

Area North Committee – 23 March 2011

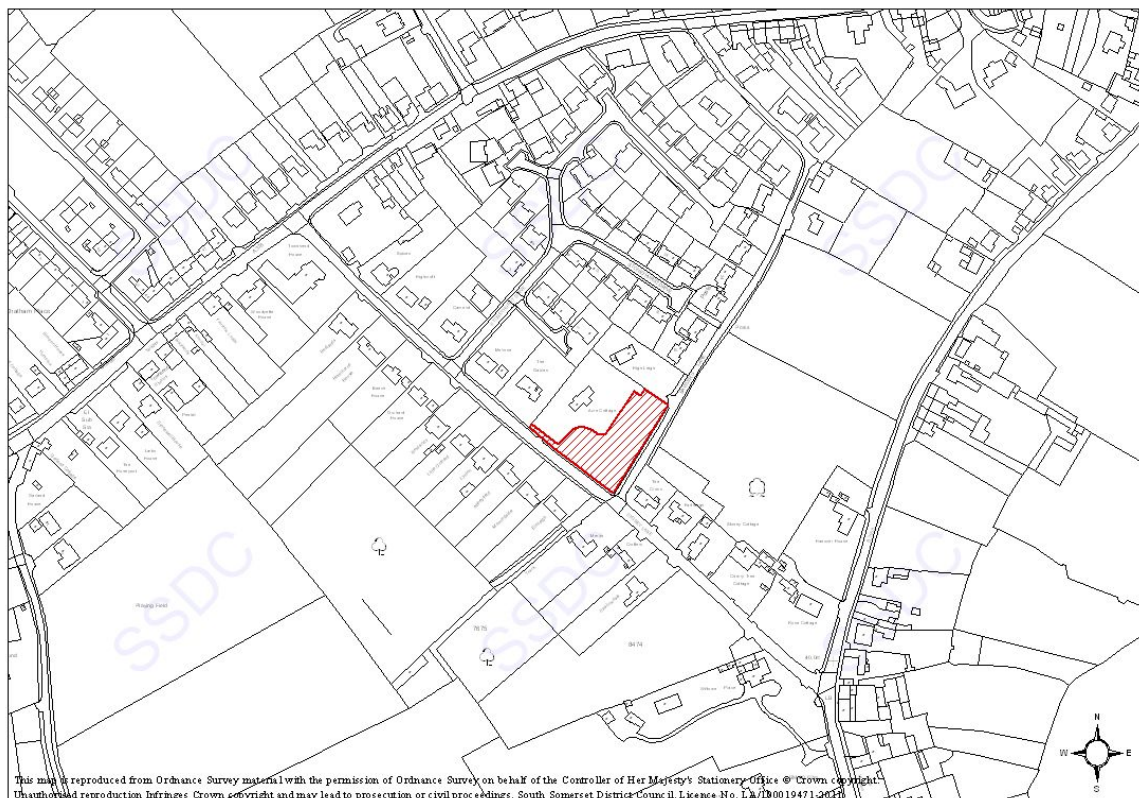
Officer Report On Planning Application: 11/00059/OUT

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| Proposal: | Outline application for the erection of 4 no. dwellings and garages (GR: 338851/124883) |
| Site Address: | Land Adjacent Acre Cottage, Stoney Lane, Curry Rivet |
| Parish: | Curry Rivet |
| CURRY RIVEL Ward (SSDC Member) | Mr Derek Nelson (Cllr) |
| Recommending Case Officer: | Claire Alers-Hankey Tel: 01935 462295 Email: claire.alers-hankey@southsomerset.gov.uk |
| Target date: | 14th February 2011 |
| Applicant: | Mr J R Kitchen |
| Agent: (no agent if blank) | Greenslade Taylor Hunt Land And Planning Division 1 High Street. Chard TA20 1QF |
| Application Type: | Minor Dwellings 1-9 site less than 1ha |

REASON FOR REFERRAL TO COMMITTEE

This application is referred to the Area North Committee at the request of the Chair and Ward Member so that the issue of overdevelopment along with the concerns of the Parish Council and Neighbours, which are contrary to the officer's recommendation, can be discussed further.

SITE DESCRIPTION AND PROPOSAL



The site is located on the southern side of Curry Rivel, adjacent to the junction of Stoney Lane and Bawlers Lane. The site is located within the defined development area for Curry Rivel.

The site currently accommodates a two storey detached dwelling on the northwest side of the plot which is served by an existing access off Stoney Lane. There are a number of trees on the site (two of which are protected with a TPO) the majority of which are to be retained with the proposed development of the site.

This application seeks outline planning permission for the erection of four dwellings on the site. Approval is being sought for the matter of the access to the site, and all other matters are saved for the reserved matters stage. The development would be served by a new access off Stoney Lane, to the southeast of the existing site access. It is proposed to retain the existing access to serve the existing property.

Amended plans have been received, which reduce the number of proposed dwellings from five to four. This amendment was made soon after the initial consultation responses were received.

HISTORY

38784 - Alterations and additions and construction of a private garage and tool shed. Application withdrawn on 08/12/1957.

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.

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

Policy STR1 - Sustainable Development
 Policy STR5 - Development in Rural Centres and Villages
 Policy 5 - Landscape Character
 Policy 33 - Provision for Housing
 Policy 49 - Transport Requirements of New Development

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

Policy ST5 - General Principles of Development
 Policy ST6 - The Quality of Development
 Policy EC3 - Landscape Character
 Policy TP7 - Residential Parking Provision
 Policy HG1 and HG2 - Provision for New Housing Development
 Policy HG4 - Housing Densities

National Guidance

PPS1 - Sustainable Development
 PPS3 - Housing

South Somerset Sustainable Community Strategy
 Goal 7 - Distinctiveness

Goal 8 - Quality Development
Goal 9 - Homes

CONSULTATIONS

PARISH COUNCIL - This application should be refused on the grounds that the erection of four dwellings on this site would result in overdevelopment. There would also be a highways issue with the number of cars on such a small site with only one access. It recommends that a full application with a full design programme should be submitted for two dwellings only but, if an outline planning application was submitted, any approval should contain a condition that there was a limit to two dwellings only.

COUNTY HIGHWAY AUTHORITY - The Highway Authority notes the required visibility splay can be provided on site, and that the visibility splay would improve visibility of the junction of Bawlers Lane with Stoney Lane to the benefit of all users. An acceptable level of parking and turning has been provided on the indicative plan. The Highway Authority would wish to see a 1.8m footway provided along the entire site frontage, and a drop kerb crossing facility to allow a continuous footway network to pedestrians. Comments conclude with no objection subject to recommended conditions relating to access, surfacing, visibility, access gradient, footway and parking areas.

AREA ENGINEER - Use of soakaways ok subject to percolation tests.

LANDSCAPE OFFICER - Initially raised an objection to the proposal, but on the receipt of amended plans withdrew objection. States that whilst the prospect of a form of development similar to that indicated would bring about a negative change to the vicinity (in landscape terms) given the development area setting and recent infill elsewhere, that change is not sufficiently adverse as to generate a landscape objection.

WESSEX WATER - Standard response that points of connection to sewers and water supply will need to be agreed with Wessex Water prior to the commencement of any works on site.

TREE OFFICER - The amended layout is certainly an improvement. The positioning of the garage between the tree and Plot B is a good use of space and is more likely to be considered a fair trade-off by future occupants. Although some portions of Plot B remain within the shade/dominance zone, it is more peripheral and would exert its greatest influence at noon midday rather than the mornings and evenings (often considered the most valuable times for access to available sunlight). The adjoining Birch trees have canopies which are far less dense when compared to the Beech, so are unlikely to exert as significant an influence as the shade software suggests. I no longer have any objections to this proposal subject to recommended conditions.

REPRESENTATIONS

A TOTAL OF FIFTEEN LETTERS OF OBJECTION - Have been received. This figure includes letters received for the initial plans submitted and the subsequent amended plans. The concerns raised are as follows:

- Removal of existing hedge and replanting 2.4m back would be destructive to wellbeing of trees protected by TPO.
- Object to re-siting of hedge on uphill side of existing access, lowering hedge there should suffice
- Access to development could be off Bawlers Lane

- Value of existing trees, shrubs and vegetation
- Making a verge on the road will create a pinch point along the road which is a road safety hazard
- Orchard tree species should be added to the planting proposals
- Development may be unduly and unnecessarily destructive to pleasant residential location
- Suitable planning conditions need to be imposed
- Stoney Lane is a rat run/very busy road and single laned in places
- The proximity of Bawlers Lane to the proposed access is potentially a danger and hazard to road users
- Speed restriction measures should be used on Stoney Lane if the development is to take place as vehicles speed already
- Five/four houses will be at greater density than any other housing in the immediate neighbourhood of Stoney Lane, Bawlers Lane and Stoneyhurst Drive and will be out of keeping with the general ambience and character of this part of Curry Rivel
- Houses are positioned too closely to the road and would dominate the street scene
- Increase in traffic development would cause
- Application provides example of garden grabbing
- Parking of vehicles during construction will obstruct Stoney Lane
- Drainage problems from surface water run-off and flooding
- Materials should be conditioned to be in keeping with the area
- Affect of property value of nearby properties
- Development will devalue existing property aesthetically
- Loss of privacy to surrounding properties
- Existing trees and habitats will be destroyed
- Local area keeps being degraded by subdivision of existing residential plots for residential development, particularly when there is no demand for small plots in the area
- There should be no more than two dwellings proposed

CONSIDERATIONS

Principle

The site is located within the defined development area of Curry Rivel, where the principle of new residential development is acceptable subject to various criteria such as suitable access and parking facilities, being in keeping with the character of the area, and not having a detrimental impact on visual or residential amenity of the area.

Objections raised by local residents include concern that the proposal represents an example of garden grabbing. While PPS3 has been amended to change the classification of residential curtilage to no longer be considered as brownfield, the site is located within the defined development area where the principle of residential development is still considered to be acceptable.

Highways

The Highway Authority has not raised an objection to the proposal, on the basis that the proposed vehicular access off Stoney Lane can be accommodated with adequate visibility splays, and sufficient parking and turning areas can be accommodated within the site. The Highway Authority also raises no objection to pedestrian accesses serving two of the properties off Bawlers Lane.

Landscape Character/Visual Amenity

With regard to the proposed density of the site, the scheme has been amended from five houses to four houses as a result of a number of negative initial consultation responses to the proposal relating to density and landscape character. Despite the amendment of a reduced number of houses, the Parish Council and a number of local residents have maintained their objection to the density of the proposal. Whilst Policy HG4 of the South Somerset Local Plan is aimed at achieving an efficient use of land at around 30 dwellings per hectare, the Government has advised through amendments to PPS3 that minimum density targets no longer apply. The application site is 0.259 hectares, meaning that a proposal of four dwellings would have a density of about 15 dwellings per hectare which falls well below the density target, and therefore is in line with PPS3. However, given the landscape character of the area, and the density of surrounding properties in Stoneyhurst Drive, the Local Planning Authority would rather see a less dense development scheme as proposed, that would be in keeping with the landscape character and settlement pattern. It is considered the proposal of four dwellings is commensurate in density to surrounding areas close to the site particularly on Stoneyhurst Drive. Following the amendment removing one house from the scheme, the Landscape Architect and Tree Officer have both removed their original objection to the proposal.

The appearance, layout and scale have been saved for the reserved matters stage, although an indicative plan has been submitted with the proposal. The indicative plan demonstrates that the plot can accommodate the four dwellings in a way that would not have a detrimental impact on the visual amenity of the area. It is therefore considered that any approval should condition the layout of the reserved matters application to be the same as the layout shown in this application.

Trees

The Council's Tree Officer has not raised an objection to the proposal, subject to the use of conditions to secure a Tree Protection plan and Arboricultural Method Statement. Therefore it is considered the proposal can be accommodated within the site without harming the protected trees and a number of other trees that are proposed to be retained.

Residential Amenity

The site is well screened from other residential properties by mature boundary hedging and additional boundary planting is also proposed, particularly along the frontage of the site and between Acre Cottage and the application site. Hence it is considered the proposal will not cause a loss of privacy, overlooking or overbearing of existing nearby properties. While the detail of the scale and fenestration is not submitted for determination under this outline application, the indicative plan shows that four dwellings can be accommodated within the plot with adequate amenity areas and space between the proposed dwellings.

Other Issues

The Area Engineer has commented that the use of soakaways is acceptable subject to percolation tests.

Concern has been raised that the proposal will devalue nearby properties, however this is not a planning consideration.

As this application is made in outline, the majority of the conditions should be attached at the reserved matters stage to ensure that they are necessary in the event that the detail required is submitted with the reserved matters application.

Conclusions

It is considered the proposal can be accommodated within the site, with a suitable vehicular access and parking facilities, and will not have a detrimental impact on the visual or residential amenity of the area, or the character of the area.

RECOMMENDATION

Permission be granted

01. The proposal, for residential development, is located within defined settlement limits where the principle of new housing is considered acceptable. The proposed access would be satisfactory and the development would not have a detrimental impact on the visual or residential amenity of the area, or the character of the area, in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR5, 5, 33 and 49 and South Somerset Local Plan Policies ST5, ST6, EC3, TP7, HG1, HG2 and HG4.

Subject to the following:

01. Approval of the details of the layout, scale, appearance and landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the provisions of S92 (2) Town and Country Planning Act 1990 (as amended by S51 (2) Planning and Compulsory Purchase Act 2004).

02. 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 interest of highway safety, in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

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

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

04. There shall be no obstruction to visibility greater than 600mm above adjoining road level forward of a line drawn 2.4m back and parallel to the nearside carriageway edge over the entire site frontage along Stoney Lane. Such visibility shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained at all times.

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

05. before the dwellings hereby permitted are first occupied a 1.8m wide footway shall be constructed over the entire site frontage of the site along Stoney Lane incorporating a pedestrian crossing facility with tactile paving in accordance with a specification to be approved in writing by the Local Planning Authority.

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

06. 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 parking and turning of vehicles in connection with the development hereby permitted.

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

07. Notwithstanding that the 'reserved matters' which include the layout, the development hereby approved shall be limited to four dwellings, generally in accordance with the following approved plans: 1613-1 Rev A.

Reason: In the interests of the visual amenity and landscape character of the area, in accordance with Policy ST5 of the South Somerset Local Plan.

08. The new access off Stoney Lane shall be implemented in accordance with plan no. 1613-1 Rev A, prior to the occupation of the dwellings, and as required by other conditions of this permission.

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

Informatives:

01. Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the South Somerset Highway Service Manager, South Somerset Area Highways Office, Mead Avenue, Houndstone Business Park, Yeovil, BA22 8RT Tel 0845 345 9155. Application for such a Permit should be made at least four weeks before access works are intended to commence.
02. The application will be required to enter into a suitable legal agreement to secure the construction of the highway works necessary as part of this development. The developer should contact the Highway Authority to progress this agreement.
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