

Area North Committee – 26 February 2014

Officer Report On Planning Application: 12/03954/FUL

Proposal :	The erection of two detached dwellinghouses, two detached double garages and road improvement works (GR 342836/116793)
Site Address:	Land At: Sheria Cottage, Whitfield Lane, South Petherton.
Parish:	South Petherton
SOUTH PETHERTON Ward (SSDC Members)	Cllr Paul Thompson Cllr Barry Walker
Recommending Case Officer:	Linda Hayden Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
Target date :	6th December 2012
Applicant :	Mr D C Banks
Agent: (no agent if blank)	Paul Rowe , Caparo, 11 Mervyn Ball Close Chard. Somerset TA20 1EJ
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

This application is referred to committee at the request of the Ward Members with the agreement of the Development Manager to enable the issues raised to be fully debated.

SITE DESCRIPTION AND PROPOSAL





The application site forms part of the large garden of the property 'Sheria Cottage'. The site is situated to the west of South Petherton at the village edge. The site is accessed via Whitfield Lane which is an unclassified road as well as a public footpath.

The application proposes the erection of two detached 4-bedroom properties together with two detached double garages. The proposed materials for the dwellings are red brick and concrete tiles that will match with the existing property. The properties will be served off the existing access that will be improved as it will also continue to serve the existing dwelling (improvements to which are proposed under ref 12/03953/FUL). Additional highways improvements are also proposed to the bend in Whitfield Lane to the north-east of the site. These works would include widening of the carriageway that will necessitate the removal of hedgerow and the relocation of a telegraph pole.

The site is located within the defined development area of the village.

HISTORY

12/03953/FUL Extension and alteration works to existing dwellinghouse and the erection of a detached double garage. Pending Consideration.

There is no other planning history for the site.

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 South Somerset Local Plan:
Policy ST5 - General Principles of Development

Policy ST6 - The Quality of Development
 Policy HG1 - Provision for New Housing Development

National Guidance
 National Planning Policy Framework - March 2012
 Chapter 6 - Delivering a Wide Choice of High Quality Homes
 Chapter 7 - Requiring Good Design

South Somerset Sustainable Community Strategy:
 Goal 7 - Distinctiveness
 Goal 8 - Quality Development
 Goal 9 – Homes

Somerset County Parking Strategy 2012

CONSULTATIONS

South Petherton Parish Council - In response to the original plans, the Parish Council commented that both applications should be considered together as cross references to each application are made in both applications. The Parish were unclear as to the extent of works (chiefly access) that would be carried out if only one of the two applications was approved.

South Petherton PC concluded that these applications, as proposed, do not represent sustainable development and should be refused. They were concerned that the double garage forward of the main dwelling introduces a built mass out of keeping with this location and, application 12/03954/FUL together with the road and access improvements (which to some extent apply to both applications) do not provide safe and adequate access to the site nor are they consistent with the local character and history of the surrounding area. They consider that these applications represent unsustainable and inappropriate garden development and are therefore contrary to the NPPF and saved policies ST5 and ST6 of the South Somerset Local Plan (2006) and strongly recommends refusal.

In response to the amended plans in relation to the highways improvements, the Parish repeated their earlier comments as these alterations make no significant difference and as such maintained their strong recommendation to refuse the applications.

County Highway Authority – *‘The proposal relates to the erection of two new dwellings.*

Off site Highway Works:

The applicant has amended the proposed off site highway works. The amended scheme has re-aligned the widening of the bend on Whitfield Lane to allow two-way vehicle flow. These drawings have been subject to a Safety and Technical Audit. The report has been returned to the applicant for their information.

Having read the audit report it appears that in feasibility terms the proposed layout shown on Drawing No. SCSP3 Rev 5 is considered acceptable. As a consequence the Highway Authority has no objection to these works.

Internal Layout and Design:

The applicant should be aware that it is likely that the internal layout of the site will result in the laying out of a private street, and as such under Section 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code (APC). Given the

constraints of the existing access, it will not be possible to construct an estate road to a standard suitable for adoption. Therefore in order to qualify for an exemption under the APC, the road should be built and maintained to a level that the Highway Authority considers will be of sufficient integrity to ensure that it does not deteriorate to such a condition as to warrant the use of the powers under the Private Streetworks Code.

In the Highway Authority's previous observations there were concerns over the internal dimensions of the proposed garages. The Highway Authority required amended drawings showing that the garages meet with the design guidelines set out in the Parking Strategy. However these drawings have not been received. In regards to the internal layout it is likely that it would remain privately maintained. As such the Highway Authority has no further comments on this, although suitable drainage detail would need to be provided on where it will be connected into the existing drainage system.

At the point of access I am satisfied that suitable visibility can be provided in either direction.

Local Resident Observations:

I understand from speaking with the Local Planning Authority that a number of representations have been received from local residents raising concerns over this proposal. I will try and address these below.

One of the main objections relates to the proposals resulting in an increase in vehicle movements on Whitfield Lane and also Palmer Street. The residents have raised concerns that Palmer Street is not up to a suitable standard to accommodate the additional traffic that would be associated with this proposal. It is noted that Palmer Street does not provide the standard width for two-way vehicle flow. However this is for only 0.7km between the junction of Compton Road and Whitmore Lane. Manual for Streets states that in some situations narrowing of a carriageway over a short distance can be considered acceptable. In this instance it is the opinion of the Highway Authority that although this section of Palmer Street is narrow it is for a short enough distance that it can be considered acceptable to take the level of traffic associated with this proposal.

The residents have also raised concerns over the increase in vehicle movements as a result of these proposals. It should be noted that one of the applications relates to the extension of the existing dwelling. As a consequence the level of movements associated with this dwelling should be included with the other units which are served from Whitmore Lane. As such the net gain in terms of dwellings would be two, as per the second planning application. Whitmore Lane currently serves 8 dwellings, including Sheria Cottage, this would equate to 64 vehicle movements per day. In addition there are 24 allotments situated at the top of Whitmore Lane it is likely that they will average one trip per day, which equates to 2 movements, as such the site as a whole could generate a maximum of 48 vehicle movements per day. As such the maximum level of movements that could be generated on Whitmore Lane per day is 128 movements. This does not include delivery, waste and emergence vehicles. The proposed two dwellings would generate a maximum of 16 additional vehicle movements. Therefore the proposal would see an increase in vehicle movements onto Whitmore Lane, however this is not significant enough for the Highway Authority to raise objection to this element of the proposal.

In regards to the above paragraph it should be noted that the applicant has looked to compensate for the increase vehicle movements by proposing the off site highway works that will widen Whitmore Lane at the bend to allow two-way vehicle flow and improve capacity of the lane.

Another point of concern related to the increase use of the junction of Whitmore Lane

with Palmer Street. I note the residents concerns over visibility, especially to the left of the junction, however as set out above the lane already carries a significant volume of traffic and it is the opinion of the Highway Authority that two additional dwellings will not have an impact on the capacity of this junction. In addition according to the Highway Authority's records there have been no recorded accidents on or near this junction in the last five years.

The local residents have also raised the previous planning history, from the details provided it is apparent that there have been two planning applications refused in the vicinity of these planning applications. I have read the 1980 planning appeal and I note the inspector's comments that there shouldn't be an increase in vehicle movements. However since this appeal this section of highway has seen an increase in movements, in particular the allowance of 24 allotments. In regards to the 1996 application I take on board the points raised, however since this application policy has changed and every application must be judged on the information that has been submitted in addition the level of vehicle movements would have 'naturally' increased on Whitmore Lane since this application was submitted.

Finally there has been an issue raised over land ownership, I have spoken with our Road Records Team and they have checked our records and it is apparent that the lane has been adopted highway since the 1950s. As such I am satisfied that the proposed highway works are within the boundaries of what is considered to be adopted highway.'

If permission is granted the County Highway Authority recommend the imposition of a number of conditions to control:

- Submission of detailed plans for highways works (such works to be completed prior to occupation of the dwellings).
- Condition survey of existing highway
- Construction Environmental Management Plan
- Consolidated Access
- Details of estate roads and ancillary development
- Restriction on use of garages
- Parking and turning to be kept clear

The County Highway Authority has been asked to comment upon a number of refusals (and appeals) which have stated that the existing junction with Palmer Street is substandard. The County Highway Authority respond '*... since 2007 policy has changed sufficiently with the National Planning Policy Framework (NPPF) being more pro development and proposals should only be refused if the impact of the proposal is considered to be severe. As a consequence it is the opinion of the Highway Authority that this proposal cannot be considered severe, and therefore we are not recommending refusal of the planning application.*'

Rights of Way Officer - Notes the earlier refusal of permission for an additional access onto Whitfield Lane where he advised of his concerns regarding the visibility at the junction with Palmer Street. Also notes that the route is now dual classified. He confirms that the Parish Council consulted him regarding the improvements required to Whitfield Lane as part of the provision of parking for the allotments.

Tree Officer - Does not consider that any trees on the site are worthy of constraining development.

Natural England – Refer to Natural England Standing Advice and advise that if removal of habitat features become necessary then applicant should be reminded that it may be necessary to undertake further surveys.

Ecologist – Notes that several metres of hedge will be lost but given that this is at the

end of the hedge any associated wildlife impacts would be negligible. Also notes that such a small amount of loss would be minor in terms of the hedge's historic value or in connection with the Hedgerow Regulations. As such, the Ecologist does not consider that the loss of the hedgerow represents a constraint nor a reason to object to the proposed widening but suggests a condition be imposed to require replanting of the hedge.

In terms of the possibility of bats being present on the site, the Ecologist advises that the new proposed dwellings (and subsequent loss of a number of small outbuildings) is unlikely to give rise to any significant wildlife impacts. He considers that the existing structures appear unsuitable and very unlikely to be used for roosting bats. He notes that whilst bats may forage over the garden such feeding habitat isn't protected by law and the site would represent only a very small proportion of any bat's overall feeding territory.

In response to comments from neighbours, the Ecologist notes that a longer length of hedge may be affected but this does not justify a refusal on ecological grounds. He notes however that clarification needs to be sought about the extent of the highway verge. He also comments that having seen photos of the outbuildings he still regards the outbuildings as being unlikely to contain bat roosts and there is no justification for any further survey or investigation in this respect.

CPRE - Notes that Whitfield Lane is an important public footpath used by many residents, horse riders and allotment holders for quick access to open country/allotments. Advise that anything that would tend to increase motor traffic along the lane should be avoided. They consider that the suggested widening would do nothing to solve the restrictions of the two pinch points (at the bend and at the junction with Palmer Street).

Open Spaces Society – Advise that Whitfield Lane is a designated footpath but questions the right for allotments holders to use the end part of the lane. Notes that the Lane is probably the most walked footpath in the village. Advises the lane is not currently a bridleway but a claim for such rights is likely to be granted which would result in increase in horses/riders using the Lane. Believes that, at present, the safety of the lane is enhanced by its narrowness which causes drivers to be cautious; the proposed widening will make it more hazardous for pedestrians, riders and vehicles. Whilst there is no record of traffic accidents, they have witness several 'close shaves' when walking along the lane. Conclude that the input from SCC Highways is deeply disappointing; the Safety Audit is very thin. Recommend that the application is refused until such time as SCC completes a more comprehensive risk assessment covering all user groups.

Senior Historic Environment Officer - Advises that there are limited or no archaeological implications to this proposal and therefore has no objections on archaeological grounds.

Area Engineers - No comment.

REPRESENTATIONS

In response to the original plans twelve letters of objection were received from the occupiers (and representatives) of properties in South Petherton (a number of letters dealt with both applications 12/03953/FUL and 12/03954/FUL):

Objections were raised on the following grounds:

- The proposals (for extensions and two additional dwellings) could result in an additional 12 cars using the lane along with service vehicles and visitors.

- The Lane has always been difficult to negotiate.
- The amount of traffic has been increased by the 24 new allotments which were added in 2010.
- The lane is used by residents, local hiking group, dog walkers and horse riders.
- Even with highways improvements bend would still be single track.
- There is an existing sign stating the lane is 'unsuitable for HGV's' and so would be unsuitable for construction traffic.
- There is potential for damage to properties and cars along the lane; cars have already been damaged when parked on the lane.
- Do not see the need for additional development that will cause serious disruption to the quality of life enjoyed by residents. There is a need for smaller affordable homes not large detached dwellings.
- There is a history of refusals for development within the Lane due to the additional traffic and the sub-standard access at the junction with Palmer Street. These decisions have been upheld at appeal.
- The combination of the two proposals is totally out of keeping with the existing pattern of development and the street scene. Contrary to PPS1.
- Suggest if permission is approved a condition be imposed to require retention of the existing tree and hedge.
- The Highways Authority and SSDC have said that the junction of Whitfield Lane and Palmer Street is seen to be seriously substandard and that existing vehicular conditions should not be allowed to deteriorate.
- Removal of bollard would result in damage to boundary walls of adjacent property.
- Density of area should not be destroyed.
- Highways changes and new access damage the character of the area.
- Any new building sets an undesirable precedent.
- Access to Whitfield Lane by large lorries is almost impossible; road condition would not support heavy lorries.
- The lack of passing points means that vehicles may have to reverse considerable distances and out onto busy roads with poor visibility.
- Changes to highways will infringe on private land.
- There is a hidden drive near the site.
- Proposals for extension to dwelling should from an entirely separate application.
- Development would result in construction machinery and additional traffic that would be detrimental to the peaceful nature of the surrounding environment. This would be in contravention of Human Rights Act First Protocol Article One and would impact a homemaker and future earnings.
- Properties would result in loss of privacy to neighbour through overlooking in contravention of Human Rights Act First Protocol Article One and Article Eight.
- New property would overshadow neighbouring garden in contravention of Human Rights Act First Protocol Article One.
- Proposals are contrary to Local Plan Policies ST5 and HG5, TA5 and paragraph 7.60 of the Proposed Submission local plan and the NPPF (Section 4 and; paragraphs 48, 50, 53 and 58) as they represent unnecessary and inappropriate development of residential garden that adversely impacts upon highway safety.

A petition was also submitted with 136 signatures stating that the undersigned objected to both applications on the grounds of; increased traffic which would prove hazardous to users of the lane and would exceed capacity for traffic on a narrow adopted lane leading into a bridleway; increased noise levels; and potential hazard in a narrow part of street where vehicles are parked.

In response to the first set of revised proposals for the highways improvements and subsequent Highways Audit from the County Council an additional nine letters of objection were received. The objectors (and representatives) repeat their earlier

concerns and the following additional objections:

- Note that the revised highway design was not part of the application for extension to the dwelling.
- Note that limited development could take place under permitted development rights
- The works to the existing property are so substantial that it is reasonably foreseeable that the future owners would have more cars than the existing dwelling, resulting in an increase in traffic along the Lane; any highway improvement works should apply to application 12/03953/FUL.
- Widening of bend could exacerbate flooding problems during heavy rainfall.
- The plans and Highways Audit only addressed the issue of the bend they do not deal with the major issues of; the junction of Palmer Street and Whitfield Lane which is extremely narrow with poor visibility; and conflict between pedestrians, horse riders and vehicular traffic. An Inspector's decision from 1981 and subsequent correspondence from the Planning Office in 1996 state that the junction is substandard.

In response to the second set of amended plans (submitted in response to Highways queries) a further twelve letters of objection were received again reiterating previous concerns and the following additional comments:

- The land is not within the public highway and permission will not be given for proposed alterations.
- There is more agricultural traffic during the summer further contributing to the danger at the Whitfield Lane junction.
- A flat kerb on the outer bend can only be seen to cause a hazard for pedestrians.
- The exact location of the telegraph pole is not shown correctly and it could become an obstacle.
- Increased areas of tarmac will increase surface water, proposed kerbs will prevent natural soakage and flooding could result. Gullies are insufficient.
- Any figures obtained from a traffic count taken at the start of 2013 should be treated with a significant degree of caution because the traffic attributable to the allotments and bridleway will be significantly less at this time of year.
- Careys Hollow/Palmer Street is a narrow rural lane which makes up part of Sustrans National Cycle Route 33/339 which encourages and receives considerable bicycle traffic. Additional traffic will put all road users at risk.
- An appeal decision from 1967 for a dwelling adjoining Whitfield Lane is quoted stating one of the reasons for refusal 'the site is served only by a narrow lane which is inadequate to serve further residential development and the proposal would not be in the interests of safety and convenience of road users.'

In response to the third set of amended plans showing the relocation of the highway improvements to the outer part of the bend an additional seventeen letters (some objectors have submitted more than one letter) were received again reiterating previous concerns and the following additional comments:

- On the County Council's calculations, the two new dwellings would result in a 12.5% increase in traffic using Whitfield Lane and the junction onto Palmer Street. Dispute the County Council's view of 10 October that this is not significant.
- Whilst there have been no recorded accidents at the junction with Palmer Street in the last five years there may well have been unreported accidents.
- The fact that allotments have been allowed and there may well have been a natural increase in traffic should not be used to justify making an existing bad situation worse.

- There have been five incidents of vehicle and property damage on or near the junction with Palmer Street.
- There have been recent incidences of HGV's becoming stuck in the entrance to the Lane due to the presence of stone walls on either side of the lane.
- The revised plans are wholly inaccurate and show the hedge incorrectly sited. The highways works would require the removal of in excess of 20m of hedgerow and embankment in direct contravention of Hedgerow Regulations.
- County Highways requirements for estate roads and street lights would be inappropriate and unsympathetic to the character of the local environment.
- The road has noticeably narrowed over last few years; this was not addressed when resurfacing was recently undertaken as Highways department advised there was no budget.
- Drain is dangerous broken and has not been repaired.
- Concerned about damage to conservation area.
- SSDC has a duty to uphold the Hedgerow Regulations. There will not be sufficient space to provide a replacement hedge.
- Bats have been seen in the area and without a proper survey it is not possible sustain the Ecologist's conclusions.
- The proposed widening includes land outside of the highways verge that does not have the consent of private landowners.
- It will not be possible to replant the hedge within the highways verge.
- Refer to a 2007 application a new access to be served off Whitfield Lane where the County Highway Authority recommended refusal as it considered the junction with Palmer Street to be substandard.
- A number of objectors question the Ecologist's comments with regard to the removal of the hedgerow and possible impact upon bats.
- Question the County Council's interpretation of the NPPF's transport policy; Paragraph 32 refers to the capacity of the transport network and requires that 'a safe and suitable access to the site can be developed for all people.' There is no difference between the NPPF and Policy 49 of the Structure Plan and therefore no justification or the County Council's change of position.
- The submitted plans do not show any visibility splays at the entrance to the site.

In response to the last set of amended plans (showing more details of the proposed highways improvements), four additional letters have been received making the following additional comments:-

- The amended plans now give a true picture of the extent of the loss of important protected hedgerow and there is still no evidence that the land to the north-east is available for highway use.
- With difficulties in ascertaining extent of highway a condition should be imposed requiring the highways works to be carried out prior to construction of new dwellings.
- The bank is extremely steep; the provision of a kerb would do nothing to stop the bank and adjoining garden from collapsing into the lane. Query if the relevant landowner at No. 36 Summershard has been notified (Officer Note: A letter of notification has been sent to this address).
- The new plans confirm that there is no land to replace the hedge so it will not be possible to impose a condition requiring the hedge to be replanted as requested by the Ecologist.
- Widening of lane will be for private interest of the applicants only; it is not an improvement but at variance with local character and will result in loss of amenity.
- The effect of development upon a Public Right of Way (PROW) is a material consideration and SSDC should ensure that the potential consequences are taken into account. Question of the relevant notice has been displayed.

- Understand that the requirement to keep a PROW open for public use precludes the developer from using it as a vehicular access unless there are existing additional private rights.
- Under the Statute Law for boundaries none of the bank is available for highway use; the highway verge only constitutes an area adjoining the lane the width of a kerbstone.
- Concerned that County Council have not addressed the issue of previous refusals and Inspectors comments.
- Destruction of bank and hedgerow will mean that surface water from field will drain straight into the lane.

CONSIDERATIONS

Principle of Development

The site is located within the designated development area, where the principle of development is accepted, subject to compliance with other development plan policies. One of the core principles of the recently published National Planning Policy Framework (NPPF) is to encourage the effective use of land by reusing land that has been previously developed (brownfield land). Although gardens are no longer considered to comprise previously developed land this does not prevent the use of garden areas for additional housing, as most gardens in towns/villages are within the identified development envelope of their settlement (as in this case), and in appropriate cases development can be permitted which would retain the existing character and not harm residential amenity. There is, therefore, no government policy preventing the use of this site for the erection of houses, subject to compliance with other development plan policies (relating to protection of the character of the area, neighbour amenity, parking etc.).

Policies ST5 and ST6 of the Local Plan lay down very clear guidelines for development, in particular that it should be of a high quality, compatible with the setting and local character. Adequate access should be provided, and the residential amenity of neighbouring properties should not be harmed. As such it is a matter of assessing the material considerations.

Highway Safety

This application has been subject to lengthy negotiations with the County Highway Authority and this has resulted in a number of amendments to the proposed highways improvements works on the bend ('the bend') in Whitfield Lane to the north-east of the application site. The plans now show the widening of the outer part of the bend to allow for increased manoeuvrability within this part of the Lane. The works will require the removal of a 15-20m stretch of hedgerow along with the relocation of an existing telegraph pole. Queries have been raised about the ownership of the land where the works would take place but it is the view of both the County Highway Authority and the applicant's agent that the works will be contained within the highways verge.

The County Highway Authority has concluded that with the proposed road widening, the proposal for two new dwellings is acceptable. The previous refusals and highways comments along with appeal decisions that have raised the issue of the access with Palmer Street have been forwarded to the County Highway Authority for comment. It is the view of the County Highway Authority that the introduction of the NPPF has resulted in a more pro-development approach and that proposals can only be refused where the highways impact is 'severe'. As such, they consider that the increased use of the junction is acceptable as is the increased use of the Lane. Therefore, it is considered that it would be difficult to sustain a reason for refusal on highways grounds as any subsequent

appeal would not benefit from supportive evidence from the County Highway Authority. Furthermore, as mentioned by the County Highway Authority, the NPPF states development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe (para 32). Without support from the County Highway Authority to this effect it is not considered that the application could be refused on the basis of the adverse impacts upon highway safety. It is, however, recommended that the highways condition regarding the improvement works be amended to ensure that the works are completed prior to the commencement of the development. As such, if it were to be proven that the proposed works were not within the adopted highway then no further development could take place.

With regard to the County Highway Authority comments regarding the size of the garage, the internal space within the garage would clearly have sufficient space for two cars and along with the two additional parking spaces the proposal is considered to be acceptable in this regard.

Visual Amenity

The area is of very mixed character with decreasing density as one moves along the Lane from Palmer Street. The properties around the application site are large detached dwellings within generous plots. The proposed dwellings have been designed to reflect the simple design of the existing cottage, there will be small amounts of brick detailing around the windows with tiled details at the eaves. This is considered to be a suitable approach for the site and will ensure that the dwellings sit appropriately within the street scene as there is no definitive character in terms of house types within Lane. In terms of materials the predominant material is hamstone, the existing dwelling is, however, red brick and the proposed dwellings will be constructed in red brick to match. This is considered to be an acceptable material in light of the mixed nature of the surrounding development.

In terms of the layout, the dwellings will be in tandem form with one dwelling (Plot 1) to the front of the site but set back from the road by 7m, the other property (Plot 2) is proposed at the rear of Plot 1 slightly set back from the front of the existing cottage. Each property includes a detached double garage with that for Plot 1 being set to the side and rear of Plot 1, the garage for Plot 2 would be placed at the side and front of the proposed property. This is considered to be a suitable arrangement that provide an acceptable form of development within the vicinity. The existing access will be retained but with some small modifications to improve the visibility through the removal of parts of the hedge and bank at the entrance to the site. All of the remaining mature hedging around the site is to be retained and it is felt that this will soften the potential impacts of the new development.

Accordingly it is considered that subject to the submission and approval of appropriate materials, the proposed development reflects the existing character and design of the area.

Residential Amenity

In light of the large size of the plot and it's siting next to agricultural land, there is only one boundary that is shared with an existing dwelling, this is 'Lucere' to the north-east of the site. Lucere is however situated on the boundary farthest from the application site and as such it is considered that the proposed dwellings will not be overbearing or result in unacceptable loss of amenity through overlooking or loss of light. In terms of the relationship with Plot 1, this sits in approximately the same building line as Lucere but is over 13m from the side elevation, no windows are proposed on the side elevation. In terms of Plot 2, there is a 30m distance between the proposed dwelling and Lucere with a double garage to provide further screening. In the circumstances, it is not considered

that the proposal would result in such a significant loss of amenity to the occupiers of Lucere as to justify a reason for refusal on such grounds. In terms of other dwellings within the vicinity these are considered to be at sufficient distance from the site and therefore the proposal will not harm the residential amenity of the area.

Other Issues

Ecology

The Council's Ecologist is satisfied that there is no requirement for a bat survey as he doesn't regard there to be a reasonable likelihood of bats being present and affected by the development.

In terms of the removal of the hedge for the highways improvement works, the Ecologist considers that there is no significant ecological reason to object to the removal. He has encouraged the reinstatement of the hedge where possible but it is not considered that the lack of a replacement hedge would render the proposal unacceptable.

Public Right Of Way

There has been no objection to the proposal in terms of the impact upon the footpath from either the Rights of Way Officers at the County Council or SSDC. It is not considered that the improvements to the bend will adversely impact upon the use of the Right of Way.

Human Rights

Each report for a planning application has to consider in detail the competing rights and interests involved in the application. Having had regard to those matters in light of convention rights referred to within the Human Rights Act 1998, it is considered that the recommendations made within this report are in accordance with the law, proportionate and both necessary to protect the rights and freedoms of others and in the public interest.

Drainage

The area Engineer has no comments to make upon the proposal but in light of resident's concerns it is considered appropriate to include a condition relating to foul and surface water drainage.

Construction Traffic

A number of concerns have been raised regarding the possible issue of the impact of construction works. Unfortunately construction by its very nature is disruptive and this can rarely, if ever, justify withholding permission. In this case it is considered that the imposition of a condition to require the agreement of a Construction Management Plan would reasonably enable the local planning authority to exert an appropriate degree of control over HGV movements along the Lane.

EIA

The requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 have been considered. The proposals do not fall within Schedule I and due to the scale, size and nature is not considered to fall within Schedule II. Therefore the proposal is not considered to require an EIA.

Conclusion

The proposal is of an acceptable form, density, design, and layout and would not have a significant adverse impact upon neighbouring amenity. Whilst there is clearly considerable concern about the potential highways impacts, the County Highway Authority have no objection to the application subject to the imposition of appropriate conditions. As such, it is not felt that a reason for refusal on highways grounds could be substantiated and, if necessary, defended at appeal. Therefore, the proposal is considered to be acceptable in terms of its impact upon highway safety. As such, the application is considered acceptable.

RECOMMENDATION

Approve

Justification

The proposal is located within defined settlement limits where the principle of new housing is considered acceptable. The proposed access and parking arrangements would be satisfactory and the proposed dwellings and garaging would not have a detrimental impact on the visual or residential amenity of the area. Therefore the proposal is considered to accord with Policies ST5, ST6 and HG1 of the South Somerset Local Plan 2006 and the aims and objectives 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: SCSP1, SCNDHP1, SCNDHP2, SCNDHP3 received 10/10/2012; SCSP4 Rev 5 and SCSP3 Rev 5 received 19/2/2013; and SCSP7 Rev 6a, SCSP8 Rev 6a and SCSP9 Rev 6 received 6/2/2014.

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, materials and finish (including the provision of samples where appropriate) to be used for all new windows (including any rooflights) and doors;
 - c. details of all hardstanding and boundaries (including the access over the first 5m);
 - 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 2006.

04. Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority. For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority. The scheme of landscaping shall include the highways improvements at the bend to the north-east of the site shown on Drawing No. SCSP8 Rev 6a received 6/2/2014.

Reason: To ensure that the proposed development makes a satisfactory contribution to the local character and distinctiveness of the area in accordance with South Somerset Local Plan Policy ST6.

05. Before the development hereby permitted is a commenced details of the proposed highway works shown on drawings SCSP4 Rev 5 and SCSP3 Rev 5 received 19/2/2013; and SCSP7 Rev 6a, SCSP8 Rev 6a and SCSP9 Rev 6 received 6/2/2014 shall be submitted to and approved in writing by the Local Planning Authority.

Once approved no development, other than site clearance and any investigation works that are required, shall be carried out until such time as any off-site works have been fully completed to the satisfaction of the Local Planning Authority.

Reason: In the interest of residential amenity and highway safety further to policies ST5 and ST6 of the South Somerset Local Plan 2006.

06. No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

- Construction vehicle movements;
- Construction operation hours;
- Construction vehicular routes to and from site;
- Construction delivery hours;
- Expected number of construction vehicles per day;
- Car parking for contractors;
- Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- A scheme to encourage the use of Public Transport amongst contractors; and
- Measures to avoid traffic congestion impacting upon the Strategic Road Network.

Reason: In the interest of residential amenity and highway safety further to policies ST5 and ST6 of the South Somerset Local Plan 2006.

07. 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 further to policy ST5 of the South Somerset Local Plan 2006.

08. 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: To ensure that the site has appropriate drainage.

NOTE:

1. The applicant's attention is drawn to the informatives and notes contained within the Highways Authority's letter of 10 October 2013 a copy of which is available on the Council's web-site.
 2. You are reminded that the County Highway Authority have requested that a Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development will have to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.
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