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APPL.NO: 07/03952/FUL APPLICATION TYPE: Full Application

PARISH: Ilton WARD: ISLEMOOR

DESCRIPTION: Demolition of existing buildings and the construction of 41 affordable dwellings (RSL) (GR 335071/117656)

LOCATION: Land and Garages at Copse Lane, Ilton, Ilminster, Somerset

APPLICANT: South Somerset Homes

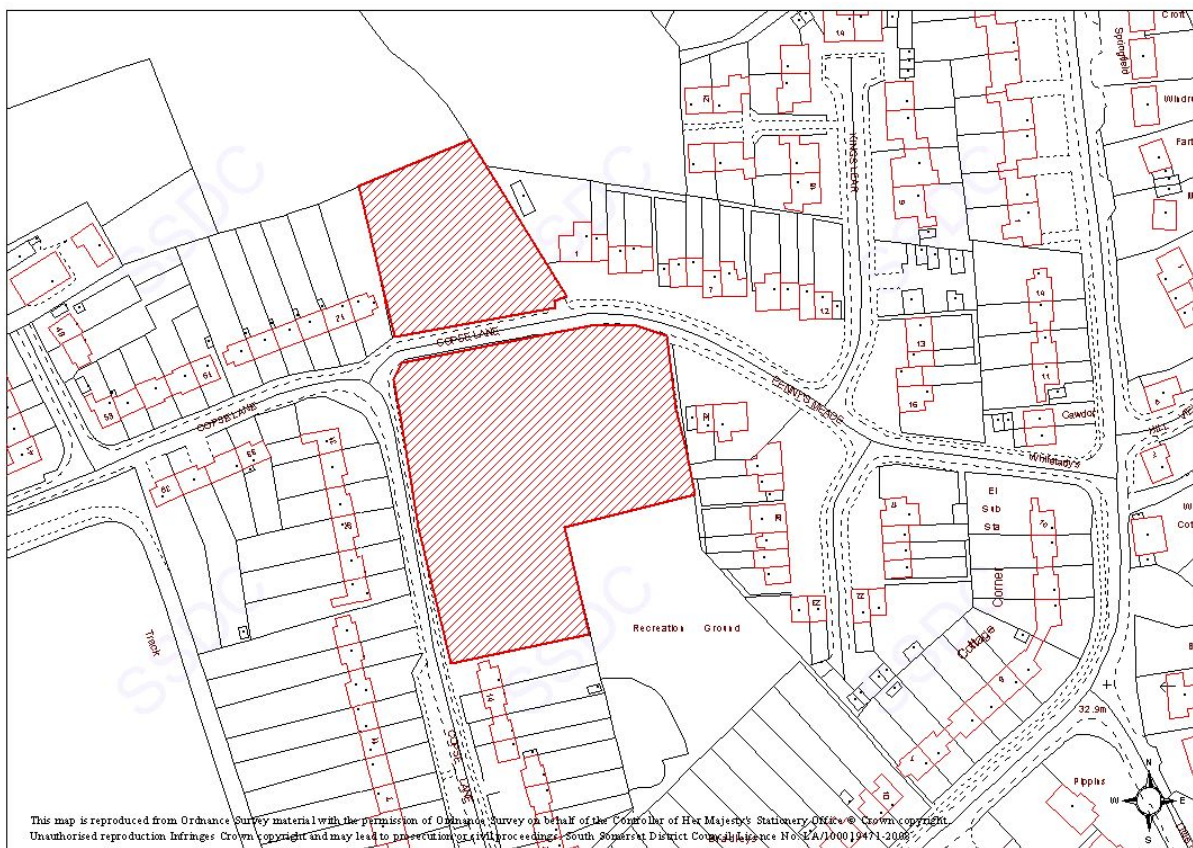
AGENT: Mr Keith Russell, Calfordseaden, Calford House, Wessex Business Park, Wessex Way, Colden Common, Winchester SO21 1WP

DATE ACCEPTED: 22 August 2007

Reason for Referral to Committee

This is a major application that has been referred to the Area Committee at the discretion of the Team Leader in agreement with the Area Chairman.

Site Description and Proposal



The site the subject of this application (as amended) is of approximately 0.75 hectare. It is currently occupied by 16 terraced and semi-detached two storey houses laid out facing Copse Lane, an area of open space comprising grass and a horse chestnut tree and an area of lock-up garages. The proposal (as revised) is to redevelop the site by removing all of the above and erecting a total 41 affordable units at a density of approximately 55 dwellings per hectare. These would comprise 13 three bedroom houses, 15 two bedroom houses, 4 one bedroom houses, 4 two bedroom flats, 4 one bedroom flats and 1 two bedroom bungalow. All except the bungalow would be in two storey buildings.

The development would be in two parts. The large site to the south and east of Copse Lane would include 19 units in two storey blocks fronting Copse Lane, set back by between 1.5 and 5 metres from the back edge of the footway. The corner of Copse Lane would be kept undeveloped and would include a small open landscaped area with a feature tree. This would help to replace the open area containing the horse chestnut tree that would be lost as a result of this proposal. The remaining 15 units on this part of the site would be served by an internal access road. Following the receipt of revised plans, all of these units would now front the access road and turn their backs on the recreation ground behind. This would allow the rear gardens of these properties to act as a buffer between the new housing and any activities on the recreation ground.

The smaller part of the site to the north of Copse Lane would comprise a terrace of four houses fronting, but set back some 9 metres from, Copse Lane, and a terrace of three houses served by an access road on land to the rear.

A total of 62 car parking spaces would be provided (1.5 spaces per dwelling). Where possible these spaces would be immediately adjacent to the dwellings they would serve. A total of 16 spaces are accessed directly off Copse Lane, with the remainder off the two access roads.

History

17901 Erection of 6 pairs of semi-detached houses, access road and pedestrian access
Approved 3/11/52

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.

Regional Spatial Strategy:

VIS1 Expressing the vision
VIS2 Principles for Future Development
EN4 Quality in the Built Environment

Somerset and Exmoor National Park Joint Structure Plan

STR1 - Sustainable Development
Policy 39 - Transport and Development
Policy 48 - Access and Parking
Policy 49 - Transport requirements of new development

South Somerset Local Plan (Adopted April 2006)

Policy ST1 - Rural Centres
Policy ST5 - The Quality of Development
Policy ST6 - Landscape and Architectural Design
Policy ST10 - Planning obligations
Policy HG1 - Provision for New Housing Development
Policy HG4 - Housing Density
Policy HG6 - Affordable Housing Target
Policy HG7 - Site Targets and Thresholds

Policy HG8 - Rural Housing Needs
Policy CR4 - Amenity Open Space
Policy TP2 - Pedestrian Provision
Policy TP4 - Road Design
Policy TP7 - Car Parking

Consultations

Highway Authority

Comments that adequate visibility would be required where the access roads meet Copse Lane and notes that the parking provided at 1.5 spaces per dwelling meets the requirements of Government guidance. Notes that there is a local need for a footway to be implemented from the Wyndam Arms in the centre of Ilton to the Childrens Nursery along Church Street. However, accepts that, given the nature and scale of the development, the implementation of the footway at the developer's expense could potentially compromise the scheme. Recommends the imposition of conditions.

Following comments from the Parish Council, the Highway Authority have looked more closely at the impact of the loss of existing garages and hardstanding in terms of displacing existing parking. South Somerset Homes have produced some additional information in an attempt to quantify the effect of the loss of parking provision however the highway authority are not satisfied that they have adequately demonstrated that the development will not result in a significant increase in on-street parking that may result in the flow of traffic being impeded that will potentially create a hazard to all road users.

Ilton Parish Council

In response to the original plans pointed out that there had been a lack of liaison between the applicants and the Parish Council and expressed the following specific concerns:

- Use of three storey buildings is out of character with Ilton
- The development will mean more traffic along Copse Lane and there is no provision for this increase
- The recreation field is an established play area owned by the PC and used regularly by the children of the village - having houses facing the recreation ground will cause problems for occupants of the houses
- There is an established right of way going through the new development which should remain in situ. There are 66 car parking spaces for 44 homes, which is inadequate considering the number of garages being demolished and open parking area being built on
- The impact on infrastructure has not been fully considered - the school, shop and buses will all need to be re-assessed
- The number of 1 bedroom flats in the development is disproportionate to the size of the development - they are not suited to a rural village with little work and limited public transport

The Parish Council responded to the amended plans produced in November 2007, when they commented that the Parish Council welcomed the renewal of the housing in the area and felt that the second set of plans were a great improvement on the first set. They also welcomed the opportunity they had had to meet the planners and applicants. However, they still had concerns along the following lines:-

- Visual building line along Pennys Meade conflicts with established housing

- Proximity of flats to recreation ground could cause conflict and impede development of the recreation area
- Inadequate parking as the village poorly served by public transport
- Loss of parking area in Pennys Meade opposed
- Loss of open area in front of garages opposed
- Loss of privacy and garden enjoyment for occupiers of 32 Pennys Meade
- Concern at number of flats in the scheme
- Concerns about social impact on the village
- Footpath into the recreation ground goes through the development - it might be better for it to go next to 32 Pennys Meade and act as a buffer

In response to the further amended plans submitted in January 2008, the Parish Council said that the objections previously submitted remained the same, and specifically restated the comment about the route of the footpath (last bullet point above). They also noted that the moving of Units 23-24 away from the boundary was positive. Further comments have been received in relation to the loss of parking not having been addressed.

Environmental Protection

The application site is within Noise Exposure Category (NEC) B due to noise from aircraft associated with RNAS Merryfield. PPG24 defines NEC B as where noise should be taken into account and where appropriate conditions imposed to ensure an adequate level of protection against noise. Therefore recommends a condition requiring the submission of a scheme of works for acoustic insulation for approval.

Architectural Liaison Officer (the Police)

Expressed concerns about the original plans, with the houses close to and facing the recreation ground because of the lack of defensible space in front of the houses (this has been addressed in the revised plans). Suggested the amendment of the plans to place more parking immediately in front of the dwellings (also addressed in the revised plans).

In relation to the January 2008 amended plans, made the following comments (responses in brackets)

There is no defensible space to the front of properties 17 to 24 (the applicants propose including a knee rail to define this space and to be included on working drawings)

There are no gable end windows to No's 23,17,06 (the applicants are happy to see a condition requiring the submission of plans showing gable end windows in units 17 and 6)

The pathway between Plot 22 & 23 was agreed to made central between these two properties with a more robust part wall & close board fence (the need to move plots 22 - 23 away from the boundary with 32 Pennys Meade make this difficult).

A new pathway has been created between plot 19 & 20, it will require a gate to the front of the properties (the applicants confirm that a gate will be provided).

With the change of plots 26 -29 another fence now runs alongside a footpath.

An e-mail was received on the 11/3/08 stating that the proposed pathway is likely to be a crime generator that will lead to social tension, higher risk of criminal damage and anti-social behaviour.

Sports, Arts & Leisure

Seek contributions towards youth and adult use, children's play space and strategic community facilities. This is based on the number of additional units to be provided, and discounted to not include the one bedroom flats. In the original scheme this amounted to 44 minus 18 dwellings to be demolished and 13 one bed flats, meaning 13 in total. The revised plans provide 41 dwellings, with 16 demolished and 10 one bed flats, meaning 15 in total.

Also comment in response to the revised plans that the proposed development would still result in the loss of some 500m² of open space/informal play space to the North of the application site, and that relocating this open space to expand the Copse Lane Recreation Ground would still be a positive improvement if a revised plan/application were submitted.

Consider that the proposed access route through the development to the Copse Lane Recreation Ground is not acceptable. It would require children to cross the estate road and this would put children at unnecessary risk of being hit by traffic. Consideration should be given to enhancing the existing access route leading to the north east corner of the Copse Lane Recreation Ground.

Feel that the proposed location of the houses that would back onto the Copse Lane Recreation Ground is inappropriate in relation to the current and future uses of this open space. The close proximity of the proposed houses to the open space would cause anti-social behaviour problems resulting from the ball games that are played at the northern end of the open space. Orientating the dwellings to face onto the open space should be encouraged to provide a better integration between the two uses and provide implied supervision. However sufficient buffer zones still need to be provided. (The original plan had the houses fronting on to the open space, but this was changed following concerns that this would cause problems between residents and users of the open space)

The locating of the flats so close to the existing BMX track on the recreation ground is inappropriate, the use of which would certainly disturb and cause nuisance to the flats residents.

Landscape Officer - No objections

Tree Officer

The horse chestnut tree to be felled is scarred and unsuitable for long-term retention. Therefore raises no objections. Considers the scale of tree planting shown as part of the proposals as encouraging.

Technical Services

Would like to see a flood risk assessment. Details of foul and surface water drainage will need to be agreed, and should include sustainable drainage methods.

Ministry of Defence - No safeguarding objections

Representations

Letters received from 32 local residents in response to the original submission, opposing the development on the following main grounds:

Lack of consultation by applicants

No need for 1 bedroom flats
Houses too close to the recreation ground
Sewerage system will need updating
Too many units proposed on the site
Not enough car parking
Loss of green space and horse chestnut tree in front of garages
Proposal out of keeping with the area
Need for buffer zone around the recreation ground
Loss of existing garages
Extra traffic on local roads
New route of footpath to recreation ground will mean crossing 2 roads instead of 1
Should be no 3 storey buildings
Not enough bungalows for the elderly and disabled
The electricity infrastructure may not be able to cope
Houses so close to the pavement are out of keeping
Effect on houses in Pennys Meade & Copse Lane
Overlooking of houses elsewhere in Copse Lane
Radically altered building line along Copse Lane
Proposed trees inappropriate as would result in falling leaves in autumn
Increased noise level that would result
Local school may not be able to cope
Inadequate gardens for new houses
Light pollution at night
Too much affordable housing in a small community
Need traffic calming measures

Some of these letters do not oppose the principle of the development despite objecting on one or more of the above grounds.

Letters have also been received in relation to the January 2008 revised plans from 9 local residents, objecting on the following grounds:-

Still an effect on the light entering the house and garden at 32 Pennys Meade
Still too high a density
Concern over who will live in the new development
Still consider flats and small houses are out of character with the area
Removal of the dedicated path to the recreation ground opposed on safety grounds
Still feel that there will be insufficient parking
Still feel that the increased traffic will have an impact on highway safety
Still concern over the loss of the existing green area
Should be no one bed dwellings and more bungalows
Should be fewer houses and more parking spaces
Feel that the proposals could be said to be contrary to policies ST5 and ST6 of the Local Plan
The flats on plots 13-16 are still too close to the recreation ground and could prejudice the development of a MUGA
New houses still too close to No 32 Pennys Meade
The problems have not been addressed.

Considerations

The main issues in this case are the effect of the proposal on the character and appearance of the area, on the living conditions of neighbouring residents, and on highway safety,

whether the proposal would prejudice the effective use of the recreation ground and whether the proposal would result in an unacceptable loss of open space

Character and Appearance of the Area

The development around the application site is characterised by terraced 2 storey housing fronting on to but set back from the roads. These properties have long gardens, although this is not apparent from most public viewpoints. The proposal would introduce a higher density of development than exists at present, but this is in line with Government advice in PPS3 to make efficient use of land in sustainable locations, which includes villages with development boundaries, such as Ilton. From the roads, the main impression would again be of terraced 2 storey blocks, fronting Copse Lane. These blocks would be closer to the road than either the houses currently on site or those in the immediate neighbourhood. Whilst this would look incongruous if the proposal was only for one or two houses, it is considered that the scale of the development is large enough to create its own building line along Copse Lane, without looking out of place.

The remaining houses would be located off two access roads off Copse Lane. It is not considered that these additional buildings would appear out of keeping when viewed from surrounding roads. They would be served off these shared surface access roads and would present an acceptable frontage to the internal roads.

The three storey building shown on the original plans close to the corner in Copse Lane has now been deleted and replaced by more 2 storey housing. The proposed buildings would be acceptable in design and would not look out of place in their setting.

The proposals involve the loss of the existing grassed area and horse chestnut tree that front onto Copse Lane. However, this tree is not suitable for long-term retention and the proposals make provision for new tree planting, including an open area on the inside of the corner of Copse Lane. This would help to break up the proposed built form.

Effect on neighbours

The new housing on this site is closer to the road than the existing houses and therefore also closer to those houses on the other side of Copse Lane. Despite this, nowhere are two houses directly facing each other at a distance of less than 20 metres, and in most places it is over 22 metres. These distances are considered acceptable, particularly as they relate to the fronts of houses, which are already less private than the backs.

The side elevation of the house on Plot 24 is now shown as being some 5 metres from the site boundary, which is also the side boundary to the rear garden of 32 Penny's Meade. Plot 24 has been amended so as to introduce a partly hipped roof. Although not ideal, it is considered that this relationship would not give rise to an unacceptable overbearing impact or loss of light.

Highway safety

The highway authority is not objecting to the proposal, which provides 1.5 parking spaces per dwelling. This is the maximum average provision advocated in Government guidance. PPG13 on transport says that developers should not be required to provide more car parking than they wish to. Whilst it is acknowledged that this site is in a village where public transport is not frequent, there are no grounds for insisting on more car parking than is shown on the submitted plans. The spaces would be provided in close proximity to the new units and their location is considered acceptable.

The issue of the loss of parking is however a concern that needs to be addressed. The scheme would result in the loss of existing garages and hardstanding some of which is used for parking. The Parish Council have expressed strong concerns about the loss of the existing provision and have stated that some of the garages are occupied by dwellings that are not to be replaced and as a result of this will be forced to find alternative parking, presumably on the public highway. The applicants have submitted some information that addresses the issue to some extent but it is clear that 6 private residents will have their tenancies terminated and will have to find parking elsewhere with the applicants stressing that they have no obligation to provide parking for these residents. SSH have said that 7 further garage tenants whose houses are not to be replaced will be offered hardstandings within their properties. The highway authority has looked at this information and are not satisfied that the displacement of parking will not cause a problem. Furthermore no evidence has been submitted to demonstrate that the 7 other tenants that are to be offered their own drives can actually accommodate them within the curtilage of their property. In the absence of any clear evidence demonstrating that the development will not result in a detrimental impact upon vehicle movements and road safety it is considered appropriate to adopt a precautionary approach and object to the scheme on this basis.

The movement of the footpath to the recreation ground to pass over the internal access road is not ideal. However, the part of the access road that would need to be crossed by children accessing the recreation ground is around the turning head, where vehicle speeds would be very slow. It is not considered that the application could legitimately be refused on this basis.

Effect on Recreation Ground

The original plans showed the houses on plots 21-25 (now plots 20-24) facing the recreation ground at a distance of less than 2 metres. This would have potentially prejudiced the development of the recreation ground as a MUGA. The creation of a MUGA on this site is by no means certain but it was considered expedient to negotiate for these houses to be turned round and moved away from the recreation ground, to prevent possible conflict from any intensive use of the ground. These houses would now be separated from the recreation ground by their back gardens, which are a minimum of 7 metres in depth. However, the Sports, Arts & Leisure officers still consider that these houses are too close to the recreation ground. As a result, the juxtaposition of the well-used recreation ground and the new houses would be likely to result in conflict between the users of the ground and residents, with residents experiencing potentially unacceptable levels of noise and disturbance. Alternatively, if the new residents were able to substantiate that a statutory nuisance was being caused by users of the recreation ground, then the legitimate use of the recreation ground for play could be prejudiced.

The 2 bedroom flats on plots 13-16 are also still close to the recreation ground (1-2 metres away). These only have bathroom and kitchen windows facing towards the ground and do not have private gardens. However, it is considered that their extreme proximity to the recreation ground would add to the problems in respect of the houses on plots 20-24 set out above.

It is considered that an increase in the numbers of properties means that the quality and usability of the recreation ground is all the more important as it will be under increased pressure from the additional children. It is therefore unacceptable to support a scheme that will, according to our specialist officers, restrict the way in which the park can be used and inevitably have an adverse impact upon the living conditions of those residents that will immediately adjoin this valuable community facility.

Loss of Open Space

One of the design criteria in Policy ST6 that should be met is that proposals for development do not result in the unavoidable loss of open spaces (including gaps and frontages) with visual or environmental value. This policy is supplemented by CR2 that require major developments to provide a certain amount of open space within the site. The application site currently contains an open area adjacent to Copse Lane, adjacent to 32 Penny's Meade, which is used as passive open space and occasional informal play. As such it is considered to have both visual and environmental value. The proposals do include the formation of other small areas of open space within the new development, but not to the scale of that which would be lost. It is considered that the loss of open space and the failure to provide additional areas will have an adverse impact upon the character of the area and will be prejudicial to the amenity of residents. The loss of this open space is therefore considered to be contrary to Policy ST6 and CR2 of the Local Plan.

Comments of Police Architectural Liaison Officer

The PALO has been consulted several times on this application and has made several suggestions. Unfortunately, these have not been incorporated into the scheme and therefore it is necessary to assess the submitted plans. There is a responsibility upon the Local Planning Authority to ensure that we are creating safe environments that do not encourage crime, the fear of crime and anti-social behaviour. The need to consider this issue is contained within ST9 of the Local Plan and advice contained within PPS1 and the ODPM publication 'Safer Places'.

The PALO has raised several issues about windows and fences however it is the proposed footpath that raises the biggest concerns. As members will see, the PALO believes that this unsupervised pathway has an unacceptable potential to create future problems and this is considered to warrant an additional reason for refusal.

Other matters - Noise Exposure

The site is within an area where this matter can appropriately be dealt with by planning conditions requiring an appropriate level of noise insulation.

Conclusion

PPS 3 urges local planning authorities to make efficient use of land such as the application site to provide as many new dwellings as possible. The same document urges local authorities to maximise the provision of affordable housing. However, this must be balanced against the negative aspects of this proposal - in particular the potential conflict between the new houses and users of the recreation ground and the loss of the area of open space. It is considered that the principle of increasing house numbers is acceptable but not where it will have an adverse impact upon the character and amenities of the area.

RECOMMENDATION

That application reference 07/03952/FUL be refused.

Application Refused

01. The proposal would result in housing in close proximity to a well-used recreation ground. This would be likely to result in occupiers of the new houses suffering unacceptable levels of noise and disturbance, and/or to the legitimate use of the recreation ground for play being prejudiced. The proposal is therefore contrary to policies EP1 and ST6 of the South Somerset Local Plan (2006) and advice contained within PPG17 (Planning for Sports, Open Space and Recreation)

02. The proposals would result in the unacceptable loss of an open space with visual, environmental and amenity value, contrary to Policies ST6 and CR2 of the South Somerset Local Plan 2006 and advice contained within PPG17 (Planning for Sports, Open Space and Recreation)
 03. The proposal will result in the loss of existing parking provision and the applicant has not demonstrated that this will not result in the displacement of parked cars on to the existing highway resulting in an unacceptable potential for the scheme to impede the free-flow of traffic on the highway resulting in a hazard to all road users. The proposal is therefore contrary to ST5 and TP7 of the South Somerset Local Plan (2006) and Policy 48 of the Joint Somerset & Exmoor Structure Plan Review (2000).
 04. The proposed layout indicates a footpath on the edge of the site which has the unacceptable potential to be a crime generator which will lead to increased social tension, higher risk of criminal damage and anti-social behaviour. The proposal does not therefore promote a safe environment and is contrary to policy ST9 of the South Somerset Local Plan (2006) and advice contained within PPS1 (Delivering Sustainable Development) and the ODPM document 'Safer Places - The Planning System and Crime Prevention' (2004).
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