

Area North Committee – 27 October 2010

Officer Report On Planning Application: 10/03097/FUL

Proposal :	Change of use to mixed use residential/animal boarding and extension to dwelling (GR: 343453/127103)
Site Address:	Daisy Bank, Union Drove, Huish Episcopi
Parish:	High Ham
TURN HILL Ward (SSDC Member)	Mr Rupert Cox (Cllr)
Recommending Case Officer:	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
Target date :	29th September 2010
Applicant :	Mr Richard Filleul
Agent: (no agent if blank)	Mr Clive Miller Sanderley Studio, Kennel Lane, Langport TA10 9SB
Application Type :	Other Householder - not a Change of Use

REASON FOR REFERRAL TO COMMITTEE

The application is before the committee at the request of the Ward Member with the support of the Area Chair as the parish council comments were contrary to the officer recommendation.

SITE DESCRIPTION AND PROPOSAL



The property is a two storey detached house constructed from reconstituted stone, with brown UPVC window frames and a concrete tiled roof. The property has been previously extended with the addition of a two storey side extension. The house is located close to open countryside. The house is not located within a development area as defined by the local plan.

The proposal seeks permission for the change of use of a dwellinghouse to a mixed-use residential and animal boarding establishment. The application also seeks permission for the erection of a two-storey extension to the existing building, with new ground floor accommodation associated directly with the housing of animals and new first floor habitable accommodation. The proposed change of use would allow the accommodation of 22 dogs. The proposed extension will be constructed from materials to match the existing building. There is currently no planning permission for any animal boarding at the premises. As such, the application seeks to regularise the existing situation and significantly increase the number of dogs boarding at the establishment.

HISTORY

None relevant

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the relevant development plan comprises the saved policies of the Somerset and Exmoor National Park Joint Structure Plan Review, and the saved policies of the South Somerset Local Plan.

The policies of most relevance to the proposal are:

Saved policies of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011:

Policy STR1 - Sustainable Development

Policy 49 - Transport Requirements of New Development

Saved policies of the South Somerset Local Plan (Adopted April 2006):

Policy ST3 - Development Areas

Policy ST5 - General Principles of Development

Policy ST6 - The Quality of Development

Policy EP2 - Pollution and Noise

National Guidance

PPS1 - Sustainable Development

PPS3 - Housing

South Somerset Sustainable Community Strategy

Goal 3 - Healthy Environments

Goal 4 - Services and Facilities

Goal 8 - High Quality Homes

CONSULTATIONS

Parish Council – No objections

“No objections to extension to provide for a home animal boarding establishment and associated accommodation, subject to a S106 agreement.”

SCC Rights of Way – No objection

SCC Archaeology - No objections

SSDC Licensing – No objections

“Based on the information contained in the planning application, I cannot see anything that would prevent a boarding establishment licence from being issued, however, I will need clarification on certain items at the time the application to licence the premises is made.”

SSDC Environmental Protection - No observations

County Highway Authority – Objection

“I understand that whilst the property is currently being used as a ‘home animal boarding establishment’ its lawful planning use is residential.

The site is located outside of any recognised development limits and is distant from local centres of population, services and facilities. Journeys to and from the site are likely to be made by the private car. Consequently, it could be argued that the development would be contrary to Government guidance given within PPG13 and RPG10, and to the provision of policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review, that seeks to minimise the need for journeys particularly by the private car.

The Highway Authority is not satisfied that adequate visibility is available from the property’s private driveway onto the single track Union Drove adjacent to the railway bridge. But more importantly the junction of Union Drove with the B3153 Picts Hill is substantially substandard. Although there is a 30 mph speed limit on Picts Hill it is a relatively rural environment and traffic speeds can be in excess of the speed limit. However taking the speed limit as a guide I would expect to see visibility splays of 90m in both directions from a driver’s sight position 2.4m back in the mouth of the junction. The existing junction clearly falls well short of this standard due to the presence of the hedge on one side and wall and fence on the other corner forming the boundary treatments of adjacent properties interrupting the required visibility splays determined for safety reasons. Although an alternative to this junction has recently been constructed, Hamdown Court, this is relatively tortuous compared to Union Drove and it is unlikely that all familiar drivers would remember to use it and it would not be an obvious route to choose for those unfamiliar with the vicinity as would be the case with new or occasional customers or delivery drivers. Whilst it is acknowledged that the proposal is not a significant traffic generator it is considered that the movements likely to be generated by customers, employees and deliver drivers at the Union Drove/ Picts Hill junction would increase significantly despite the Hamdown Court option, when compared to the existing use.

As a result, given the concern regarding the standard of the junction, I recommend that this application be refused on highway grounds for the following reason:-

The proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 2000) and Policy ST5 of the South Somerset Local

Plan (Adopted 2006) since the existing junction splays are considered to be inadequate for the safety and convenience of the traffic associated with the proposed development.”

Area Engineer - No comment

APPLICANT'S CASE

The applicant has stated, in response to the comments of the County Highway Authority, that the proposal will generate the following additional traffic:

- *“2 existing part time part time jobs will become full time = no additional trips*
- *1 new full time job or 2 new part time jobs = 1 or 2 additional trips per day*
- *Additional customer trips = 2 additional trips per day*
- *Dog deliveries and collections = no additional trips*
- *Delivery of supplies = no additional trips”*

The applicant has also suggested the use of a travel plan to mitigate against the Highway Authority objections. They suggest that the travel plans should include the following provisions:

- *“All staff will be required to use the Hamdown Court access route as part of the terms of their employment.*
- *The business web site will include a map, directions and post code details of the Hamdown Court route for sat nav and visual navigation to the site for new customers.*
- *Web links to public transport information will also be provided.*
- *Directions for safe and convenient pedestrian and cycle access from Langport, Huish and surrounding areas will be provided on the web site also.*
- *Telephone callers intending to visit will be advised similarly as above.*
- *Although all supplies are currently collected by the proprietors and are proposed to be continued, any occasional delivery by a third party will be advised of the route which needs to be taken.”*

REPRESENTATIONS

None received

CONSIDERATIONS

Extension Design

The proposed extension is considered to be of an appropriate design and detailing that would have an appropriate relationship with the main dwelling in terms of scale and

design. The materials are stated as being to match the existing property. On this basis it is not considered that it would harm the character of the property or have a detrimental impact on the visual amenity of the area.

Residential Amenity

It is not considered that the window layout and general bulk of the extension is such that it would give rise to undue overlooking or an overbearing relationship with neighbouring properties. The SSDC Environment Protection Unit was consulted in regards to the impact of the change of use. They did not raise any objections, and given the distance from neighbouring properties, it is not considered that the proposed use will significantly impact on the residential amenity of nearby occupiers in accordance with policy EP2 of the South Somerset Local Plan.

New Business Location

The proposed change of use from residential to mixed use to allow the provision of an animal boarding establishment, outside of any development areas, must be considered against policy ST3 of the South Somerset Local Plan. The policy states that all development outside of defined development areas must be "...strictly controlled and restricted to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel." It is clear that whilst the proposed use will benefit economic activity and maintain the environment, it will also foster growth in the need to travel above and beyond the travel requirements of a single residential unit. The proposal is therefore contrary to policy ST3 of the South Somerset Local Plan. However, the type of use proposed is clearly not suitable, due to potential noise generation, for a site close to a built up area. It is therefore considered that, on balance, the proposed location for an animal boarding establishment is suitable in terms of policy ST3.

Highway Issues

The Highway Authority was consulted on the application. They raised concerns regarding the suitability of the access from the property onto Union Drove. More critically they have serious concerns regarding the junction of Union Drove with the B3153, stating that the junction is substandard and does not provide safe visibility. Given the substantial increase in traffic movements that the proposed change of use would necessitate, the use of the substandard junction would inevitably increase. The Highway Authority note that there is an alternative route to the B3153, but also note that the alternative route is more tortuous and there is no way to ensure that is used by regular or occasional visitors to the site. As such they recommend refusal of the application on highway safety grounds.

Applicant's Case

In response to the above objection raised by the Highway Authority the applicant has stated what they feel will be the additional traffic movements on site required by the proposed development. By their calculation this will be 3-4 additional trips per day. However, it is clear that their calculation is only considering the additional trips required for the increase of the existing business of 10 dogs at a time, to the currently proposed 22 dogs at a time. However, the current business taking place at the site for the keeping of up to 10 dogs has no planning permission and the application under consideration is for the change of use from a simple C3 residential use to a mixed use including the animal boarding business in its entirety. The additional trips, when compared to the permitted residential use of the site, will therefore be far higher than stated by the applicant in their additional information.

The applicants have also suggested the use of a Travel Plan to ensure that the access objected to by the Highway Authority is not used by customers, staff or delivery drivers.

However, whilst the use of a Travel Plan can be beneficial in helping to achieve sustainability aims it is considered to be unenforceable in preventing the increased use of the dangerous junction between Union Drove and the B3153.

Conclusion

Therefore, although the proposed change of use and associated physical alterations are considered to be acceptable in most regards, the potential negative impact on highway safety is significant enough to warrant refusal of the scheme.

As such, the application should be recommended for refusal.

RECOMMENDATION

Refuse for the following reason:

The proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 2000) and Policy ST5 of the South Somerset Local Plan (Adopted 2006) since the existing junction splays, at the junction of Union Drove with the B3153, are considered to be inadequate for the safety and convenience of the traffic associated with the proposed development.
