

Area North Committee – 22 May 2013

## Officer Report On Planning Application: 13/00933/FUL

<b>Proposal :</b>	Adapting an access to two residential dwellings.(GR 339199/124176 )
<b>Site Address:</b>	1 And 2 The Cottages, Lower Wiltown, Curry Rivel
<b>Parish:</b>	Curry Rivel
<b>CURRY RIVEL Ward (SSDC Member)</b>	Cllr T Mounter
<b>Recommending Case Officer:</b>	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
<b>Target date :</b>	2nd May 2013
<b>Applicant :</b>	Mr H & R Lang
<b>Agent: (no agent if blank)</b>	Mr John Wratten The Waggon Shed, Flaxdrayton Farm, Drayton, South Petherton, Somerset TA13 5LR
<b>Application Type :</b>	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 in relation to a B class road.

### SITE DESCRIPTION AND PROPOSAL





The proposal seeks permission for the adaptation of an existing lay-by to form a vehicular access, and to form parking areas to serve two dwellings. The properties consist of a pair of two storey semi-detached houses constructed of brick. The houses are located close to various residential properties and open countryside. The access driveway and parking area will be constructed of tarmac and gravel.

## 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.

### 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 - Supports the application.

SSDC Technical Services - No comment

County Highways - Raises a concern that the two dwellings will not be served by sufficient parking and turning areas to serve both dwellings, with the proposed shared turning area possibly leading to conflicting movements occurring between the two households. In addition the highway authority is concerned that application has not demonstrated, to the highway authority's satisfaction, that the required level of visibility can be achieved on land within the application site. The highway authority notes that whilst the agent considers the proposal to be an improvement, there is no control over the existing situation and they consider that the proposal introduces new hazards. The highway authority therefore recommends refusal for the following reasons:

*"Adequate provision cannot be made on the site for the parking and turning of vehicles in a satisfactory manner. The proposal is therefore contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 2000) and ST5 of the South Somerset Local Plan.*

*The proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 2000) and ST5 of the South Somerset Local Plan, since the adapted access does not incorporate the necessary visibility splays which are essential in the interests of highway safety."*

## REPRESENTATIONS

Two letters of support have been received from the occupiers of neighbouring properties and a third letter of support received from the occupier of a property elsewhere in Curry Rivel.

## CONSIDERATIONS

### Residential Amenity

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

### Visual Amenity

The proposed parking areas, driveways, 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 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, and that the proposed parking and turning layout is substandard, in that in order to enter and leave the site in a forward gear the occupiers would have to make use of a shared turning area.

However, it is noted that improved visibility can be achieved in both directions, albeit not to the standard requested by the highway authority. It is also noted that the proposal provides extensive parking and turning areas, again not quite to the standard required by the highway authority. However, whilst the standards are not quite met, the proposal, as highlighted by the neighbouring occupiers and the applicant's agent, represents a significant improvement on the existing layby arrangement. Given that the proposal represents such a significant and obvious improvement on the existing situation, and does not represent any intensification of use, it is not considered possible to sustain an argument for refusal on the basis of highway safety grounds.

## **Conclusion**

As such, notwithstanding the concerns of the highway authority, the scheme should be recommended for approval.

## **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 details and specification set out on the following approved plans: LANG HF8-5 Rev A received 01 May 2013.

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

03. Prior to the access hereby approved first being brought into use the visibility splays in which there should be no obstruction greater than 900mm, and as denoted on drawing no. LANG HF8-5 Rev A received 01 May 2013, shall be 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.

04. 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

05. 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 residential use of the dwellings known as 1 and 2 The Cottages..

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

06. 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

07. 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

08. 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