

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 & Premises, Thorney Road, Kingsbury Episcopi, Martock, Somerset, TA12 6BB

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

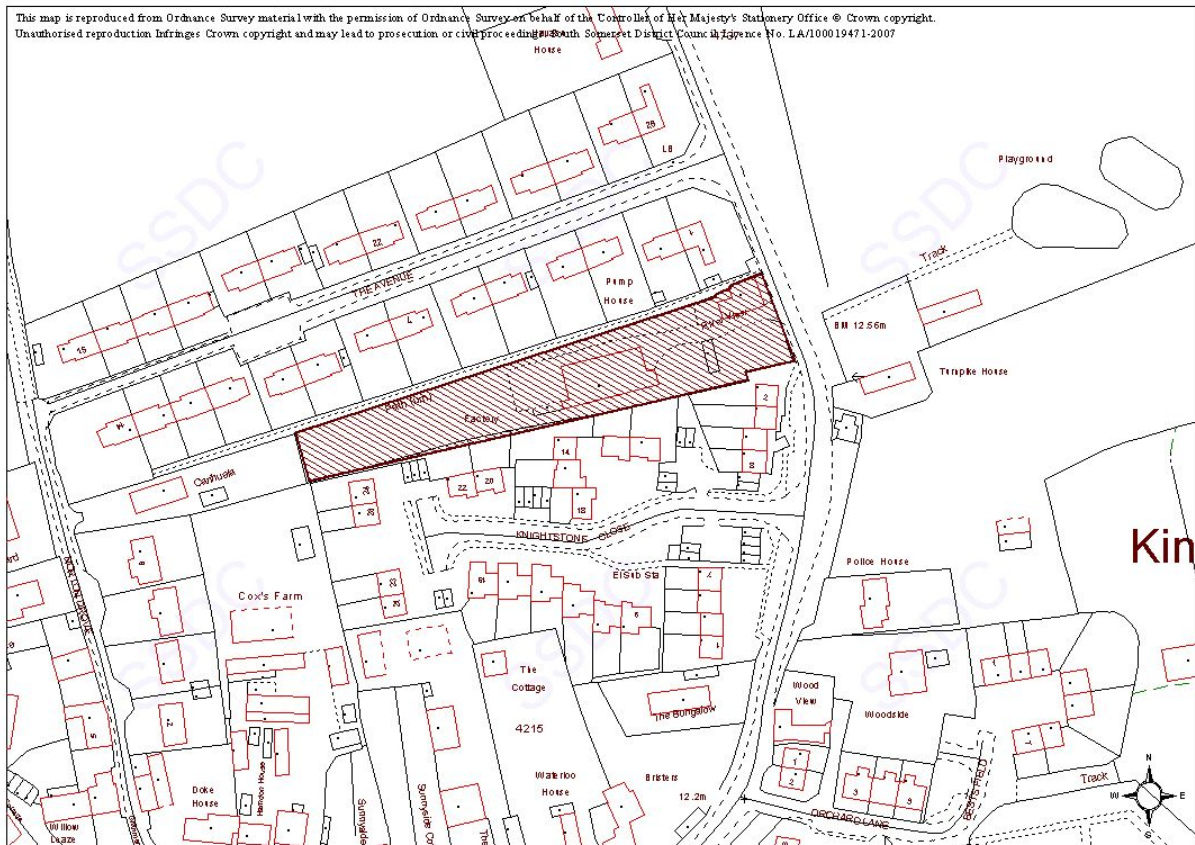
AGENT: Mr Chris Dent, 5 North Avenue, Exeter, EX1 2DU

DATE ACCEPTED: 29 August 2007

Reason for Referral to Committee

This application was deferred from the November meeting of the Committee, following the receipt of amended plans.

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 currently comprises a disused former glove factory (288m²), 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 - Original Scheme

The PC 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 PC 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 PC would therefore suggest that plots 3 and 4 are rotated 90 degrees thus facing each other.

The PC also feels that the proposed height of the boundary fence is not adequate to alleviate overlooking and would suggest the height be increased.

The PC 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 PC 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.

Amended Scheme.

Comments are awaited and will be reported orally at the Committee meeting.

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

Original Scheme

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.

Amended Scheme

Any letters received with regard to the amended scheme will be reported orally at Committee.

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 to 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 satisfactorily achieved with the mix of one and a half to two storey dwellings. These can be accommodated satisfactorily on the site without the need for chalet bungalows.

In terms of original proposal, 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 expiry date for comments on the amended plans is due before the committee meeting, thus allowing plans to be viewed and comment to be sent to the case officer.

The amended plans have replaced external with internal chimneys. Plot 1 remains as originally submitted. 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. Plot 3 remains with the dormer windows at 1 and half storey height. Plot 4 has been rotated 90 degrees so that the gable end now faces towards Knightstone Close. No windows are proposed to the south elevation that faces towards Knightstone Close. No 5 has been moved 4.5 metres to the west to reduce the original concerns at the physical impact on the bungalow in Knightstone Close. An earlier amendment to plot 5 proposed a half hipped gables but it was not considered that particular design was appropriate or in keeping with local vernacular. The design of plot 6 remains the same but hits siting has been changes slightly to accommodate the changes outlined above.

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.

With regard to providing smaller properties to provide 'affordable' homes in the village, due to the fact that the scheme falls under the threshold for provision of affordable homes i.e. 15 units, the Local Planning Authority is not be able to secure affordable housing as provided through an RSL. Smaller homes may be cheaper but the Local Planning Authority could not refuse the application on the grounds that the scheme is not providing smaller dwellings. Any shortage of homes in the village should be identified through an assessment of housing need.

It is concluded that due to the nature of the site i.e. a narrow rectangular site, there are limitations in terms of the form of development on the site. The key aims with regard to the amended plans were to secure well-designed dwellings with an acceptable layout whilst avoiding harmful overlooking and overbearing physical impact on the adjoining residents. It is considered that the amended plans overcome the original concerns and are now acceptable.

Section 106 Planning Obligation

Not applicable to this application.

RECOMMENDATION :

Grant permission.

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 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.

04. 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.

05. 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.

06. 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.

07. 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 27th November 2007.

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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