 55 dwellings & associated works (GR 343777/117157)**

**LOCATION: Land adjoining St Michaels Gardens, Lightgate Lane, South Petherton, Somerset**

**APPLICANT: Persimmon Homes**

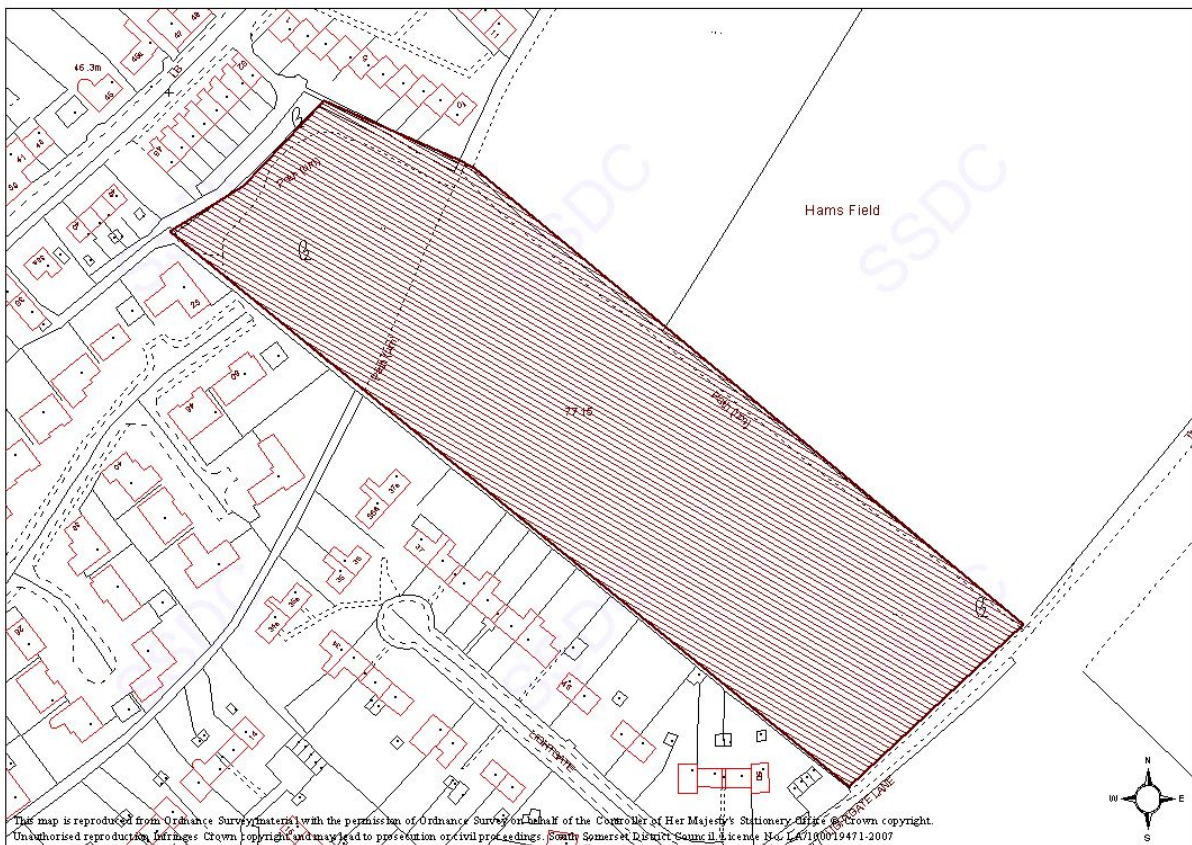
**AGENT: Turner Holden White Young Green (FAO: Simon Collier) Hawkridge House, Chelston Business Park, Wellington, Somerset TA21 8YA**

**DATE ACCEPTED: 23 August 2007**

### Reason for Referral to Committee

At the request of the Ward Members and Chairman in order to enable discussion of the objections that have been raised and the implications of a recent appeal decision.

### Site Description and Proposal



The site is currently a green field site covering approximately 1.7 hectares on the north eastern side of South Petherton. The site adjoins residential properties to the east and south with open fields to the north. Public footpaths run across the north, east and west boundaries with a further footpath running north to south through the site.

This application seeks permission for the erection of 55 dwellings with sole vehicular access from St Michaels Gardens and emergency access onto Lightgate Lane. The scheme will provide a mix of detached, semi-detached and terraced properties. In total there will be 16 no 4 beds, 22 no 3 bed and 17 no 2 bed homes. 19 of the proposed dwellings will be affordable units in line with the Council target of 35%. The dwellings will be constructed from

brick and render with double roman tiles. An area of open space (0.28ha) will be created in the centre of the site providing a play area, seating and landscaping.

Throughout most of the development, the houses will be closely related to the internal road that runs through the site. Higher densities are proposed backing onto the southern boundary and Lightgate Lane with lower density proposed to the west and north boundaries. 2 bungalows are proposed on either side of the road leading into the site to reflect the bungalows that exist adjacent to the site in St Michael's Gardens. Garages and parking areas have largely been located to the rear of the dwellings. Several parking courts are proposed throughout the site.

The Design and Access statement outlines that the road layout will be defined by the housing arrangement and that this road alignment will achieve low vehicle speeds. It is also proposed to create shared surface areas to assist with the design principle of a safe pedestrian realm.

Additional landscaping will be planted along the boundaries of the site to compliment the existing hedgerows. The proposal also includes diversion of the existing public footpath to the south of the properties in Pitway and to the rear of 48 to 62 Silver Street.

## **History**

07/01172/FUL - Residential application for 55 dwellings with vehicular access from St Michaels Gardens. (Application refused June 2007. Appeal dismissed).

07/01181/FUL - Proposed vehicular access from Lightgate lane. (Application withdrawn).

## **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,

The Planning Policy officer in his response to the application has outlined in detail the relevant documents and policies with regard to this application. These are outlined below:

RPG10 (adopted Sep 2001)

Policy VS1 outlines the vision of RPG including the promotion of sustainable patterns of development, minimising the need to travel and concentrating growth in designated centres of growth.

Policy VIS 2 outlines the principles for future development that should be reflected within local development plans. These principles include the need to use land efficiently with high quality design, the provision of a balance of land uses i.e. a mix of housing types, business/commercial development, education and leisure facilities and recreation uses. In addition, it outlines the need to meet the economic and social needs of rural communities and promotes the provision and enhancement of public transport services and walking and cycling networks.

Policy SS 2 relates to the location and distribution of development. This provides an urban focus upon future development with growth taking place primarily within the Principal Urban Areas (PUA's) for example Taunton. These areas provide the best opportunity for accommodating growth in the most sustainable way. Outside of the PUA's, growth can be provided in other designated centres for growth to meet housing and employment needs in



the sub- region (Yeovil). It also outlines the role of towns that should be designated to act as local service centres for the wider rural areas.

The role of towns is supported by Policy SS 7 which focuses upon meeting local needs. It stresses that towns that can serve wider rural areas should be identified to accommodate smaller scale development.

Policy HO 3 relates to provision of affordable housing and seeks to ensure that sufficient affordable housing is provided by local authorities in order to meet the identified community housing need. The Lightgate Lane allocation seeks 35% affordable dwellings. Policy HO 6 seeks to promote strong and stable communities through provision of a wide mix of housing types and tenure options. This includes the provision of affordable housing and good quality design reflecting local distinctiveness.

Policy TRAN 1 focuses upon reducing the need to travel. This can be achieved by the appropriate location of new development and creating a balanced mix of uses in new developments.

Somerset and Exmoor National Park Joint Structure Plan Review -1991-2001 (adopted 2000)

Policy STR1 - Sustainable development - focus on new development primarily in towns  
Policy STR4 - Rural Centres and villages  
Policy STR5 South Petherton is a Rural Centre as defined within the structure plan by this policy.

Policy 35 relates to the provision of affordable housing in order to meet identified local need. Policy 49 advises that proposals for development should be compatible with the existing transport infrastructure, or, if not, provision should be made for improvements to enable development to proceed.

South Somerset Local Plan (SSLP).

As per the guidance in RPG10, development plans should identify, where appropriate, towns to accommodate smaller scale development to serve local needs and make services available to the wider rural area. Thus, as identified in the Structure Plan, South Petherton is identified as a Rural Centre where development should sustain and enhance its role whilst being commensurate with its size and accessibility, and appropriate to its character and physical identity.

It is therefore one of the primary locations for future development as identified in the SSLP. There are a range of policies in the SSLP which will support the delivery of a sustainable and high quality development on the application site.

Policy ST5 relates to the general principles of development and sets out a range of criteria which need to be considered in making planning decisions. The development will also need to meet the quality of development criteria of Policy ST6.

Policy TP1 relates to pedestrian and cycling provision in new developments. Furthermore, with regard to promoting and delivering sustainable transport objectives.  
Policy TP2 requires the submission of a travel plan.

Policy TP5 will seek to ensure that developments which are likely to generate significant levels of traffic demand should be accessible by a choice of means of transport other than the car, including public transport.

Policy TP7 sets the maximum off-road residential parking standards. Within towns, the provision is 1.5 parking spaces per dwelling. However, this should be set at a lower level where locations are particularly accessible or for housing types with less demand than family housing.

Policy HG2 lists the housing allocations within the district, including HG/SOPE/1.

Policy HG3 relates to the phasing policy. This policy seeks to ensure that priority is given to the development of previously developed brownfield sites and the phased release of allocated greenfield sites, including the 3 key site allocations outside of Yeovil. This application site is therefore subject to the phasing policy and this issue is discussed in further detail below.

Policy HG4 relates to housing densities and seeks a net density of at least 30 dwellings per hectare on every new development. This reflects national guidance outlined in PPS3. Higher densities will be sought in locations with good public transport accessibility. On larger developments such as this proposal, a range of densities may be appropriate provided the overall average net density is 30 dwellings per hectare.

Policy HG6 relates to the total number of affordable homes the council will seek to achieve in the district.

Policy HG7 relates to affordable housing within new housing developments. On the application site, the council will be seeking 35% of the total dwellings as affordable dwellings.

Policy CR2 relates to play/amenity space. This policy sets the standard requirement per 1000 population for adult's, young people and children's various play space requirements.

Proposal HG/SOPE/2 at Chapter 13 of the adopted Local Plan allocates the site for housing to accommodate approximately 51 dwellings and states:

"Land at Lightgate Lane, South Petherton, amounting to 1.7 hectares (4.3 acres) is allocated for residential development. The development would be subject to the following:

- The site is expected to accommodate around 51 dwellings, of which 35% should be affordable;
- Vehicular access off St Michaels Gardens and Lightgate Lane with associated highway improvements;
- Provision of footway link to Silver Street between no.46 and no.48 Silver Street;
- Retention of existing public rights of way which traverse or abut the site;
- Boundary landscaping to the north west abutting existing residential curtilages and associated development;
- Provision of 0.1 hectares (0.25 acres) for children's play area;
- Retaining and enhancing existing hedge abutting footpath along the sites north eastern boundary and also along the south eastern boundary abutting Lightgate Lane;
- The allocation being phased for development after 2007."

## Government Policy

National planning guidance is provided in Planning Policy Statement 1: Delivering Sustainable Development (PPS1), Planning Policy Statement 3: Housing (PPS3), Planning Policy Guidance Note 13: Transport (PPG13).

All these documents emphasise the importance of sustainable development and promote the use of previously developed land in the most efficient ways. In relation to housing PPS3 advises that good design and layout can help achieve high quality sustainable communities. It continues to promote principles of sustainable development and for housing to be provided in the most sustainable way and encourages efficient use of land with particular reference to redevelopment of brownfield land and density.

## Consultations

South Petherton Parish Council

Object to the application as the proposed scheme is not in accordance with the requirements of the SSLP.

Highway Authority

No objections subject to conditions.

The internal roads team recommend reconstituted granite blocks and reduction in height of hedging at plot 1 and 8 to maintain visibility.

Senior Play and Youth Facilities Officer

Financial contributions have been sought in terms of play and youth facilities. A full copy of the consultation response is attached at **Appendix A**. The total sought is around £107,000.

Senior Leisure Facilities Officer

Financial contributions are sought for Strategic sports facilities. The full response is attached at **Appendix B**. The total sought is £39,484.

Education

The Education Authority have sought a contribution of £124,248 towards secondary school provision.

Natural England

Requests that a wildlife/species survey of the site is undertaken by a suitably qualified person and the results sent to Natural England prior to the application being determined.

## Representations

The application was advertised, a site notice displayed and neighbours notified. 24 letters have been received from residents of St Michaels Gardens raising the following

- proposed scheme is contrary to the SSLP requirement for 2 vehicular accesses
- scheme is contrary to decision of the Local Plan Inspector and outcome of the democratic Local Plan process.
- no right of way provided to Silver Street as per SSLP criteria.
- length of cul-de-sac serving development too long i.e. 500m from furthest dwelling to junction. Guidance says it should be a max of 300m.
- Local services and facilities are inadequate to serve the new development.
- Increased traffic will result in highway safety issues.
- Noise of additional traffic affecting amenity of properties in St Michaels Gardens.
- Do not want S Petherton to turn into a town.

Six letters have been received from residents of Lightgate Lane stating that Lightgate Lane should not be used to serve the proposed development due to highway safety concerns, in particular its narrow width, poor junction with Lightgate Road and that it already carries

significant traffic serving both residential properties, recreational facilities and pre school group.

One letter has raised no objection to the development but raises concern in relation to use of Lightgate lane as an access route to serve the development. St Michaels Gardens should be used as the sole access.

Two emails have been received supporting the application stating that this development is required in South Petherton, particularly enabling young people to remain in the village. It is also hoped that the scheme will provide affordable housing.

## **Considerations**

The main considerations with regard to this application are: 1) whether the provision of 1 vehicular access serving the development is acceptable given the requirement of the SSLP for 2 vehicular accesses; 2) whether the proposal accords with planning policies governing the sustainable location of new development; 3) whether there is a need for the housing development having regard to community needs, including the provision of affordable housing; and 4) whether the proposal provides a high quality, sustainable development.

### **Vehicular Access**

It is clear from comments received from local residents that the key issue is the means of vehicular access to the site. In this respect, the criteria as outlined in the South Somerset Local Plan for this allocation clearly requires vehicular access from St Michaels Gardens and Lightgate Lane with associated highway works. This application only has one vehicular access from St Michaels Gardens with emergency access only onto Lightgate Lane.

The issue of vehicular access was fully examined through the Local Plan Inquiry during 2002-2003. With this application the Highway Authority have repeated their stance at the Local Plan Inquiry i.e. that St Michaels Gardens is 'technically capable of serving the entire site'. The Local Plan Inspector accepted this fact. However, during the Local Plan Inquiry, residents expressed their concerns regarding access to the site and potential nuisance arising from it. The Inspector accepted that residents would 'experience the impact of the additional traffic and the opening up of the area, which could in turn raise perceptions of a decrease in natural security'. The Inspector further stated that 'in my view the option of serving a substantial part of the site from Lightgate Lane, rather than from St Michaels Gardens warrants further consideration'. In conclusion, he stated that 'My support is conditional upon the reconsideration of the access arrangements to either remove or reduce the dependence on the use of St Michaels Gardens'.

The Inspector's report and his conclusions with regard to the allocation of this site and, in particular the issue of vehicular access to the site was considered and supported by the District Council. Accordingly, the South Somerset Local Plan requires 2 vehicular accesses into the site. Therefore, this application as it currently stands is not in full accordance with the South Somerset Local Plan.

### **Appeal Decision**

Notwithstanding the requirement of the SSLP, members attention is drawn to the decision of the appeal Inspector with regard to the first application for residential development on this site that was refused in June 2007. This is a particularly important material consideration in the consideration of this current application. This decision along with the decision in relation to the appeal for costs has been attached as **Appendix C and D** respectively. The key outcome of the appeal decision was that whilst the appeal was dismissed, it was not



dismissed on the basis that the scheme before the Inspector was served by 1 sole access but due to a deficient S106 Agreement. The Inspector was not satisfied that the proposed contributions relating to play, sports and community facilities and education contributions were sufficient to address the overall impact that the additional population created by the development would have on South Petherton.

The appeal Inspector's conclusion in terms of the impact upon the residential amenity of residents in St Michaels Garden's was that he was not persuaded 'having regard to the width of the footways, the degree of set back of many of the dwellings from the road and the likely vehicle speeds in such a highway design, that the volume of the additional traffic generated by the scheme, which would be residential in character, would unacceptably harm the St Michaels Gardens living conditions by reason of undue noise or general disturbance'. He did not consider that the proposal would be contrary to Policy ST6 of the SSLP. Therefore on the basis of the Inspector's decision, the Local Planning Authority's objection to the earlier application with regard to provision of 1 vehicular access and impact on residential amenity has now been addressed.

#### Need for the Development

In terms of whether there is a need for the development, it is clear that according to the housing trajectory figures that are compiled by the Policy team, the District Council can meet its housing needs without the need for allocated green field sites outside of Yeovil i.e. no need for housing sites such as this site to come forward. However, there is clear need for the provision of affordable housing within the District. Therefore, there is sound justification for the site coming forward to meet community needs in South Petherton. A total of 19 affordable homes will be provided by this development. The location of the affordable housing within the site has been split into 2 groups i.e. plots 27-31 and 42-55 to avoid concentration of such housing in one part of the site.

The number of dwellings proposed is 55 compared with the Local Plan allocation of 51. However, it is not considered that an increase of 4 above the Local plan requirements is a significant departure that would warrant refusal on those grounds. Moreover, the recent appeal Inspector concluded that 'a total of 55 dwellings would result in an acceptable and efficient development density that would not be disproportionate to the approximate figure of 51 dwellings anticipated by Proposal HG/SOPE/2.

#### Design Issues

In terms of providing a high quality, sustainable development, it is considered that the proposal as amended will provide such a development. The layout will provide a pedestrian friendly development with strong roadside frontage development. An area of open space within the centre of the development will provide an attractive focal point and provide a break from built form. It is further considered that the proposed layout and design will not harm the amenity of adjacent occupiers. Indeed, with regard to the latter point, no objections have been received with regard to the proposed layout or design of dwellings.

#### Meeting Sustainable Development Objectives

With regard to the fourth issue, the site was fully considered by the Local Plan Inspector and concluded that residential development of this site would meet with government objectives in terms of achieving sustainable forms of development.

#### Contributions

The Council's reason for refusal in relation to the earlier application have been fully considered by an appeal inspector. It was concluded by the appeal Inspector that one vehicular access from St Michaels Gardens would not unacceptably harm the amenity of those residents. The appeal was only refused due to a deficient legal agreement rather than the proposed scheme itself. It is clear that the inspector would have allowed the appeal provided that an acceptable level of contributions had been offered by the applicant within the submitted legal agreement. The Inspector did have an option of conditioning the need to make provision for affordable housing, public open space, educational infrastructure and community facilities. However, he concluded that it would not be reasonable to impose a condition due to the 'fundamental disagreement between the parties' on those matters. It should be noted that the provision of affordable housing has been agreed.

The local planning authority are willing to accept a condition requiring provision of these contributions provided that the applicant provides a clear indication that they are willing to enter into negotiations with the local planning authority and it is clear that a satisfactory outcome can be agreed. The Planning Inspectorate has advised that such conditions can be imposed in appropriate circumstances i.e. where the terms of a necessary obligation have already been substantially agreed in principle or detail. Following discussion with the agent, an indication has been given that they are happy to enter into negotiations. It is therefore considered that this case presents an appropriate circumstance in which such a condition may be imposed. However, this will be decided by progress of negotiations with the applicant. It is anticipated that further discussions will have taken place before the committee meeting and an oral update will be given at the meeting.

### **Section 106 Planning Obligation**

Contributions will be sought in respect of affordable housing, public open space, educational infrastructure and community facilities. Dependent upon progress of negotiations with the applicant, it is proposed to condition the requirement for these various provisions to be provided before any works commence.

### **RECOMMENDATION**

**Grant permission.** Subject to the progress of negotiations with the applicant, it is recommended to condition the requirement to provide contributions in respect of affordable housing, public open space, educational infrastructure and community facilities.

### **JUSTIFICATION**

The proposed development by reason of its scale, design, layout and materials respects the character and appearance of the area, will provide affordable housing and play space and community facilities in accordance with Policies ST5, ST6, HG7 and CR2 of the South Somerset Local Plan.

Application Permitted with Conditions

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. No development shall begin until details of a scheme for the provision of affordable housing, educational infrastructure, public open space, community facilities and provision and implementation of a Travel Plan to include full bus pass provision at a ratio of one bus pass per household (based on a voucher scheme), to meet the

needs of the development has been submitted to and approved in writing by the LPA. The scheme shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.

Reason: To ensure adequate provision of affordable housing, in accordance with Policy HG7 of the South Somerset Local Plan, play and community facilities in accordance with Policy CR2 and CR3 of the South Somerset Local Plan.

03. The proposed estate roads, footways, footpaths, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking, street furniture and tactile paving 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 in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

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 in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

05. The development hereby approved shall not be brought into use until that part of the service road which provides access to it has been constructed in accordance with the approved plans.

Reason: In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

06. The gradients of the proposed drives to the dwellings hereby approved shall not be steeper than 1 in 10.

Reason: In the interests of Highway safety in accordance with Policy 49 of the Somerset and Exmoor National park Joint Structure Plan Review.

07. In the interests of sustainable development, a network of cycleway and footpath connections shall be constructed within the development site in accordance with a scheme to be permitted in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

08. None of the dwellings hereby permitted shall be occupied until a scheme of street lighting has been installed between and in accordance with a design and specification to be approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

09. No occupation of the proposed development shall be allowed until such time as the alterations to the footpath and road alignment of Lightgate Lane have been completed to the satisfaction of the Local Planning Authority. Such alterations and off-site highway works will need to be addressed through a Section 278 legal agreement with the Highway Authority. In addition, a Section 106 Agreement should be in place with the developer for the provision and implementation of the Travel Plan which should also include full bus pass provision for the entire site at a ratio of one bus pass per household based on a voucher scheme. The said Travel Plan should score a minimum of 45% on the Department of Transport's scoring model, which has been adopted by the Highway Authority for Travel Plans.

Reason: In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

10. The development hereby permitted shall not be commenced until particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs have been submitted to and approved in writing by the Local Planning Authority.

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

11. Before the development hereby permitted shall be commenced details of all eaves/fascia board detailing, guttering, downpipes and other rainwater goods shall be submitted to and approved in writing by the Local Planning Authority. Such details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with Policy ST6 of the South Somerset Local Plan.

12. 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: In the interests of visual amenity.

13. No development approved by this permission shall be commenced until a detailed scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason: To prevent the increased risk of flooding by ensuring the provision of a



satisfactory means of surface water disposal.

14. Before any of the development hereby permitted is commenced details of the internal ground floor levels of the building(s) to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the area.

15. No development approved by this permission shall be commenced until a detailed scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

16. No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water storage capacity during 1 in 100 year (climate change) conditions has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: To alleviate the increased risk of flooding.

17. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that the proposed development does not cause pollution of Controlled Waters and that development complies with approved details in the interests of protection of Controlled Waters.

18. No development approved by this permission shall be commenced until the Local Planning Authority is satisfied that adequate sewerage infrastructure will be in place to receive foul water discharges from the site. No buildings (or uses) hereby permitted shall be occupied (or commenced) until such infrastructure is in place.

Reason: To prevent pollution of the water environment.

19. No development approved by this permission shall be commenced until a Construction Environmental Management Plan, incorporating pollution prevention measures, has been submitted to and approved by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.

Reason: To prevent pollution of the water environment

20. Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 (or any order revoking or re-enacting that Order) no tank for the storage of oils, fuels or chemicals shall be erected within the curtilage of a dwelling house unless it is sited on an impervious base and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of drainage system of the bund shall be sealed with no

discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected where possible from accidental damage.

Reason: To prevent pollution of the water environment.

**NOTES** (if any)

01. The development hereby permitted shall not be commenced until such time as the public right of way has either been stopped up or diverted in accordance with any of the following:
    - a) An Order made by the Secretary of State for the Environment Transport and Regions under Section 247 of the Town and Country Planning Act 1990.
    - b) An Order made by the Local Planning Authority under Section 257 of the said Act 1990, or
    - c) An Order made by a Magistrates' Court under Part VIIA of the Highways Act 1980.
  02. The applicant's attention is drawn to the informatives and recommendations included in a letter received from the Environment Agency dated 21st September 2007.
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**OFFICER: Kevin D Reid (01935) 462295**

**APPL.NO: 07/04748/LBC APPLICATION TYPE: Listed Building Consent**

**PARISH: South Petherton WARD: SOUTH PETHERTON**

**DESCRIPTION: The replacement of 2 No. doors on front elevation at ground and first floor (GR 344120/116057)**

**LOCATION: 5 The Bartons, Yeabridge, South Petherton, Somerset TA13 5LW**

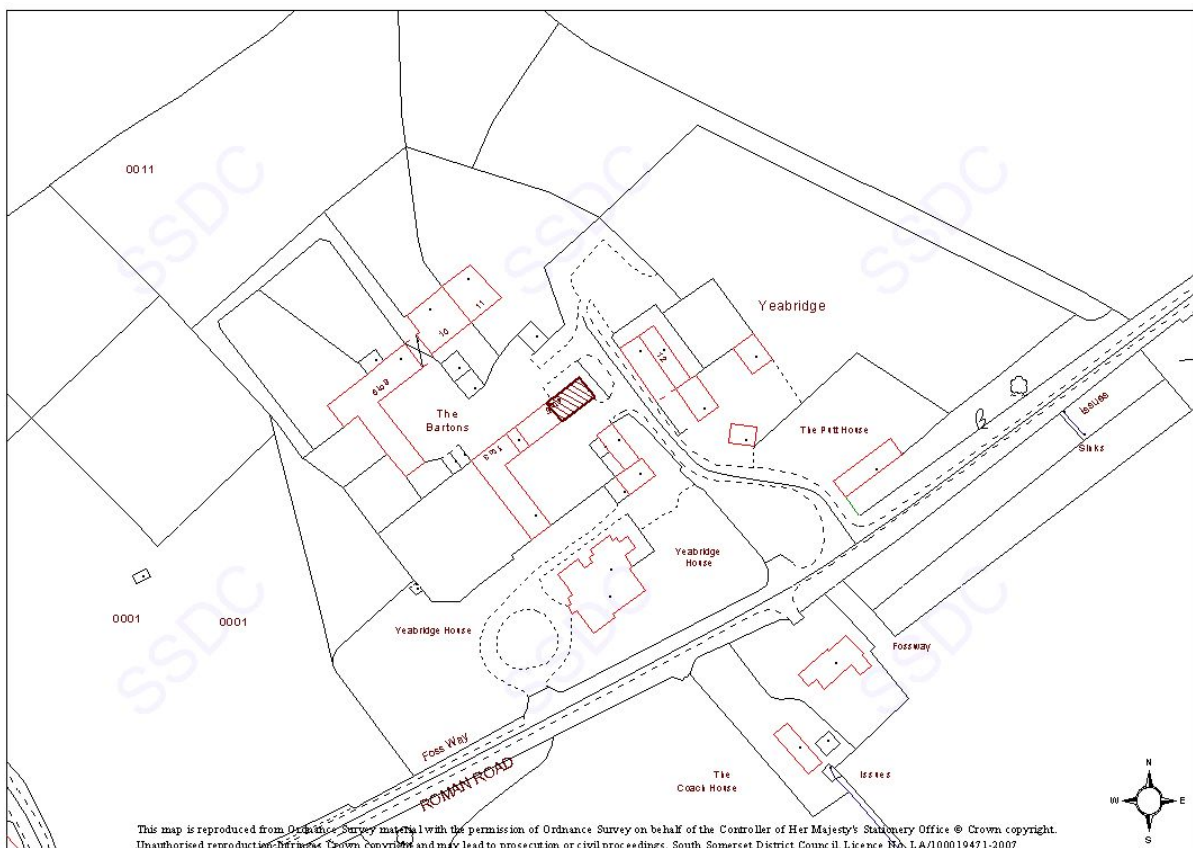
**APPLICANT: Mr D P Robathan**

**DATE ACCEPTED: 11 October 2007**

### Reason For Referral To Committee

This application is before Committee as the applicant, Councillor Paul Robathan, is a District Councillor.

### Site Description and Proposal



The application is seeking Listed Building Consent for the replacement of two wooden doors on the front elevation of the property known as 5 The Bartons, Yeabridge, South Petherton. The dwelling, which is a result of part of a barn conversion, granted consent in 1988 forms part of a number of units at the site, all of which are all Grade II Listed.

The two doors are found on the ground floor and first floor of the property and visible from within the yard, which serves a number of converted barn units at the site. A stone staircase serves the door at first floor level, which has a significant amount of rot at its base and is in need of renovation. The proposed replacement doors consist of glazed full-length panels, which are similar in style to some of surrounding glazed openings in the other historic openings at the site. The proposed development, which will be visible from within The Bartons complex itself, will not be directly visible from the highway or from the public realm.

## History

873276 Conversion of redundant farm buildings into eleven dwellings with garages and the provision of parking spaces and access road  
Approved 12.07.88

873237 Conversion of redundant farm buildings into eleven dwellings with garages  
Approved 18.11.88

## Policy

Relevant Development Plan Documents

Regional Spatial Strategy: Vis 1 Vis 2 EN4

Somerset and Exmoor National Park Joint Structure Plan

STR1, STR6, Policy 9,

South Somerset Local Plan (Adopted April 2006)

Policy ST4 Extension and Alterations to Buildings in the Countryside

Policy ST5 General Principles of Development

Policy ST6 The Quality of Development

Policy EH3 Change of Use of Listed Buildings and Alterations to Listed Buildings

PPG 15 Planning and the Historic Environment

## Consultations

Parish Council - No observations received at the time of writing the report. To be updated orally

Conservation Officer - The proposal relates to one residential unit, converted from part of a listed barn, within a complex of converted listed barns. The conversions were granted in 1987, and are a good example from that period.

The doors that are proposed to change are within historic openings but not of historic fabric in themselves. In my view, the proposal is in line with the style and standard of the conversions and would not be detrimental to the character of the listed buildings. I would say that I think the doors should be set back within the reveal, although not as deep as they historically were. Showing some of the reveal of the door would be an improvement. The design of the front of the glazing bars should also be bevelled. Both of these matters can be conditioned.

Area Engineer - No comment

## Representations

No observations received at the time of writing this report

## Considerations

The application is considered to be in accordance with the aims and objectives of Local Plan Policies ST4, ST5, ST6 and EH3 of the South Somerset Local Plan (Adopted 2006) where form, scale, and design of the proposed development will not have an adverse effect on the character and setting of the original barn conversion or the historic fabric of the Grade II Listed Building. The Conservation Officer has raised no concerns regarding the proposed



scheme and the recommendations made in relation to the depth of the new installations and the design of the glazing bars can be controlled using the appropriate condition(s). Overall the scheme is therefore considered to be acceptable.

## **RECOMMENDATION**

### **Approval subject to conditions**

## **JUSTIFICATION**

01. The proposal is of a design in terms of materials, detailing and scale, which does not adversely affect the character of the Listed Building or the surrounding visual and residential amenity and is in accordance with the aims and objectives of Policies ST5, ST6 and EH3 of the South Somerset Local Plan (Adopted 2006) and STR1, STR6 and Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan 1991 - 2011.

01. The works hereby granted consent shall be begun before the expiration of three years from the date of this consent.

Reason: As required by Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

02. Prior to the commencement of the development hereby approved the detail of the set back of the door within the reveal should be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the character of the listed building in accordance with Policy EH3 of the South Somerset Local Plan (Adopted April 2006).

03. Prior to the commencement of the development hereby approved the design and profile of the glazing bars should be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the character of the listed building in accordance with Policy EH3 of the South Somerset Local Plan (Adopted April 2006).

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**OFFICER: Louisa Brown (01935) 462391**

**APPL.NO: 07/04194/FUL APPLICATION TYPE: Full Application**

**PARISH: Tintinhull WARD: ST MICHAELS**

**DESCRIPTION: The erection of 3 No. dwellings with garages (GR: 350103/119738)**

**LOCATION: 8 Farm Street, Tintinhull, Yeovil, Somerset BA22 8PZ**

**APPLICANT: I A D UK Ltd**

**AGENT: Brimble Lea & Partners (FAO: Diccon Carpendale) Wessex House, High Street, Gillingham, Dorset**

**DATE ACCEPTED: 6 September 2007**

### Reason For Referral To Committee

The Chairman, Cllr Patrick Palmer, has accepted this application onto the Area North Committee at the request of Cllr Jo Roundell Greene who would like to have the opportunity for the following issues to be explored in more detail;

- Over development of the site
- Access and increased traffic
- Drainage and flooding
- Overlooking
- Design of development

### Site Description and Proposal



This is an application seeking full planning consent for the erection of 3 no. dwellings with garages. The site is located on the southern side of Farm Street, within the village of Tintinhull. Currently there is a detached 1950's bungalow with a garage/outbuildings and stables.

The site has vehicular access off of Farm Street, which runs upwards to the site, which is at a much higher level than the main road. There are numerous trees and hedging on the North, East, south and west boundary. There are residential properties to the North, and West, with a public house immediately to the east and gardens and fields to the south. The site is within a conservation area; there are listed buildings to the Northwest.

## **History**

06/04063/FUL: Erection of double garage - approved 21/12/06  
06/03491/CON: Demolition of existing chalet bungalow and outbuildings - approved 12/02/07  
06/03255/FUL: the erection of 3 no. detached dwellings with garages - withdrawn  
05/02833/FUL: Erection of one and a half storey detached dwelling with detached double garage and vehicle turning area for existing property - Approved 23/01/06  
42867/C: the erection of a stable block - approved 16/02/73  
42867/B: the erection of a dwelling and private garage - Refused 11/08/71  
42867/A: Erection of an outbuilding incorporating a carport and a store - Approved 15/11/63  
42867: Erection of a house and formation of vehicular access - Approved 01/11/58

## **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,

Relevant Development Plan Documents:

Regional Spatial Strategy:

Policy VIS 1 - Expressing the Vision  
Policy VIS 2 - Principles for Future Development

Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011:

Policy STR1 - Sustainable Development  
Policy STR3 - Rural Centres and Villages  
Policy STR5 - Development in Rural Centres and Villages  
Policy 9 - The Built Historic Environment  
Policy 49 - Transport Requirements for New Development

South Somerset Local Plan (Adopted April 2006):

Policy ST2 - Villages  
Policy ST3 - Development Areas  
Policy ST5 - General Principles of Development  
Policy ST6 - The Quality of Development  
Policy EH1 - Conservation Area  
Policy EH5 - Development Proposals Affecting the Setting of Listed Buildings

## **Consultations**

Tintinhull Parish Council - object  
Highways - no objections  
Area Engineer - surface water disposal to be via soakaways  
Landscape Officer - principle acceptable  
Conservation Manager - no objection

## Representations

Fourteen neighbours were notified and a site notice put up. Six letters of objection have been received, the issues raised were;

- Over-development of site
- The 4 and 5 bed properties are not in keeping with the other houses in Farm Street, out of character with the area.
- Increase in traffic
- Would be exposed to substantially raised dwellings, one having a full-length glass window, more sympathetic screening needed.
- Visibility splays have not been clearly identified in the site layout, dangerous access.
- Ambience of street should be maintained.
- Wiring should be underground.
- Buildings should be in local Ham Stone.
- May set a precedent (Officer Comment: not planning consideration, each application assessed on its individual merit)
- Impact on Global Warming, developers should pay a forfeit, in carbon offset terms. (Officer Comment: Currently there is not a policy within the local plan to assess this on, as such it is not a material consideration.)

## Considerations

A previous application (06/03255/FUL) for the proposal of 3 no. dwellings was withdrawn due to the design being unacceptable and highway concerns over getting the necessary visibility splays. This application is for the erection of 3 no. dwellings with garages, following pre-application advice from the Conservation Manager and County Highways. There will be a detached 5 bed property with an attached open fronted garage, which will be in the form of a traditional farmhouse. The other two properties will be semi-detached with an open fronted garage each and are in the form of a converted barn/outbuilding. Each garage will provide two covered parking spaces for each dwelling.

Tintinhull is classed as a village, which is in principle an appropriate location for development. The majority of the site is within the development area, a small part of the site on the south boundary is outside it, however all the proposed dwellings will be within it.

**The Parish Council** object to the application:

"After much discussion and site visits, the Parish council do not support the applications for the reasons as follows;

The Parish Council has reviewed this application and acknowledges the actions and consultations undertaken by the applicant. The Parish council does not support this application for the reasons stated below;

1. Over Development. It is the Parish council's opinion that the erection of three 4/5 bedroom dwellings on this site is over development of the area; a similar scheme 05/02833/FUL that is already granted is far more acceptable.

2. Traffic Problems. This proposed development in Farm Street which will have at least two cars per household, would increase the already over use of the road and exacerbate the unacceptable congestion currently experienced. Parish Council wish to point out to the Highways representative that Tintinhull house entertains in excess of 22,000 visitors each year, who arrive by coach, (which cannot access the parking area) and car. Add to that the daily passage of milk tankers and associated agricultural and delivery vehicles which serve the working dairy farm at the end of Farm Street, and the clientele associated with the Crown & Victoria Public house/Restaurant. From a safety aspect, there is already a danger that

Emergency Service Vehicles would be unable to pass up Farm Street, as width of Farm Street at the entrance to the site is very narrow.

3. Storm Water Drainage. There is already a problem with storm water drainage on Farm Street, due to the probability of collapsed drains. After heavy rains as have been experienced this summer, storm water drainage will be kept away from Farm Street, causes flooding in Queen Street. It is mentioned in the design statement that storm water drainage will be kept away from Farm Street; the Parish council would like sight of the proposals for the removal of storm water from the site. Any permission granted needs to include the removal of the earth bank at the front of the site back to its original position (it has over the years moved forward approximately ½ to 1 metre), to allow the drains to function correctly be part of this permission.

4. Existing Permissions. The Council wish to know if the granted permission for the garage remains, as it is not part of this application and how it fits with the proposal."

Details of the storm water drainage can be conditioned and will be part of the Building Regulations. If this application is carried out then none of the applications on the site will be able to be implemented.

The site is within a conservation area and is near to Listed Buildings. Having the correct design to enhance and preserve the character of the area has been one of the main issues to be dealt with.

**The Conservation Manager/Architect** has been consulted on this new application and has stated; "I confirm support for this design - no further comments.

I suggest that a condition is applied particularly to cover the front boundary detailed design, levels, stonework and pointing in order to ensure that this aspect is executed to the appropriate standard."

The proposed buildings will be built with natural ham stone with double roman roof tiles, with timber windows.

Part of the north boundary embankment will be altered slightly in order to obtain the necessary visibility to the east and west the access drive has been moved slightly to the East. This will necessitate the removal of a small area of existing banking and its retention with natural stone walling. It is considered that as the majority of the embankment will be retained the character of the conservation area will be retained.

**Highways** have no objection to the proposal and have stated;

"As I am sure you are aware the Highway Authority recommended the previous application (No. 06/03244/FUL) for refusal on the grounds of the increased use made of the existing substandard access.

This current application proposes to alter to the existing access so as to cater for the additional traffic that the proposal is likely to generate. The Highway Authority is satisfied with the width of the proposed access shown to be 5.0m, as this will enable two vehicles to pass at the point of access, therefore prevent manoeuvring on the highway.

The level of visibility from the access shown as 16.0m to the west to a point 1.0m off the nearside carriageway edge and 16.0m to the east to the nearside carriageway edge is acceptable for the speed of the road at this point and is in line with the visibility requirements as set out in Manual for Streets.



There is also adequate room within the site to enable vehicles to enter and leave the site in a forward gear and as such it may be unreasonable to raise an objection to the proposal."

The proposed "barn" building will be set back from the main road by 26 metres and the north elevation of the "farmhouse" is no nearer to the road than the existing bungalow. Overall the "barn" is 34 metres from the existing house on the north side of Farm Street and the "farmhouse" is 29 metres from them. All of the dwellings are designed with a southerly outlook, with few principle room openings in the north elevations. There are no first floor openings on the west elevation of the "barn" and the two first floor openings on the east elevation of the "farmhouse" bathrooms, can be obscure glazed. Therefore it is considered that there is no adverse affect on neighbouring residential properties, by reason of overlooking.

The trees located on the north and south boundaries will be retained as part of the landscaping. The full-length windows on the north elevation of the "barn" building will be partially screened by the existing trees and hedging on the north boundary.

Previous approval has been given for an additional bungalow on the site and the retention of the existing bungalow; this proposal seeks to gain one more than has previously been approved. The scheme has been designed to provide a scale of development that reflects the typical characteristics of houses with groups of farm buildings found throughout the village.

It is considered that the proposal is appropriate development within a Village, preserves the character of the Conservation Area, does not have an adverse affect on the setting of a Listed Building, respects the form, character and setting of the locality to maintain its local distinctiveness, makes provision for satisfactory means of access into and within the site and traffic resulting from the development can be accommodated on the local transport network, and have no adverse impact on the residential and visual amenity in accordance with Policies STR1, STR3, STR5, 9 and 49 Somerset and Exmoor National Park Joint Structure Plan Review (adopted 2000) and Policies ST2, ST5, ST6, EH1 and EH5 of the South Somerset Local Plan (adopted April 2006).

## **RECOMMENDATION**

### **Approve**

#### **JUSTIFICATION**

01. The proposal, by reason of location, design, density, form, scale, mass, height, proportions and access, is appropriate development within a Village, preserves the character of the Conservation Area, does not have an adverse affect on the setting of a Listed Building, respects the form, character and setting of the locality to maintain its local distinctiveness, makes provision for satisfactory means of access into and within the site and traffic resulting from the development can be accommodated on the local transport network, and have no adverse impact on the residential and visual amenity in accordance with Policies STR1, STR3, STR5, 9 and 49 Somerset and Exmoor National Park Joint Structure Plan Review (adopted 2000) and Policies ST2, ST5, ST6, EH1 and EH5 of the South Somerset Local Plan (adopted April 2006).

#### **Application Permitted with Conditions**

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 materials to be used in the construction of the external surfaces (external walls and roofs) of the development hereby permitted shall be as indicated in the Design and Access Statement dated 5 September 2007.

Reason: To safeguard the character and appearance of the Conservation Area and to accord with Policies ST6 and EH1 of the South Somerset Local Plan (Adopted April 2006) and policies STR5 and 9 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted 2000)

03. Before the development hereby approved is commenced, a sample panel of the local natural stonework, indicating colour, texture, coursing and pointing, for the approved detached dwelling and semi-detached dwellings shall be provided on site for inspection and agreed in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the conservation area and in the interest of visual amenity, to accord with Policies ST6 and EH1 of the South Somerset Local Plan (Adopted April 2006) and Policies STR5 and 9 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted 2000).

04. Before the development hereby approved is commenced, a sample panel of the local natural stonework, indicating colour, texture, coursing and pointing, and detailed design and levels for the approved wall on the North boundary and either side of the driveway, shall be provided on site for inspection and agreed in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the conservation area and in the interest of visual amenity to accord with Policies ST6 and EH1 of the South Somerset Local Plan (Adopted April 2006) and Policies STR5 and 9 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted 2000).

05. The windows comprised in the development hereby permitted shall be recessed in accordance with details to be submitted to and approved in writing with the Local Planning Authority before any work on the development hereby permitted is commenced.

Reason: To safeguard the character and appearance of the conservation area and in the interest of visual amenity to accord with Policies ST6 and EH1 of the South Somerset Local Plan (Adopted April 2006) and Policies STR5 and 9 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted 2000).

06. All of the windows hereby approved shall be traditional side hung balanced casements (with equal sized panes of glass).

Reason: To safeguard the character and appearance of the conservation area and in the interest of visual amenity to accord with Policies ST6 and EH1 of the South Somerset Local Plan (Adopted April 2006) and Policies STR5 and 9 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted 2000).

07. Before the development hereby permitted is commenced details of the design (detailed drawings scaled 1:5), materials and external finish to be used for all windows, doors, boarding and openings shall be approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered

without the prior written consent of the Local Planning Authority.

Reason: To safeguard the character and appearance of the conservation area and in the interest of visual amenity to accord with Policies ST6 and EH1 of the South Somerset Local Plan (Adopted April 2006) and Policies STR5 and 9 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted 2000).

08. The development hereby permitted shall not be commenced until particulars of the design and materials (including the provision of samples where appropriate) to be used for the chimneys on the detached dwelling have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the conservation area and in the interest of visual amenity to accord with Policies ST6 and EH1 of the South Somerset Local Plan (Adopted April 2006) and Policies STR5 and 9 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted 2000).

09. All gas and electric meters shall be located within the garage/carports as indicated within the Design and Access Statement, dated 5 September 2007, and shall be maintained and retained as such.

Reason: To safeguard the character and appearance of the conservation area and in the interest of visual amenity to accord with Policies ST6 and EH1 of the South Somerset Local Plan (Adopted April 2006) and Policies STR5 and 9 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted 2000).

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 garages shall be erected other than those expressly authorised by this permission.

Reason: To safeguard the character and appearance of the conservation area and the approved development and in the interest of visual amenity to accord with Policies ST6 and EH1 of the South Somerset Local Plan (Adopted April 2006) and Policies STR5 and 9 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted 2000).

11. 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 additional windows, including dormer windows, or other openings (including doors) shall be formed in the building, or other external alteration made (including new gas or electric meters) without the prior express grant of planning permission.

Reason: To safeguard the character and appearance of the conservation area and in the interest of visual and residential amenity to accord with Policies ST6 and EH1 of the South Somerset Local Plan (Adopted April 2006) and Policies STR5 and 9 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted 2000).

12. 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 this building without the prior express grant of planning permission.

Reason: To safeguard the character and appearance of the conservation area and in

the interest of visual and residential amenity to accord with Policies ST6 and EH1 of the South Somerset Local Plan (Adopted April 2006) and Policies STR5 and 9 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted 2000).

13. Before the development hereby permitted shall be commenced details of all roof verge and eaves/fascia board detailing, guttering, downpipes and other rainwater goods shall be submitted to and approved in writing by the Local Planning Authority. Such details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: To safeguard the character and appearance of the conservation area and in the interest of visual amenity to accord with Policies ST6 and EH1 of the South Somerset Local Plan (Adopted April 2006) and Policies STR5 and 9 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted 2000).

14. Prior to the development hereby approved being first brought into use the two first floor windows in the East elevation of the detached dwelling shall be fitted with obscure glass and shall be permanently retained and maintained in this fashion thereafter.

Reason: In the interests of residential amenity and to accord with Policy ST6 of the South Somerset Local Plan (Adopted April 2006).

15. 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, including surfacing and boundary fencing, 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 conservation area and in the interest of visual amenity to accord with Policies ST6 and EH1 of the South Somerset Local Plan (Adopted April 2006) and Policies STR5 and 9 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted 2000).

16. All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All hedges and hedgerows on and immediately adjoining the site shall be protected from damage for the duration of works on the site to the satisfaction of the Local Planning Authority in accordance with the recommendations in British Standard 5837 1991. Any part(s) of hedges or hedgerows removed without the Local Planning Authority's consent or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged within five years following contractual practicable completion of the approved development shall be replaced as soon as is reasonably practicable and, in any event, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed in writing with the Local Planning Authority.

Reason: To safeguard the character and appearance of the conservation area and in the interest of visual amenity to accord with Policies ST6 and EH1 of the South Somerset Local Plan (Adopted April 2006) and Policies STR5 and 9 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted 2000).

17. The proposed access over the first 5.0m of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details, which shall have been submitted to and approved by the Local Planning Authority.

Reason: In the interest of Highway safety to accord with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011 and Policy ST5 of the South Somerset Local Plan (adopted April 2006).

18. The gradient of the proposed access shall not be steeper than 1 in 10.

Reason: In the interest of Highway safety to accord with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011 and Policy ST5 of the South Somerset Local Plan (adopted April 2006).

19. 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 by the Local Planning Authority.

Reason: In the interest of Highway safety to accord with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011 and Policy ST5 of the South Somerset Local Plan (adopted April 2006).

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

Reason: In the interest of Highway safety to accord with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011 and Policy ST5 of the South Somerset Local Plan (adopted April 2006).

21. At the proposed access there shall be no obstruction to visibility greater than 900mm above adjoining road level within the visibility splays shown on the submitted plan. Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.

Reason: In the interest of Highway safety to accord with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011 and Policy ST5 of the South Somerset Local Plan (adopted April 2006).

**NOTES** (if any)

01. The Conservation Manager has advised that the chimneys on the detached dwelling should be brick. You are also advised that the fascia should be narrow. The fascias, guttering and rain water goods should all be black.
02. It is unnecessary to condition that the retained trees not be cut down or uprooted or destroyed as the trees are within a Conservation Area, as such any works to them would require consent from the Local Planning Authority.



**OFFICER: Lee Walton (01935) 462324**

**APPL.NO: 07/03924/FUL APPLICATION TYPE: Full Application**

**PARISH: Compton Dundon WARD: WESSEX**

**DESCRIPTION: The erection of two dwellings and garages and formation of associated vehicular accesses. (GR 349011/130546)**

**LOCATION: Land at Manor Farm, Littleton Road, Compton Dundon, Somerton Somerset TA11 6NP**

**APPLICANT: R E Fewings & Son**

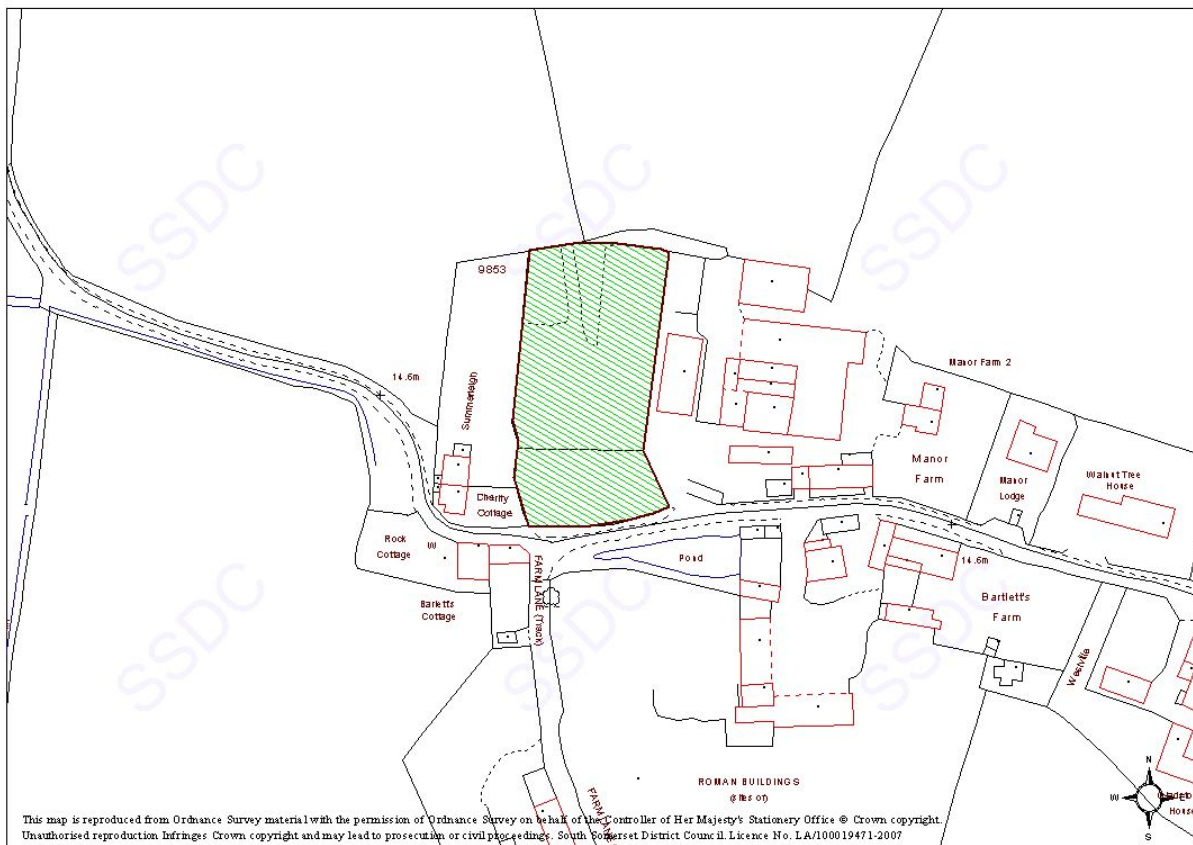
**AGENT: Joanna Frayer, The Town And Country Planning Practice, Home Orchard, Littleton, Somerton, Somerset TA11 6NR**

**DATE ACCEPTED: 20 August 2007**

### Reason for Referral to Committee

Ward Members want Members to consider the benefits arising from the proposal to the wider community resultant from removal of the agricultural activity on the site.

### Site Description and Proposal



The site is in use for agricultural purposes (part storage) and until recently was in part an agricultural field. The site lies adjacent (to the west) of the main complex of Manor Farm and its semi-detached farmhouses. It is located in the hamlet of Littleton off the B3151 between Somerton and Compton Dundon, lying approximately 1.5km to the north of Somerton. To the east is a pair of cottages and to the west there are a number of farm buildings, which are centred around two older traditional stone barns (permission approved for conversion to form a residential unit). Opposite is a pond and there are open fields to the rear.

This is an outline proposal for the erection of two detached properties, including the siting and the means of access. All other matters of design, external appearance and landscaping are reserved for a further submission.

This application is a resubmission of an earlier proposal (06/04693/OUT) for an identical development, which was refused. The applicants have put forward a justification that the erection of the dwellings would provide sufficient capital to allow them to cease farming in this location and purchase a similar enterprise. Their requirement to move relates to the close proximity of the farm to the rest of the hamlet which they consider causes significant amenity issues for other residents.

### **Planning History**

06/04693/OUT - Erection of two dwellings and garages and formation of associated vehicular accesses. Refused. 06/01447/OUT - Replacement of two existing dwellings (approved July 2006)

06/01456/FUL - Conversion of barns to form dwelling, garage and workshop (approved July 2006)

04/00185/AGN - Demolish cow shed and replace with new milking parlour (planning permission required (February 2004))

SE1382 - Conversion of derelict cottage into a store shed for farm produce (approved November 1949)

SE1475 - Erection of dutch barn, 4 bays of 15 feet each (approved November 1949)

### **Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under 54A 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:**

Regional Spatial Strategy VIS1, VIS2, EN4

Somerset and Exmoor National Park Joint Structure Plan STR1

ST3 - Development Areas, South Somerset Local Plan (Adopted April 2006)

ST5 - General Principles of Development, South Somerset Local Plan (Adopted April 2006)

ST6 - Quality of Development, Landscape and Architectural Design, South Somerset Local Plan (Adopted April 2006)

### **Consultations and Representations**

Parish Council - Supports provided legal obligation is signed between applicants, SSDC and Parish Council to prevent the building of a farmstead by the applicants.

County Highway Authority - Refusal on the basis of lack of visibility at the junction with the main road

SSDC Technical Services - No comment

Landscape Architect - The proposal is at variance with local character - do not support.

Environmental Protection - No recommendation to make.

Neighbours - 10 letters were issued. There have been two responses that object to the additional dwellings for the following reasons:

- the farm is in a poor state to advance the case of development. Blackmail cannot be supported.
- not convinced farm will move even if they do get further consents
- farm should have a separate track

### **Key Issues**

This application seeks to erect a pair of dwellings remote from any recognised town or village and is therefore distant from adequate services and facilities, such as education, health, retail and leisure. In addition public transport facilities are infrequent. As a consequence, occupiers of the new dwellings would likely be reliant on private vehicles, which is unsustainable and fosters the need to travel for most of their daily needs. As such this would be directly contrary to government advice as outlined in PPG13 and RPG10, and to the provisions of policies STR1 and STR6 of Somerset and Exmoor National Park Joint Structure Plan Review and policies contained within the adopted South Somerset Local Plan

The Highway Authority have advised that, whilst the proposed access from the houses onto Littleton Lane is adequate, there are significant concerns regarding the increased use of the junction from Littleton Lane onto the B3151. This junction is substandard by reason of restricted visibility in either direction, but especially to the south due to vegetation overhanging the highway. This land is outside of the applicants control and as such improvements are unlikely and any increased use made of this substandard access would be prejudicial to highway safety.

The previous permissions for the three dwellings adjacent to the site were given for two replacement dwellings (larger than policy normally allows) and a barn conversion, which utilised the existing development in accordance with policies HG5 and EH7. This was supported by the Economic Development Officer and the Agricultural Officer as enabling development to allow the farm to relocate to better premises and allow expansion. Although this has been put forward by the applicant as further development to facilitate such a move, the financial constraint for the applicant is not an issue that can be considered within the context of this application. The proposed development is on agricultural land and lies outside of the farmstead. It does not involve the reuse of existing buildings nor can it be considered as previously developed land or infill.

The hamlet is comprised of some ten houses and two farms and is fairly open in character, with most of the residential properties lying to the east of the two farms. The pattern of development is not uniform and the inclusion of two additional dwellings in an area of important visual open space would be detrimental to the character of the area, although this is an outline application and therefore details of the dwellings have not been submitted.

The application therefore seeks entirely new and unsupported development in policy terms. Further, the applicants have sought to relocate the farmstead without the usual constraints of relocating locally, within or nearby the applicant's current holding. This has led to a property search unrelated to the current site and central to this concern is the use of the applicant's land to raise additional finance to fund their aspirations rather than re-establishing and upgrading otherwise substandard facilities. It is considered that the previously granted consents took into account the needs of the applicant and managed to achieve the balance between planning policy and common sense.

It is acknowledged that the way in which Manor Farm currently operates will have an impact upon the nearby properties, an effect which is exacerbated by the fact that the business is located at the end of the only road into the village. This location means that all traffic (lorries, tractors etc.) associated with a successful farm has to pass by the other dwellings which will inevitably cause a degree of disturbance. Furthermore, the noise, smell and appearance of the farm do, to some extent, detract from the quality of the hamlet. It is however considered

that a farmyard is not an alien feature in a hamlet that evolved around such an undertaking and it is also considered that the noise, smell and general disturbance experienced by neighbours is to some extent to be expected. It is also inevitable that the way in which a farm is run will have an effect upon the way in which it is perceived by neighbours.

In summary, there is sympathy for both the applicant and the occupiers of those properties that may experience the impact of the farm. It is however considered that the erection of two further dwellings in a remote, rural location is not justified in planning terms.

### **Environmental Impact**

This development does not fall within the scope of the Town & Country Planning (Environmental Impact Assessment) Regulations 1999 and so Environmental Impact Assessment is not required.

### **RECOMMENDATION**

In view of the above, this application is considered unacceptable and is recommended for refusal.

### **Application Refused**

01. The proposed dwellings would be located in open countryside and outside of development limits, remote from adequate services and facilities and thereby fostering the growth in the need to travel and as such is contrary to policy ST3 of the South Somerset District Local Plan (adopted April 2006, Policy STR6 of the Joint Somerset and Exmoor Structure Plan Review and guidance contained within PPS1 and PPS7.
  02. The proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review as this development will result in an increase in the use of the substandard junction of Littleton Lane with the B3151 and as such the development would be prejudicial to road safety.
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