



**JOINT AREA COMMITTEES IN SOUTH SOMERSET**  
**Officer Report On Planning Application:**  
**09/00023/FUL (Excepted Business)**

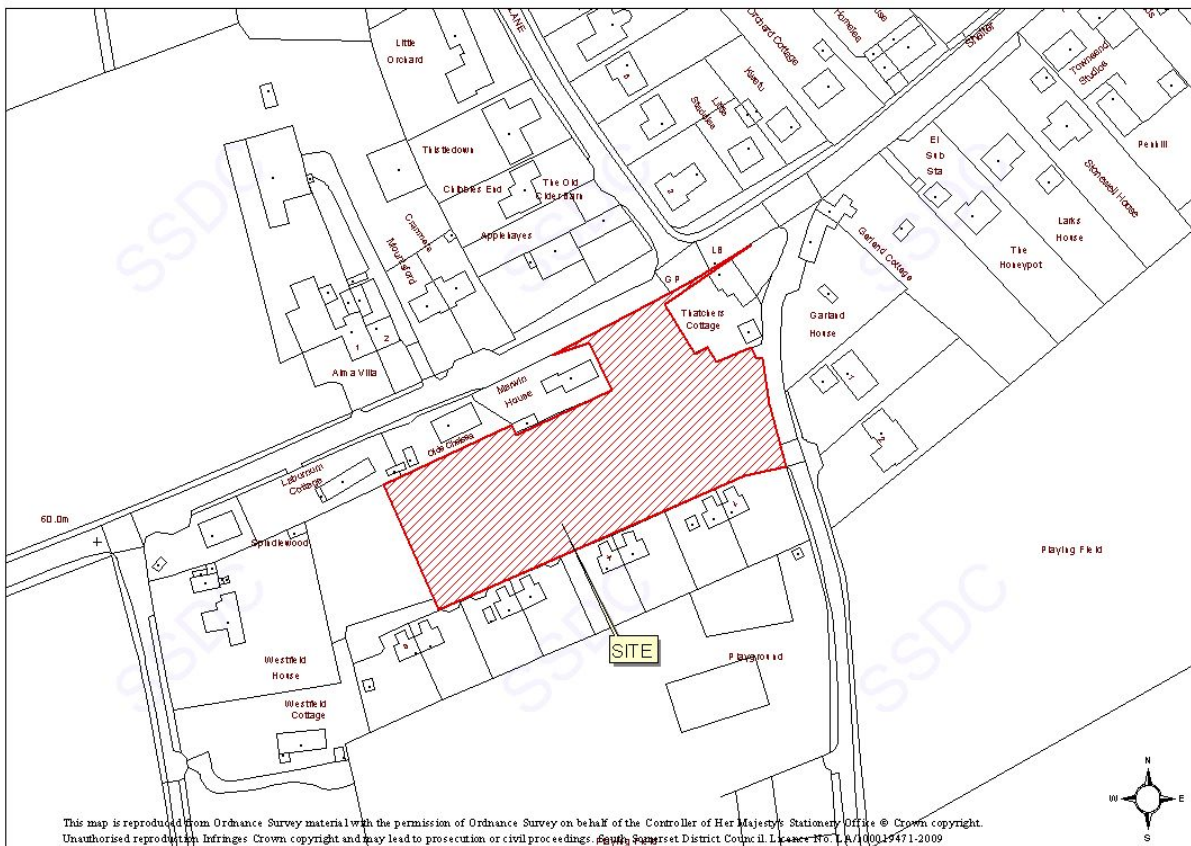


<b>Proposal:</b>	The demolition of 9 dwellings and the replacement with 20 dwellings with associated access, parking and landscaping. (GR 338356/124790)
<b>Site Address:</b>	Land Rear Of Westfield House, Westfield Road, Curry Rivel
<b>Parish:</b>	Curry Rivel
<b>Ward: (SSDC Member)</b>	CURRY RIVEL Mr D I Nelson (Cllr)
<b>Division: (SCC Member)</b>	CURRY RIVEL Mr D I Nelson (Cllr)
<b>Recommending Case Officer:</b>	Adrian Noon Tel: 01935 462370 Email: adrian.noon@southsomerset.gov.uk
<b>Target date:</b>	25th March 2009
<b>Applicant:</b>	South Somerset Homes
<b>Application Type:</b>	Major Dwellings 10 or more or site 0.5ha+

**REASON FOR REFERRAL TO COMMITTEE**

This application is before Committee at the request of the Ward Member and with the agreement of the Chairman as the officer recommendation is contrary to the views of the Parish Council and representations made by number local residents.

**SITE DESCRIPTION AND PROPOSAL**



This level 0.49ha site is currently occupied by a bungalow fronting onto Townsend and 8 semi-detached two storey houses, 3 pairs fronting onto Westfield Lane, the other pair facing onto Holden's

Way. To the east is Thatchers Cottage and Holden's Way; to the west is a development site.

The site is within settlement limits, bounded to the north by properties along Townsend and to the south by similar semi-detached houses on the other side of Westfield, beyond which is the recreation ground and open countryside.

The proposal is for the redevelopment of the site and the erection of 20 dwellings (40 per hectare) comprising 2 four bedroom houses, 9 three bedroom houses and 9 two bedroom houses. These would be laid out as a detached house and 4 pair of semi-detached properties fronting onto the new access road, a terrace of 3 and a pair of semi-detached houses facing south onto Westfield and 2 pair of semis and 2 flats over garages at the rear of Westfield behind existing dwellings in Townsend. 40 parking spaces would be provided.

All existing structures would be demolished and a new access would be created from Townsend by demolishing the bungalow. The existing access via Holden's Way would be stopped up.

This site would be the first phase, with a second phase redeveloping the south side of Westfield. The application is supported by a design and access statement, a statement of community involvement and a flood risk and runoff assessment. A draft Section 106 agreement has been provided to deliver affordable housing and outdoor play and amenity space.

The layout has been slightly revised to provide additional landscaped areas. The amended drawings have been the subject of further consultations. It has been clarified that the proposal includes provision to widen the A372 at the new access by repositioning the pavement on the northern side and further notifications have been carried out.

## **HISTORY**

None relevant however the site to the east has benefited from outline planning permission for the erection of 2 dwellings (05/01608/OUT), however this has now lapsed without implementation.

## **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**

Draft Regional Spatial Strategy for the South West (Proposed Changes June 2008):

- Development Policy C - Development in Small Towns and Villages
- Development Policy D - Required Infrastructure for Development
- Development Policy E - High Quality Design
- Development Policy G - Sustainable Construction
- Development Policy H - Reusing Land
- TR1 - Demand Management and Public Transport
- H2 - Housing Densities
- RE5 - Renewable Energy

Somerset and Exmoor National Park Joint Structure Plan (adopted April 2000):

- 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 ST9 - Crime Prevention
- Policy ST10 - Planning obligations
- Policy EP1 - Noise Sensitive Development

Policy EU4 - Drainage  
Policy HG1 - Provision for New Housing Development  
Policy HG4 - Housing Density  
Policy HG6 - Affordable Housing Target  
Policy HG7 - Affordable Housing  
Policy CR2 - On site Outdoor Play and Amenity Space  
Policy CR3 - Off site provision of Outdoor Play and Amenity Space  
Policy CR4 - Amenity Open Space  
Policy TP1 - Pedestrian Provision  
Policy TP4 - Road Design  
Policy TP7 - Car Parking

Policy-related Material Considerations  
None relevant

National Guidance  
PPS1 - Sustainable Development  
PPS3 - Housing  
PPG13 - Transport  
PPG17 - Planning for open space, sport and recreation  
PPS25 - Flooding

South Somerset Sustainable Community Strategy  
Goal 3 - Healthy Environments  
Goal 4 - Services and Facilities  
Goal 8 - High Quality Homes  
Goal 9 - A Balanced housing Market

Parish/Town Plan - Curry Rivel  
No conflict

Other Relevant Documents:  
None

## **CONSULTATIONS**

### **Curry Rivel Parish Council**

Initially raised no objections subject to appropriate contributions to the Westfield playing fields and the provision of pedestrian links through the site. However, in relation to the revised proposal the Parish Council object to the 2 pairs of semi-detached houses fronting onto Holdens Way on the grounds that they are too tall, not in keeping with other properties on Holdens Way and would overlook properties on the other side of the road.

### **County Highway Authority**

*"From the numerous site visits conducted it is clear that the junction of Holdens Way with the A372 is also substandard. This junction suffers from restricted visibility in both directions due to the property known as Garland House to the east and the presence of the vegetation connected to the property known as Thatchers Cottage to the west. It is also noted that Holdens Way adjoins the A372 at an acute angle. As a consequence, vehicles emerging from Holdens Way wishing to travel west are unable to complete this manoeuvre without encroaching on to the opposite carriageway in direct conflict with oncoming traffic.*

*"As a result of the above limitations it is felt that this means of access is unsuitable to serve the proposed development. The current proposal therefore is seeking to create a new access to the site directly off the A372. The proposed access provides an acceptable level of visibility for emerging vehicles in both directions for the permitted speed of passing traffic. The access as shown on the submitted plan is also of sufficient width to enable two vehicles to pass.*

*"The proposal provides a suitable level and arrangement of parking spaces to serve the development and prevent the potential for parking on the highway.*

*"The proposed extension of the footway on the southern side of the A372 and introduction of a drop kerb facility will assist those wishing to access the sports facilities to the south of the site and improve*

*pedestrian safety at this point."*

Accordingly no objection is raised to the application, as amended, subject to a number of highway safeguarding conditions.

#### **Open Spaces Officer**

*"I think it would be best if this scheme were looked at together with phase 2. As you are aware there is a good informal facility currently in use as such in the immediate vicinity. This site is managed by the Parish Council. There is also another field owned, I believe, by the PC on the opposite side of the lane. This is also close enough to serve the development but this field is not landscaped and is not (formally) in use as a recreation area - it is rough grassland.*

*"I would like to see links to the recreation ground and if the Parish Council are in agreement, an offsite expenditure to partly landscape the field, bringing it in use as an additional facility. Our rates for off site expenditure are £237.50 per bedroom."*

#### **Play & Youth Facilities Officer**

Recommend a contribution of £20,318.03 should be sought towards the provision of equipped play areas and youth facilities to meet the demands arising from the occupiers of the additional 11 houses.

#### **Leisure Facilities Officer**

Recommends that a contribution of £30,070.78 be sought towards the provision of playing pitches and strategic community facilities to meet the demands arising from the occupiers of the additional 11 houses.

#### **Landscape Architect**

Considers the indicative planting layout to be broadly acceptable. Suggests that the detail could be agreed by condition.

#### **Ecologist**

In light of concerns raised by a local resident recommends a condition to required the site to be surveyed for slow worms prior to any work (including ground works) commencing. In the event that they are found mitigation measures would have to be agreed.

#### **Technical Services**

No objection. Required details to be submitted.

### **REPRESENTATIONS**

4 local residents have commented providing the following observations:

- The plans show the A372 being reduced in width by up to 1.7m to provide visibility splays. This would reduce its width to 4.7m which would unacceptable restrict traffic follows on this busy road, used by HGVs when the A358 and A303 or congested.
- Speeding traffic on the A372;
- Restricted visibility for vehicles and pedestrians at the Heale Lane junction;
- Concerns about the width of the visibility splays;
- What would the fencing be to Thatchers Cottage?
- Overlooking from plots 19 and 20 to properties on the opposite side of Holdens Way
- Elevated position of plots 19 and 20 relative to Holdens Way;
- I have no objection subject to all vehicular access being via the new access.

At the time of writing the applicant's agent had accepted that the originally submitted drawings did not clearly show the carriageway widening works on the north side of the A372, which are outside the original red line. The agent has agreed to provide suitably amended drawings that include these works within the redline and these will be the subject of further consultations to clarify the application.

### **CONSIDERATIONS**

It is considered that the proposal to replace these poor quality houses is welcome in principle. The increase in numbers would comply with the Council's policy HG4 to make the best use of land and it is not considered that this would be unacceptably out of character with the locality. The key issues

therefore are considered to be:-

- Character and Appearance of the Area
- Residential Amenity
- Highway safety

### **Character and Appearance of the Area**

The proposed dwellings would be laid out in a manner that reflects the current form of development with a number of new dwellings fronting onto Westfield, with others facing onto the new access to provide an attractive view into the site from the A372. The new parking areas to the north of Westfield would have be overlooked by the flats over the garages and by other dwellings. Whilst these are a new form of development it is not considered that they are inappropriate in their proposed locations.

The design and detailing of the proposed dwellings is considered acceptable, and subject to conditions to require the agreement of materials, detailing and landscaping, the impact on the character and appearance of the locality would be acceptable and in this respect the proposal complies with policies ST5 and ST6

### **Impact on Residential Amenity**

It is considered that sufficient separation would be maintained between the new houses and the existing dwellings to the north in Townsend. The comments about the potential impact of plots 19 and 20 on the amenities of the existing houses in Holden's way are noted. However, the relationship that would be created is not dissimilar to the existing arrangement and although the proposed would be on higher ground (as are the existing houses on this part of the site) it is not considered that that any undue harm to residential amenity would result.

The applicant has agreed to remove a number of first floor windows which may give rise to undue over looking. Elsewhere it is suggested that subject to the removal of permitted development rights with respect to additional first floor windows to certain plots the amenities of existing residents would be safeguarded.

Within the site it is considered that an adequate standard of amenity would be created for future occupiers. On this basis it is considered that the proposal would not adversely affect the amenities of existing residents or result in substandard amenities for future occupiers of the development. In this respect, subject to safeguarding conditions, the proposal complies with policy ST6.

### **Highway Safety**

The proposed access arrangements have been the subject of extensive pre-application discussion with the highways authority. It is unfortunate that the initial submission did not accurately explain the proposed scheme. The discrepancies were due to a failure to include the full extent of the widening of the A372 within the red line identifying the site or to explain that the additional width would be achieved by repositioning the pavement on the north side of Townsend.

Clearly this omission must be rectified and local residents be afforded the opportunity to examine the additional plans to allay the concerns raised with regard to the access. Nevertheless it is accepted that the proposed site plan showing the new access is an accurate portrayal of the proposal. Accordingly it is considered appropriate to report this aspect of the proposal to the committee at this stage, however any further comments will be reported to the Committee.

The proposal is fully supported by the highways authority, subject to appropriate safeguarding conditions. Adequate parking would be provided and internal road layout is considered satisfactory. On this basis this aspect of the proposal is considered to comply with policies ST5, TP4 and TP7.

### **Other Matters**

Affordable Housing - the applicants are willing to enter into a S.106 agreement to deliver affordable housing on the basis the number existing SSH owned properties on site (9) plus 35% of the additional 11 units (4), a total of 13. This would comply with policy HG7.

Sports, Arts & Leisure - officers have requested contributions based on the uplift (11 dwellings) to

provided for the increased demand that would stem from this development. Policy CR2 sets out the basis for sports and play provision and CR3 makes provision for off-site contributions where onsite provision is not feasible. Policy ST10 supports the use of planning obligations through Section 106 agreements to address the need for improved infrastructure and community facilities to meet demand arising from new development. The applicants have accepted the need for these obligations.

Open spaces - the proposal does not include any meaningful public open space that would be available to future occupiers as informal amenity space as required by policy CR2. The applicants have been requested to reconsider the layout to incorporate sufficient amenity space but have refused to do so suggesting instead that such space could be provided at the recreation ground. As this is very close to the site it is considered that this is possible subject to consideration of measures to ensure that additional wear and tear is mitigated.

The open spaces officer has suggested that suitable improvements could be carried out in this instance and has, based on experience elsewhere, recommended that the cost be calculated on the basis of £237.50 per bedroom. It is not considered that the recreation ground has insufficient capacity to absorb this extra use and it is noted that the Parish Council do not object. It is considered that this off-site provision of the CR2 requirement for informal public open space would comply with policy CR3 and the applicants are willing to enter into a S.106 agreement to ensure this as required by policy ST10.

## **CONCLUSION**

Notwithstanding the concerns of the Parish Council and local residents it is considered that this application has adequately addressed the concerns raised in respect of highways safety and residential amenity. The design layout and visual impact are considered acceptable and the Applicants are will to enter into a S106 agreement to ensure that adequate planning obligations are met to acceptably mitigate the impacts of the development on sports, arts and leisure facilities and deliver appropriate affordable housing.

## **RECOMMENDATION**

That planning permission be **granted** subject to the following conditions and a S.106 agreement to deliver appropriate affordable housing, contributions towards the enhancement of the recreation ground to meet the amenity space requirements of the development and contributions towards sports, arts and leisure facilities to meet the needs of the increase population that would stem from this development.

### Justification

01. The proposed development is of an appropriate density with an adequate design, layout, access and parking provision that would safeguard the character and appearance of the locality without detriment to residential amenity or highways safety. Provision has been made for the drainage of the site and contributions have been secured towards affordable housing, amenity space and sports, arts and leisure facilities to meet the extra demand that would be generated by the development. As such the proposal complies with policies ST5, ST6, ST9, TP1, TP4, TP7, HG1, HG4, HG6, HG7, CR2, CR3, CR4, ST10, EP1 and EU4 of the South Somerset Local Plan, adopted 2006.

## **SUBJECT TO THE FOLLOWING:**

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. No development hereby permitted shall be commenced until details of a direct pedestrian link between Westfield and the recreation ground have been submitted to and agreed in writing by the local planning authority. Once approved such details shall be fully implemented and the footpath opened to public use prior to the first occupation of any of the dwellings hereby

approved. The footpath shall not be subsequently altered with the prior written agreement of the local planning authority.

Reason: In the interests of safe pedestrian movements and to promote good links with the village in accordance with policies ST5 and TP1 of the South Somerset Local Plan, adopted 2006.

03. 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. Once approved such details shall be fully implemented unless agreed otherwise in writing by the local planning authority.

Reason: In the interests of visual amenity in accordance with policies ST5 and ST6 of the South Somerset Local Plan, adopted 2006.

04. Before the development hereby permitted is commenced details of the design, material and external finish to be used for all windows and doors shall be approved in writing by the local planning authority. Once approved such details shall be fully implemented unless agreed otherwise in writing by the local planning authority.

Reason: In the interests of visual amenity in accordance with policies ST5 and ST6 of the South Somerset Local Plan, adopted 2006.

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: In the interests of visual amenity in accordance with policies ST5 and ST6 of the South Somerset Local Plan, adopted 2006.

06. The development hereby permitted shall not be commenced until particulars of all boundary treatments and hard surfacing materials have been submitted to and approved in writing by the local planning authority. Such details shall include the use of porous materials to the parking and turning areas. Once approved such details shall be fully implemented unless agreed otherwise in writing by the local planning authority.

Reason: In the interests of visual and residential amenity and to ensure the adequate drainage of the site and to mitigate any flood risk in accordance with policies ST5, ST6 and EU4 of the South Somerset Local Plan, adopted 2006.

07. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows shall be formed above ground floor level to the north elevations of plots 1, 9 and 12 or the south elevations of plots 2 and 8 without the prior express grant of planning permission.

Reason: To safeguard residential amenity in accordance with policy ST6 of the South Somerset Local Plan, adopted 2006.

08. Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority. For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition to the satisfaction of The Local Planning Authority and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with policies ST5 and ST6 of the South Somerset Local Plan, adopted 2006.

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

Reason: In the interests of pedestrian and highways safety in accordance with policies ST5, TP1 and TP4 of the South Somerset Local Plan (adopted April 2006).

10. 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 pedestrian and highways safety in accordance with policies ST5, TP1 and TP4 of the South Somerset Local Plan (adopted April 2006).

11. 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 interests of pedestrian and highways safety in accordance with policies ST5, TP1 and TP4 of the South Somerset Local Plan (adopted April 2006).

12. Before the dwellings hereby permitted are first occupied, a 1.8m wide footway and tactile crossing facility as shown on the submitted plan shall be constructed in accordance with a specification to be approved in writing by the Local Planning Authority.

Reason: In the interests of pedestrian and highways safety in accordance with policies ST5, TP1 and TP4 of the South Somerset Local Plan (adopted April 2006).

13. The existing vehicular access to the site shall be stopped up, its use permanently abandoned and the verge/footway crossing reinstated in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such works shall be completed within one month of the new vehicular access hereby permitted being first brought into use.

Reason: In the interests of pedestrian and highways safety in accordance with policies ST5, TP1 and TP4 of the South Somerset Local Plan (adopted April 2006).

14. The areas allocated for parking shall be kept clear of obstruction and shall not be converted or used other than for the parking of vehicles in connection with the development hereby permitted.

Reason - To ensure that adequate parking is provided and maintained to meet the needs of the development in accordance with policy TP7 of the South Somerset Local Plan, adopted 2006.

#### **Informatives:**

01. With respect to the landscaping condition you are reminded of the observations of the council's landscape architect.
02. Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highways Authority. Application forms can be obtained by writing to Roger Tyson of the Transport Development Group, Environment Department, County Hall, Taunton, TA1 4DY, or by telephoning him on



01823 356011. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services. The fee for a Section 171 Licence is £250. This will entitle the developer to have his plans checked and specifications supplied. The works will also be inspected by the Superintendence team and will be signed off upon satisfactory completion.

03. Having regard to the powers of the Highway Authority under the Highway Act 1980 the applicant is advised that a section 184 Permit must be obtained from the Highway Service Manager at least four weeks before access works are intended to commence.
  04. The Applicant is advised that the Highway Service Manager (South Somerset area contactable on 08453 459155) must be consulted with regard to the required reinstatement of the verge/footway crossing at the access which is to be closed.
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