

Area North Committee – 24 April 2013

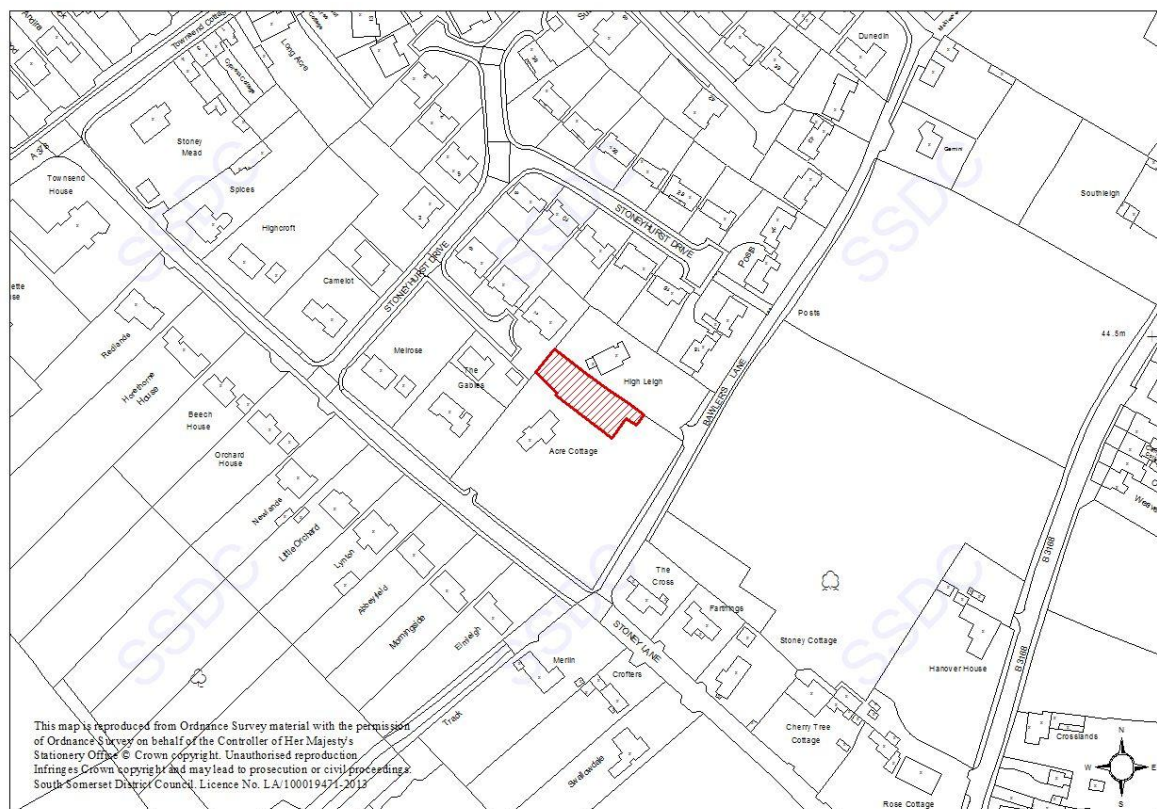
Officer Report on Planning Application: 13/00310/FUL

Proposal :	Erection of a bungalow (GR: 338810/124897)
Site Address:	Acre Cottage, Stoney Lane, Curry Rivel.
Parish:	Curry Rivel
CURRY RIVEL Ward (SSDC Member)	Cllr Terry Mounter
Recommending Case Officer:	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
Target date :	22nd March 2013
Applicant :	Venture Property
Agent: (no agent if blank)	Mr Nick Ratcliff, Greenslade Taylor Hunt 1 High Street, Chard, Somerset TA20 1QF
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

The application is before the committee at the request of the ward member and area chair to enable full consideration of the parish council and neighbour objections.

SITE DESCRIPTION AND PROPOSAL



The proposal seeks permission for the erection of a single storey dwelling. The site consists of part of the garden of an existing two storey detached house finished in render with plain clay roof tiles. A large portion of the original garden area of the existing dwelling has already been separated and has approval for the erection of four detached dwellings (commenced). The proposed dwelling will use a further portion of the original garden and will derive access from the road to be constructed as part of the approved scheme for four dwellings. The site is broadly level and mostly laid to lawn. It contains a few outbuildings serving the existing dwelling. The site is separated from the adjoining dwellings to the north and west by a hedge and from the building site to the east by a close board timber fence. It is proposed to retain the hedge to the west, replace the hedge to the north with a close board timber fence, and to plant new native hedges to the eastern and southern boundaries of the site.

The proposed dwelling will be finished in render, with natural stone quoins, concrete tiles and white UPVC window frames.

The site is located close to various residential properties. The site is located within a development area as defined by the local plan.

HISTORY

12/04381/FUL - The erection of a bungalow - Application withdrawn 21/12/2012

Adjoining Site:

12/00608/REM - The erection of four dwellings and garage (reserved matters application following grant of outline permission 11/00059/OUT) - Application permitted with conditions 17/04/2012

11/00032/REF - Outline application for the erection of 4 no. dwellings and garages - Appeal allowed subject to conditions 07/10/2011

11/00059/OUT - Outline application for the erection of 4 no. dwellings and garages - Application refused 25/03/2011

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:

STR1 - Sustainable Development

Policy 49 - Transport Requirements of New Development

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

ST5 - General Principles of Development

ST6 - The Quality of Development

EU4 - Water Services

National Planning Policy Framework

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

South Somerset Sustainable Community Strategy

Goal 3 - Healthy Environments

Goal 4 - Services and Facilities

Goal 8 - High Quality Homes

CONSULTATIONS

Parish / Town Council - *"Having examined this new planning application, the Parish Council reiterates it objects to a further property being erected on this site. It is considered to be over-development on an already cramped site. It would still affect the privacy of an adjacent property and would block sunlight for periods of the day. It is also considered to be back-development. As stated previously, the current development on the site was approved following an appeal and it is felt that this additional development strays from the appeal decision."*

County Highway Authority - Notes that the bungalow would generate on average 4-6 vehicle movements per day, but states such an increase would not be significant enough to warrant an objection from the Highway Authority. It is noted that the bungalow will have access to Stoney Lane via a newly constructed adoptable highway permitted under a previous permission. It is stated that the site is able to accommodate the appropriate level of parking required in this area. The highway authority therefore raise no objection and require the following conditions to be attached to any permission issued:

Before the dwelling hereby permitted is first occupied a properly consolidated and surfaced access shall be constructed (no loose stones or gravel) details of which shall have been submitted to and approved in writing by the Local Planning Authority.

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.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any revoking and re-enacting that Order) the use of the garage hereby permitted shall be limited to the domestic and private needs of the occupier and shall not be used for any business or other purpose whatsoever.

Area Engineer - *"The application states use of soakaways for disposal of surface water and this was the approved strategy used for the adjoining development. Consequently there should be no impact on any existing flooding problems in this area. We should include the usual condition that drainage details are to be submitted for approval and these should include percolation tests to assess ground conditions."*

Wessex Water - No objections to scheme. Notes that new water supply and waste water connections will be required from Wessex Water to serve the development. Provides advice as to how this can be obtained.

Advices of new legislation passing responsibility of formerly private sewers and drains to Wessex Water. Suggests that development proposal will commonly affect such sewers and they are often unrecorded on public sewers maps. They therefore advise applicants to survey and plot these sewers on submitted plans, and advise who to contact in the event that such a sewer/drain will be affected.

They note that no building will be permitted within the statutory easement of 3 metres from a pipeline without agreement from Wessex Water.

SSDC Tree Officer - Notes that the most valuable trees on the adjoining site are subject of Tree Preservation Orders and have been successfully retained. This proposal has minimal arboricultural impact. No objections.

SSDC Ecologist - Notes the comments of neighbouring occupiers regarding the presence of slow worms. He states he has no reason to doubt the claims. He notes that slow worms are protected against deliberate and reckless harm or killing, but that the legislation does not specifically protect their habitat so their presence is not a significant constraint to development of the site. He notes that slow worms are a 'priority species' for conservation, but that they are relatively common and numerous in Somerset. He states that the site is very unlikely to support more than a 'small' population. He concludes that although the site is likely to support slow worms, the numbers are likely to be low and not significant in nature conservation terms and not sufficient to prevent or amend the proposed development. He recommends the use of an informative on any consent issued to remind the developer of their legal obligations. He does not raise an objection to the proposed loss of hedge.

REPRESENTATIONS

Nine letters of objection received from the occupiers of neighbouring properties. Objections raised on the following grounds:

- Over development of the site which would be out of keeping with the character of the area, particularly in terms of relative plot sizes.
- 'Garden grabbing' that has little regard to the character and ambiance of the area.
- De-valuing objector's property.
- The remaining plot size for Acre Cottage, is already out of character for this type of property, and this development will render it more so.
- The site is seriously cramped and development would impact severely on the amenity of the neighbouring property, by way of over-shadowing and loss of privacy.
- Permission was granted by The Planning Inspectorate for four dwellings only on the adjacent site, any additions to the development would contravene the decision and make a mockery of the process.
- Lack of parking provision for visitors may lead to parking on Stoney Lane, at a point where it is narrow, additionally the density of traffic will be greater than the road can cope with.
- Concern over the protection of existing trees resulting from the previous approvals.
- The hedge to the west of the plot is a slow worm home and should be left alone. It also provides good screen for the neighbouring property.

- Disturbance of other wildlife such as owls and other birds.
- Too many trees have already been lost. This will further add to the destruction.
- Over development may exacerbate existing flooding problem from inadequate drainage.
- Increased noise/disturbance during building works and contractors vehicles parking inconsiderately.
- One of the existing approved properties is out of character by reason of being too close to the lane.
- Proposal will obstruct outlook from the adjacent properties.

CONSIDERATIONS

History

As described above, the site originally consisted of a single dwelling contained within a large plot. A significant portion of the plot was the subject of an outline planning application for five dwellings in 2005. Opposition was expressed to the construction of five dwellings by the parish council and the occupiers of neighbouring properties, and the scheme was subsequently altered to four dwellings. Despite the reduction in scale the application was still refused planning permission at committee by the LPA for the following reason:

"The proposal has failed to demonstrate that the development of this site for four dwellings can be satisfactorily accommodated without detriment to the character and appearance of the locality. In the absence of such justification the proposal is considered to constitute the over development of the site at odds with the established pattern of development on Stoney Lane that would fail to respect the character and setting of the existing dwelling. As such the proposal is contrary to policies ST5 and ST6 of the South Somerset Local Plan."

However an appeal was lodged against the decision and upheld with the inspector concluding that:

"On balance I consider that four properties could be successfully integrated into the area, respecting the form, character and setting of the settlement and retaining the key features of the trees and hedge boundary, in accordance with the South Somerset Local Plan."

Notwithstanding the concerns of the neighbouring occupiers and the parish council regarding contravening the appeal decision, it should be noted that the site for the current application was not included within the application site for four dwellings and so has not, up until now, been considered for residential development by the LPA or the Planning Inspectorate. Therefore although the inspector stated that *"...to protect the character and appearance of the area I have explicitly restricted the development to a maximum of four new houses"*, it should be noted that he was not considering the current application site when he made this statement. He was only looking at the application site before him.

Principle of Development

The site is contained within the development area of Curry Rivel, where the principle of residential development is normally considered to be acceptable in terms of the Local Plan. Furthermore, as Curry Rivel is considered generally to be a sustainable location,

residential development in such a location is strongly encouraged by the National Planning Policy Framework (NPPF).

Visual Amenity

A concern has been raised that the proposal represents over development of the plot and would appear cramped. However, the area of Curry Rivel in which the proposed development will be located is not particularly characterised by large plots, and it is fair to say, notwithstanding the concerns of the neighbouring occupiers, that the proposed dwelling, in terms of relative plot sizes, would not be contrary to the general grain of the built form in the locality. A neighbour has also raised a concern that the remaining plot for Acre Cottage would be out of character for this type of property. However, it is considered that adequate amenity space will remain for a property of this size, and it will not be unduly cramped when compared to other plots in the locality.

The parish council have raised a specific concern that the development represents “back-development”, presumably a reference to so called ‘back-land’ development, which is often resisted as inappropriate. However, the proposed development would front an approved cul-de-sac, and whilst it might have been considered to be back-land development if the adjoining site had not been approved, it is very difficult to argue this case now.

The proposed design and materials are considered to be in keeping with the prevailing character of the area.

As such, notwithstanding the concern raised by neighbouring occupiers, it is not considered that there would be any demonstrable harm to the character of the area.

Residential Amenity

The plot in which the proposed building will be contained is somewhat narrow, and as such the building would be close to the existing properties to the northeast (High Leigh) and southwest (Acre Cottage). A concern has been expressed by the parish council and neighbouring occupiers that this will have an adverse impact on residential amenity. However, the proposed dwelling is single storey, and positioned within the plot so as to have little impact on the southeast facing gardens of the adjoining properties. The rear garden of High Leigh is likely to be the most impacted part of a neighbouring property but, given the relative position and height of the proposal, it is not considered that the impact will be significant enough to warrant refusal of the scheme. As such it is not considered that there will be demonstrable harm to the residential amenity of adjoining occupiers by way of overlooking, overshadowing, or overbearing.

Highways

A concern was raised by the occupier of a neighbouring property that the density of traffic would be far greater than the narrow road could cope with. However, the highway authority was consulted and raised no objections to the scheme subject to the imposition of certain conditions on any permission issued. They were content that any access issues from the existing public highway had been adequately address when the adjoining scheme was approved, and that the access scheme approved could adequately accommodate a fifth dwelling. Furthermore they were content that adequate onsite parking and turning could be provided within the application site itself.

A neighbour has raised a concern that no provision has been made for visitor parking and this could result in vehicles being parked in Stoney Lane. However, as the highway

authority is content that the proposal is in accordance with the Somerset Parking Strategy, it would be unreasonable to sustain an objection in this area.

Other Matters

A neighbour has raised a concern regarding the protection of existing trees on site as a result of the already approved development. However, such protection is beyond the scope of this planning application, and if a problem arose would have to be dealt with as part of separate enforcement action. A neighbour has also raised a concern that too many trees have already been lost as part of the existing development, and the approval of this scheme will add to the destruction. However, the SSDC Tree Officer has been consulted and confirms that he raises no objections to the proposal.

A neighbour has raised a concern regarding the presence of slow worms in the hedge that it is proposed to remove and the potential disturbance to owls and other birds. The SSDC Ecologist was therefore consulted and raised no objection to the scheme. He recommends the use of an informative on any consent issued to remind the developer of their legal obligations.

A neighbour has raised a concern that the proposed dwelling would exacerbate an existing flooding problem caused by inadequate drainage. The SSDC Drainage Engineer was therefore consulted and stated that the proposed use of soakaways for the disposal of surface water, as approved on the adjoining development, is considered to be acceptable. He recommends the use of a condition on any permission issued to ensure that drainage details are submitted for approval, including percolation tests to assess ground conditions.

A neighbour has raised a concern regarding increased noise and disturbance from construction traffic and inconsiderate parking of contractors' vehicles. It is true that there will inevitably be an increase in the length of time that contractors' will be working at the site. However, it is not considered that a single additional house is likely to make the situation much worse than existing. The inspector's decision on the adjoining site did not include any conditions controlling construction hours so it would seem unreasonable to impose such a condition on a single additional unit. Any nuisance caused by the contractors is best dealt with through environmental health legislation.

A concern has been raised that a grave error has already been made in approving the existing scheme, on the grounds that one of the approved dwellings is out of character with the surrounding area by being too close to the lane. However, this scheme has already been approved and cannot be considered further here.

A concern has been raised that the proposal will result in the loss of outlook from adjoining properties. However, the planning system cannot protect private views and as such this matter cannot be considered further here. Similarly a concern has been raised that the scheme would de-value the objector's property. However, again, the planning system cannot protect the value of property and as such the matter cannot be considered further here.

Conclusion

Notwithstanding the objections received from the parish council and the neighbouring occupiers, the site is considered to be located in a sustainable location where residential development is permissible under the policies of the local plan, and positively encouraged by the provisions of the NPPF. There will be no demonstrable harm to highway safety, residential amenity, or the character of the area. As such the proposal is

considered to comply with policies ST5 and ST6 of the South Somerset Local Plan and the aims and provisions of the NPPF.

RECOMMENDATION

Permission be granted for the following reason:

01. The proposed dwelling is considered to be acceptable in principle in this location and, 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), Policy STR1 of the Somerset and Exmoor National Park Joint Structure Plan, and the aims and provisions of the NPPF.

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: 1613A-02A, 1613A-03A and 1613A-04A received 25 January 2013

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

03. No development hereby approved shall be carried out until particulars of following have been submitted to and approved in writing by the Local Planning Authority:

- a. details of materials (including the provision of samples where appropriate) to be used for the external walls and roofs;
- b. details of the recessing to be used for all new windows (including any rooflights) and doors;
- c. details of all hardstanding and boundaries
- d. details of the rainwater goods and eaves and fascia details and treatment.

Once approved such details shall be fully implemented unless agreed otherwise in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the area in accordance with policies ST5 and ST6 of the South Somerset Local Plan.

04. Before the development hereby permitted is commenced, foul and surface water drainage details to serve the development, shall be submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: In the interests of local amenities in accordance with policies St5 and ST6 of the South Somerset Local Plan.

05. Before the dwelling hereby permitted is first occupied a properly consolidated and surfaced access shall be constructed (no loose stones or gravel) details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to comply with policy 49 of the Somerset and Exmoor National park Joint Structure Plan and policy ST5 of the South Somerset Local Plan.

06. 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.

Reason: In the interests of highway safety and to comply with policy 49 of the Somerset and Exmoor National park Joint Structure Plan and policy ST5 of the South Somerset Local Plan.

07. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any revoking and re-enacting that Order) the use of the garage hereby permitted shall be limited to the domestic and private needs of the occupier and shall not be used for any business or other purpose whatsoever.

Reason: In the interests of highway safety and to comply with policy 49 of the Somerset and Exmoor National park Joint Structure Plan and policy ST5 of the South Somerset Local Plan.

Informatives:

01. Reptiles (particularly slow worms) are likely to be present on the site and could be harmed by construction activity, contrary to legislation (Wildlife and Countryside Act 1981), unless appropriate precautionary measures are employed. Suitable measures in this case are likely to include appropriate management of the vegetation to discourage reptiles away from areas of risk, and an exclusion zone that's kept free of construction activity. An ecological consultant should be commissioned to provide site specific advice.
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