

Area North Committee – 25 April 2012

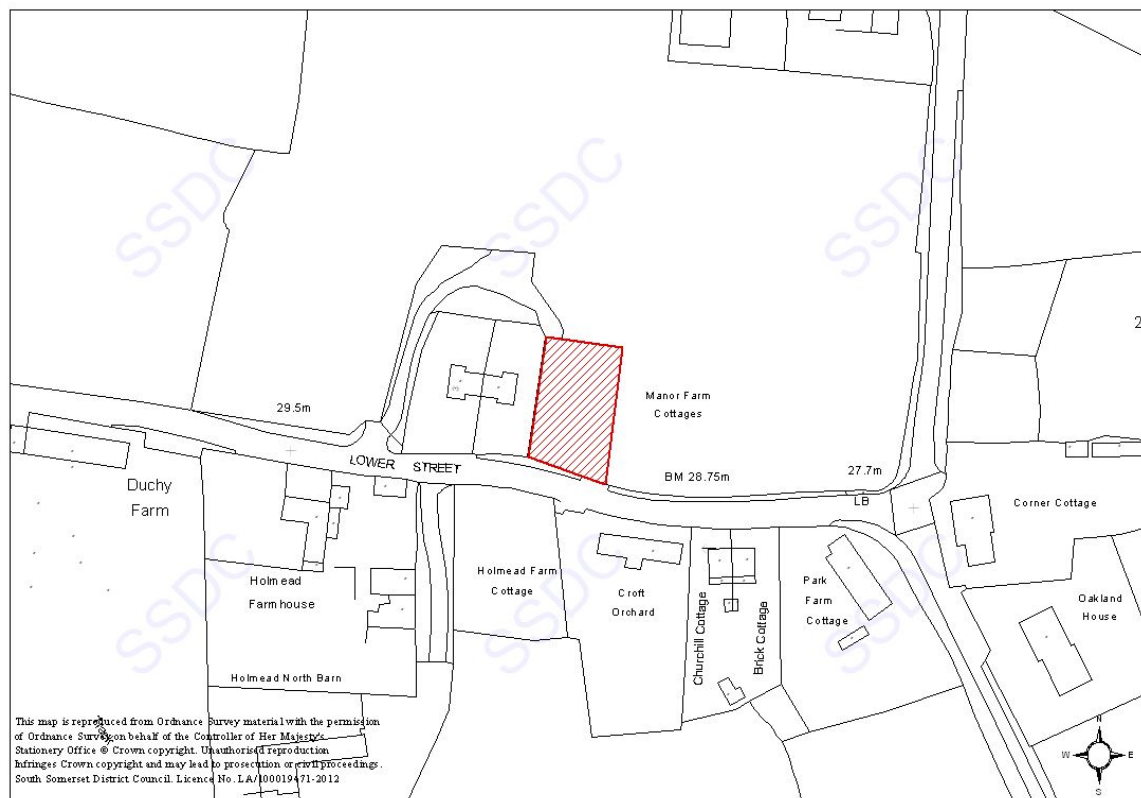
Officer Report On Planning Application: 12/00264/FUL

Proposal :	Erection of a two storey extension to rear of dwellinghouse, erection of a porch to front of dwellinghouse and creation of new driveway and vehicular access (GR:333139/121234)
Site Address:	3 Manor Farm Cottages, Lower Street, Curry Mallet
Parish:	Curry Mallet
ISLEMOOR Ward (SSDC Member)	Ms Sue Steele (Cllr)
Recommending Case Officer:	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
Target date :	26th March 2012
Applicant :	Mr Giles Adams
Agent: (no agent if blank)	
Application Type :	Other Householder - not a Change of Use

REASON FOR REFERRAL TO COMMITTEE

The application is before the committee as the recommendation for approval is contrary to an objection from the County Highway Authority on highway safety grounds.

SITE DESCRIPTION AND PROPOSAL



The proposal seeks permission for the erection of a two storey extension to the rear of the dwellinghouse, the erection of a porch to the front and the formation of a new driveway and vehicular access. The property is a two storey detached house constructed of brick, with timber window frames and clay tiles on the roof. The house is located close to various residential properties, agricultural buildings, and open countryside. The extensions will be constructed of materials to match the existing building, with a rendered rear elevation. The driveway will be constructed of tarmac and gravel.

HISTORY

None recent.

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

Somerset and Exmoor National Park Joint Structure Plan
STR1 - Sustainable Development
Policy 49 - Transport Requirements of New Development

South Somerset Local Plan (Adopted April 2006)
ST5 - Principles of Development
ST6 - Quality of Development

CONSULTATIONS

Parish Council - The Council, mindful through local knowledge of the circumstances relating to the vehicular usage of Lower Street, have no concerns regarding the access as proposed in the application.

SCC Archaeology - No objections

SSDC Technical Services - No comment

County Highways - Concern expressed over the maintenance of existing verges and highway land. The highway authority go on to state:

"Therefore it is essential that the splays are included within the red line of the application site and notice is served on the Highway Authority if the splays include highway land. If it is not included within the red line, no condition can be imposed and/or enforcement action taken in the event of non compliance.

Notwithstanding the above, in the case of this proposal the splays considered appropriate by the Highway Authority cannot be provided.

The amendments to the parking/turning area are noted and accepted by the Highway Authority.

Taking the above into consideration, I would recommend refusal of the application 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) since the proposed access to the Lower Street, does not incorporate the necessary visibility splays which are essential in the interests of highway safety."*

The highway officer states that they are aware that the LPA may choose to approve the scheme contrary to their recommendation and suggest the use of a number of conditions and notes on any permission issued.

REPRESENTATIONS

None received.

APPLICANT'S CASE

"...people driving along this road, do so with the obvious knowledge that any oncoming cars they encounter are likely to be in the middle of the carriageway, therefore vehicles will only be travelling at 15-20mph max. Street lighting and general suburban street furniture is completely missing from this area, reinforcing the rural nature, indeed the vast majority of any vehicles travelling are local destination traffic rather than passing through and it is unlike many larger villages in this respect."

"...for our use, it would be hugely safer than using the existing access. Surely we should all be striving to improve safety, rather than forcing us to use a very poor access. The existing access was not created by us, and the long term residents of Nos 1 and 2 Manor Farm Cottages have one vehicle per household. With our two cars using a new access this would reduce the use of this clearly substandard access by over 50%."

"I have been using the existing hugely substandard access several times a day for the last 15 years and although I fully acknowledge the visibility is poor (looking left), one never feels particularly concerned by this as cars coming from the left have just negotiated a series of narrow bends and are only travelling very slow. As long as one nudges out slowly, there is no problem. The visibility on the new access we propose would be 20 times better than this existing access."

CONSIDERATIONS

Residential Amenity

The proposed extension, driveway, and vehicular access would not have any significant impact on the residential amenity of neighbouring occupiers.

Visual Amenity

The proposed extension, driveway, and vehicular access are considered to be appropriate in terms of material and design and are therefore not considered to cause demonstrable harm to the character of the area.

Highways

The county highway authority was consulted as to the potential impact of the proposal on highway safety. They have raised serious concerns with the proposal and recommend

refusal on the grounds that the proposed access does not provide the visibility splays necessary to maintain highway safety.

The applicant has put forwards a strong case as to why in this particular situation the normal visibility requirements of the highway authority should not apply. The parish council supports him in this opinion. He argues that although the speed limit is 60 mph; traffic in reality moves far slower than this due to the nature of the road. This assertion is borne out by observation on site. He also argues that the current access serves three properties, but if permission is granted it will only serve two properties and the remainder of the traffic will transfer onto the new access. There will therefore be no net increase in use, it will just be spread over two substandard accesses instead of one, and he argues that the new access will better than the existing in terms of visibility.

Given the limited nature of the use of the access to serve only a single residential unit, it is considered that the arguments put forwards by the applicant are persuasive and in this case outweigh the concerns of the highway authority.

RECOMMENDATION

Permission be granted for the following reason:

01. The proposal, by reason of its size, scale and materials, respects the character of the area, and causes no demonstrable harm to residential amenity or highway safety in accordance with the aims and objectives of Policies ST6 and ST5 of the South Somerset Local Plan (Adopted April 2006) and Policies STR1 and 49 of the Somerset and Exmoor National Park Joint Structure Plan.

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. The development hereby permitted shall be carried out in accordance with the following approved plans: GA/102 received 23 January 2012 and GA/104 received 29 February 2012.

Reason: For the avoidance of doubt and in the interests of proper planning.

03. The materials to be used in the development hereby permitted shall be those as identified within the planning application and no other materials unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and to comply with Policy ST6 of the South Somerset Local Plan (Adopted April 2006) and Policy STR1 of the Somerset and Exmoor National park Joint Structure Plan.

04. No works shall commence on the development until the visibility splays in which there should be no obstruction greater than 900mm, and as denoted on drawing no. GA/104, have been fully provided to the satisfaction of the Local Planning Authority and shall thereafter be maintained at all times.

Reason: In the interests of highway safety and in accordance with policy 49 of The Somerset and Exmoor National Park Joint Structure Plan

05. Before it is first brought into use, the proposed access over the first 5m of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel), in accordance with details, which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with policy 49 of The Somerset and Exmoor National Park Joint Structure Plan

06. The area allocated for access, parking and turning on the submitted plan shall be kept clear of obstruction at all times and shall not be used other than for the parking and/or turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety and in accordance with policy 49 of The Somerset and Exmoor National Park Joint Structure Plan

07. Any entrance gates erected shall be hung to open inwards and set back a minimum distance of 5m from the highway.

Reason: In the interests of highway safety and in accordance with policy 49 of The Somerset and Exmoor National Park Joint Structure Plan

08. Before the access is first brought into use provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway details of which shall have been submitted to and approved in writing by the Local Planning Authority, before being installed.

Reason: In the interests of highway safety and in accordance with policy 49 of The Somerset and Exmoor National Park Joint Structure Plan

09. The gradient of the access shall not be steeper than 1 in 10.

Reason: In the interests of highway safety and in accordance with policy 49 of The Somerset and Exmoor National Park Joint Structure Plan

Informatives:

01. Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that a Section 184 Permit must be obtained from the Highway Service Manager, Yeovil Area Office, tel 0845 3459155.
02. As advised during the consultation period of the application, it should be noted it is not the responsibility of the Highway Authority to maintain the approved visibility splays in relation to private development proposals and this will be the responsibility the Applicant and subsequent owner/occupier of no. 3 Manor Cottages. Prior to any works being carried out in respect of the formation of the splays (which will involve the cutting back/removal of a third party hedges and their encroachment over/on highway land) and thereafter ongoing maintenance, contact will need to be made with the Area Highway Office at Yeovil, on 0845 3459155, with regard to an appropriate licence for working on the public highway.