

Area North Committee – 22 May 2013

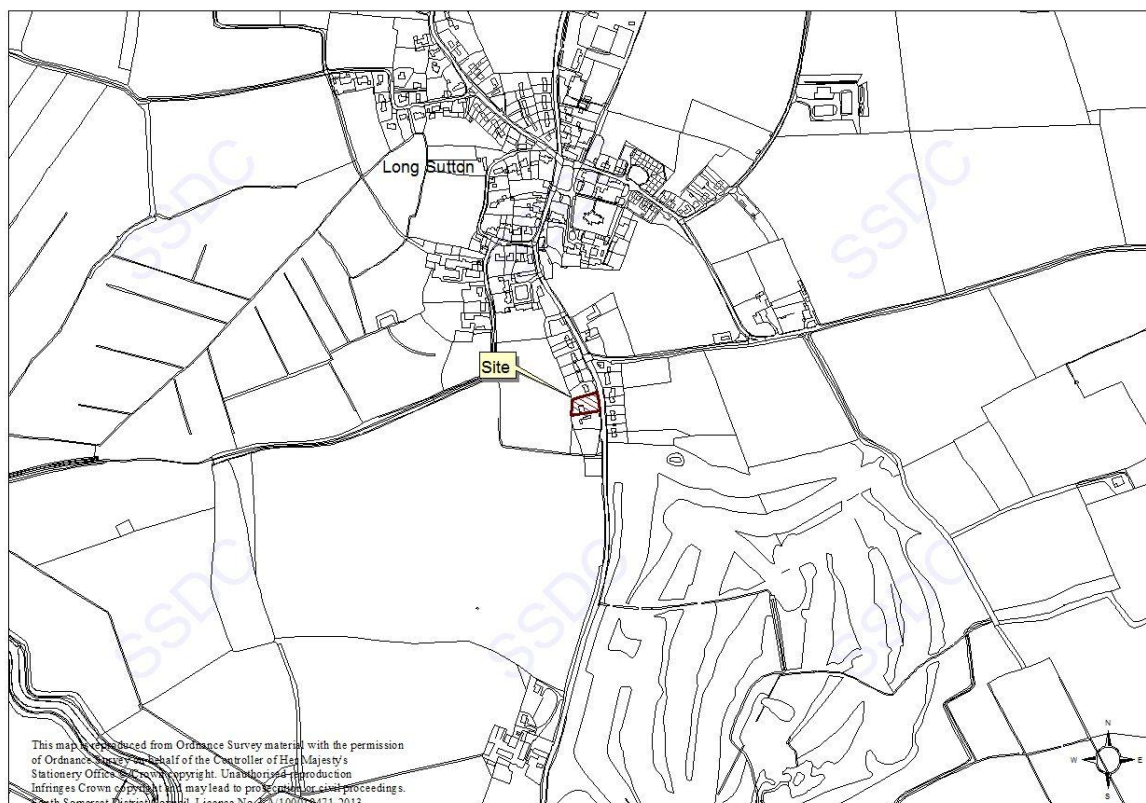
## Officer Report On Planning Application: 13/00837/FUL

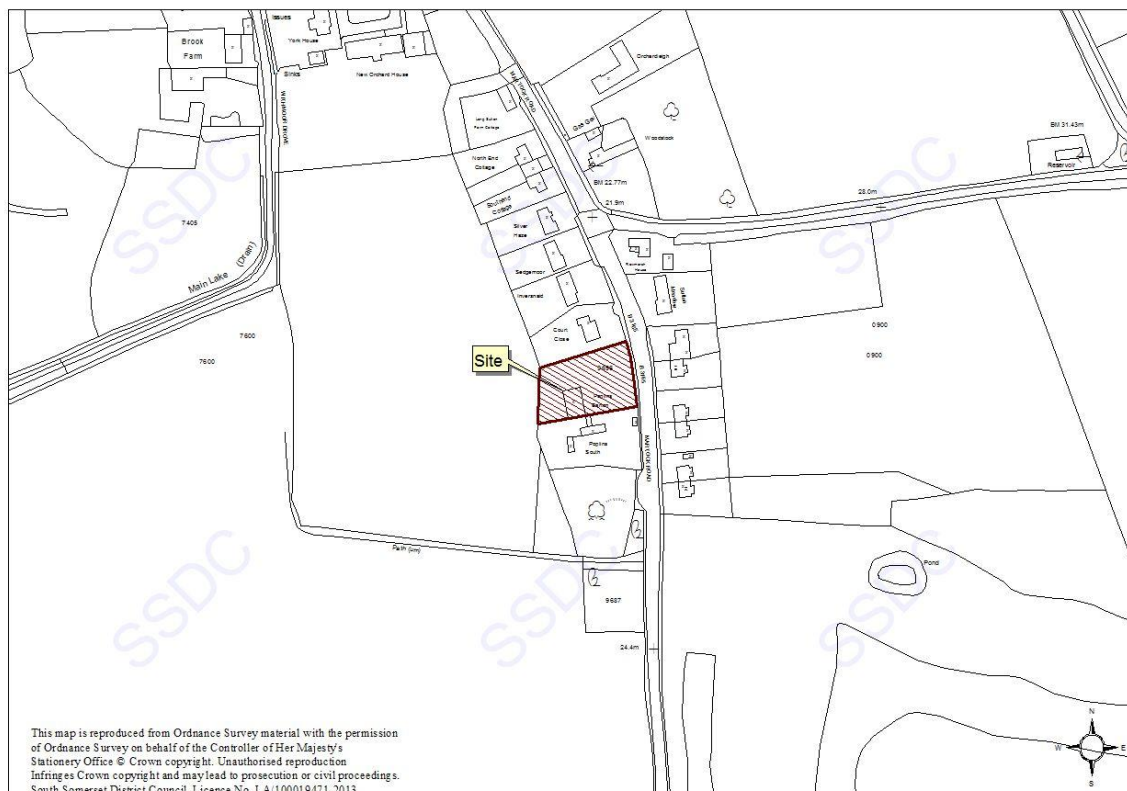
<b>Proposal :</b>	The demolition of existing bungalow, formation of new vehicular access, and erection of 2no dwellings. (GR 346935/124971)
<b>Site Address:</b>	Poplins Barton, Martock Road, Long Sutton
<b>Parish:</b>	Long Sutton
<b>TURN HILL Ward (SSDC Member)</b>	Cllr Shane Pledger
<b>Recommending Case Officer:</b>	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
<b>Target date :</b>	29th April 2013
<b>Applicant :</b>	Mr K Rutherford
<b>Agent: (no agent if blank)</b>	Mr F Della Valle Lake View, Charlton Estate, Shepton Mallet, Somerset BA4 5QE
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL COMMITTEE

The application is referred to the committee at the request of the area chair to enable the objections of the highway authority to be fully debated. The ward member has declared an interest.

### SITE DESCRIPTION AND PROPOSAL





The proposal seeks permission for the demolition of an existing bungalow, for the formation of a new vehicular access and the erection of two dwellings. The site currently contains a single storey reconstituted stone dwelling, which will be demolished to make way for the proposed. The existing dwelling currently shares a plot and vehicular access with a natural stone single storey dwelling. The natural stone dwelling is in separate ownership, and it is proposed to divide the plot, so that the retained dwelling will make use of the existing access, whilst a new access will be formed to serve the proposed dwellings. The site slopes gently to the west from the highway on the eastern edge of the site, and contains a large number of trees and shrubs. The site is located close to various residential properties and open countryside to the rear. The site is contained within a development area as defined by the local plan.

The proposed dwellings will be mirror images of each other. They will be one point five storeys high, and finished in natural stone and timber cladding, under roofs of reclaimed double roman clay tiles, with painted timber windows. It is proposed to construct the chimney stacks with red brick. The dwellings will contain integral garages. The site is currently separated from the road by a natural stone boundary wall, which it is proposed to re-align and adjust to form a new vehicular access and to achieve visibility splays. It is proposed to finish the first 5 metres of the new access in tarmac, and the remainder of the proposed driveways in self-binding gravel. It is proposed to bound the site with the re-aligned wall to the front, 1.8 metre high close board fences to the sides, and a 900mm post and rail fence to the rear.

## 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 EC3 - Landscape Character

Policy EU4 - Water Services

### **National Planning Policy Framework**

Chapter 3 - Supporting a Prosperous Rural Economy

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

Chapter 11 - Conserving and Enhancing the Natural Environment

### **South Somerset Sustainable Community Strategy**

Goal 3 - Healthy Environments

Goal 4 - Services and Facilities

Goal 8 - High Quality Homes

## CONSULTATIONS

**Long Sutton Parish Council** - Support the application subject to:

- All materials and design to match the amended plans as submitted.
- All highway issues satisfactorily resolved with the Highway Authority.
- All permitted development rights are removed to protect the site and landscape from additional development without planning permission.
- Satisfactory landscaping to protect the amenity of the neighbouring site to the south.

**SSDC Landscape Architect** - Suggests that the proposal could be seen to be over-development, but notes that the site is within the village envelope and the proposed dwellings are not overtly scaled relative to the existing dwellings. He is therefore satisfied that the site has the capacity for two houses provided that the tree officer has no concerns with the tree report. He suggests that the loss of the majority of the existing trees will change the character of the site, particularly as viewed from the west. He therefore recommends a landscaping condition, with an emphasis on additional tree planting along the site's west boundary and southwest corner.

**Area Engineer** - No comment

**County Highway Authority** - Notes that the proposed access is within a 30mph speed limit, which changes to 60mph approximately 100 metres to the south of the site. She states that whilst the site is within a 30mph zone, it is likely that traffic is travelling faster than this as accelerates and decelerates when existing and entering the village. She therefore concludes that visibility splays of 2.4m x 43m to the north and 2.4m x 70m to the south should be provided. She notes that adequate parking and turning can be provided on site. In response to further information submitted by the applicant, she notes that the required visibility cannot be achieved and recommends 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), ST5 of the South Somerset Local Plan and the NPPF, since the proposed access points to both dwellings do not incorporate the necessary visibility splays which are considered essential in the interests of highway safety for all road users."*

**Wessex Water** - No objections

**SSDC Ecologist** - Having considered the application, no comments.

**SSDC Tree Officer** - Notes several details regarding the on site trees, but states that he has no objections to the scheme. He notes the tree protection plan that has been provided, but leaves it case officer discretion as to whether this is imposed by condition. He states that his preferred option would be to concentrate on ensuring a high quality scheme of container grown trees.

## REPRESENTATIONS

One letter received from the owner of the neighbouring property to the south. The letter requests the use of landscaping, rather than the proposed boundary fence, to protect the amenity of the occupiers of his property.

## CONSIDERATIONS

### Principle of Development

The site is located within a development area in an area that is considered to be sustainable. As such, the principle of residential development at this location would normally be supported by local and national policies.

### Residential Amenity

It is not considered that the proposed dwellings will have any significant adverse impact on the residential amenity of adjoining properties, subject to a condition to ensure that the proposed first floor windows on the side elevations are obscurely glazed and of restricted opening. There may be some inter-overlooking between the two proposed properties, given the proposed rear elevation balconies. However, it is proposed that panelled screens will be erected on the side elevation of the proposed balconies, which will help to reduce such overlooking, and the details of which can be secured through the imposition of a suitable condition. The parish council and the owner of the neighbouring

property have requested landscaping to the southern boundary to protect the amenity of the neighbouring occupier. However, such landscaping is not considered necessary given that a condition can ensure that there is no overlooking from the proposed first floor side elevation windows, and first floor windows to the rear elevation will not cause an unacceptable level of overlooking.

### **Visual Amenity**

The proposed dwellings are considered to be of an appropriate standard of design and materials, which satisfactorily reflects the character of the area. They will be one point five storeys high, whilst the properties to either side are single storey. However, there are a number of two storey properties present in the street scene, so the height of the buildings will not appear at odds with the overall character of the area.

The Landscape Architect has indicated that he is satisfied with the impact of the scheme on the surrounding landscape subject to the imposition of a condition to secure a scheme of landscaping with an emphasis on tree planting along the site's west boundary and southwest corner.

The parish council has requested that the permitted development rights are all removed from the properties to prevent harm being caused to the surrounding landscape. However, it is not considered that the landscape or surrounding area are so sensitive as to warrant the removal of nationally granted permitted development rights, and therefore such a condition would not be necessary and would be contrary to government advice.

### **Highways**

The highway authority has stated that due to the proximity of the site to a 60mph zone visibility of 2.4m x 43m to the north and 2.4m x 70m to the south should be provided. The agent has advised that it is only possible to achieve visibility of 39 metres to the south and 44 metres to the north. As such the level of visibility that can be achieved to the south is approximately 31 metres less than the highway authority has requested. The agent has argued that the site is 30 metres further into the 30mph zone than the highway authority has stated and that existing rumble strips alert drivers of the speed limit. He also refers to a recent decision approving a site on 30/60mph transition. However, the site referred to can achieve 90 metres of visibility to the south (towards the 60mph zone), which the highway authority consider to be satisfactory. It is not considered that the difference of 30 metres (between the 100 metres quoted by the highway officer and the 130 metres quoted by the agent) and the presence of rumble strips on the road, is sufficient reason to outweigh the highway objection on this relatively busy 'B' road.

### **Other Matters**

The SDDC Tree Officer was consulted and raised no objections to the scheme. He left it to case officer discretion as to whether the submitted tree protection plan should be imposed by condition. He stated that his preferred option would be to concentrate on ensuring a high quality scheme of container grown trees. It is therefore not considered necessary to impose a specific tree protection condition as the tree officer is ambivalent and, in any case, this could be satisfactorily controlled through a suitable landscaping condition on any permission issued.

The SDDC Ecologist has raised no concerns.

**Conclusion**

Notwithstanding the acceptable impact on visual and residential amenity, and the support of the principle of the scheme, it is not considered that there is any justification to override the advice of the highway authority, and the recommendation must be for refusal of the scheme for the reason outlined by the county highway authority in their consultation response.

**RECOMMENDATION**

Permission be refused for the following reason:

**SUBJECT TO THE FOLLOWING:**

01. The proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 2000), ST5 of the South Somerset Local Plan and the NPPF, since the proposed access points to both dwellings do not incorporate the necessary visibility splays which are considered essential in the interests of highway safety for all road users.
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