

Area North Committee – 26 March 2014

## Officer Report On Planning Application: 14/00105/FUL

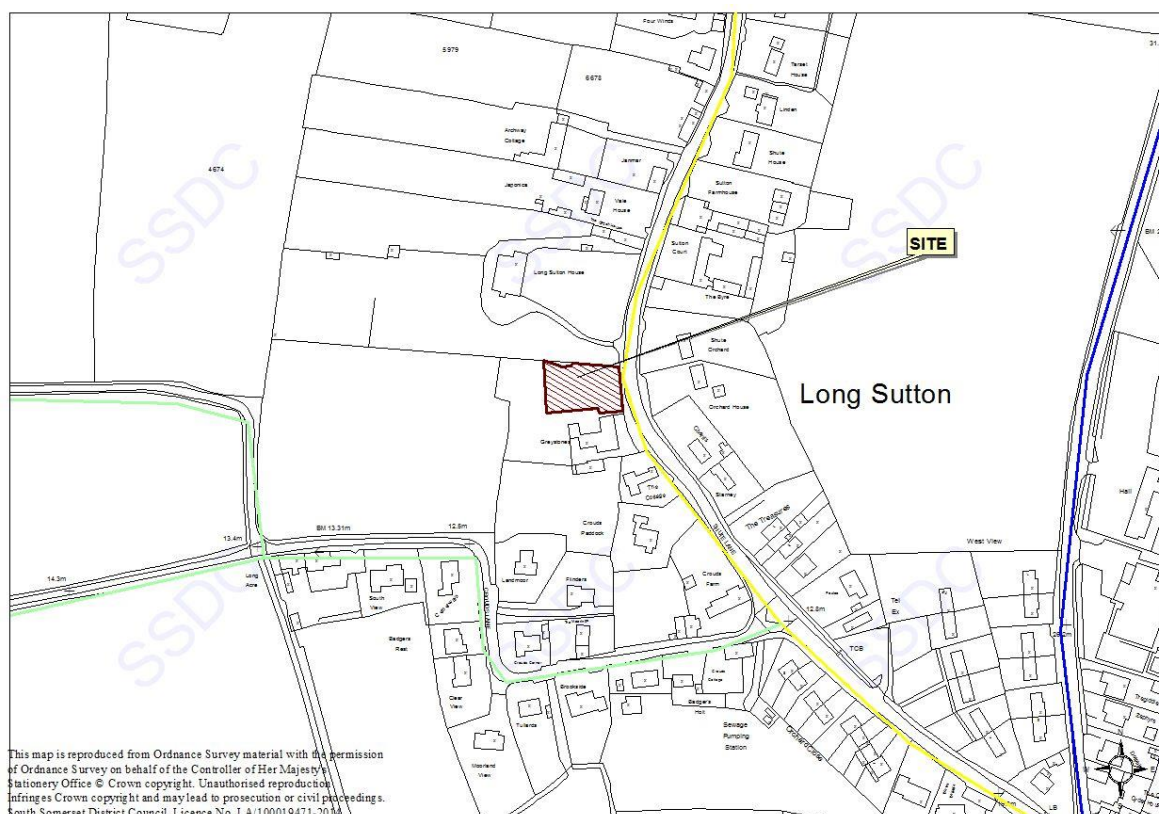
<b>Proposal :</b>	Erection of a detached dwellinghouse with a detached garage/car port, bicycle store and new vehicular/pedestrian access (GR:346649/125635)
<b>Site Address:</b>	Land and Buildings adjoining Greystones, Shute Lane, Long Sutton.
<b>Parish:</b>	Long Sutton
<b>TURN HILL Ward (SSDC Member)</b>	Cllr Shane Pledger
<b>Recommending Case Officer:</b>	Alex Skidmore Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
<b>Target date :</b>	4th March 2014
<b>Applicant :</b>	Mr & Mrs P Tulk
<b>Agent: (no agent if blank)</b>	Mr Gary Smith Smith Planning & Design Ltd, Wayside, Fivehead, Taunton TA3 6PQ
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL TO COMMITTEE:

This application for one dwelling is outside settlement limits is referred to committee as a departure from the saved policies of the local plan.

### SITE DESCRIPTION AND PROPOSAL





This application is seeking full planning permission to erect a two-storey detached dwelling and garage and formation of a separate access.

The application site is located between two listed properties, Greystones to the south and Long Sutton House to the north, and is situated outside but adjacent to a defined development area and predominantly residential area. The site appears to be former garden land that served the residential property known as Greystones to the south. An opening within the front boundary (low) wall and planting has been formed in the position of the proposed new access. The site is relatively flat and level of surrounding development and surrounded by planting along the north and west boundaries and a high close board fence along part of the side boundary to the south. The plot backs on to an agricultural field with a number of low agricultural buildings positioned close to the adjoining boundary. There are a number of trees within the site.

## HISTORY

13/03062/FUL: Erection of a dwelling and associated parking and storage building. Permitted

## 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.

The development plan comprises the South Somerset Local Plan and the policies of most relevance to the proposal are:

ST3 – Development Areas  
 ST5 - General Principles of Development  
 ST6 - The Quality of Development  
 EH5 - Development Proposals Affecting the Setting of Listed Buildings  
 EC7 - Networks of Natural Habitats  
 EC8 - Protected Species  
 EU4 - Water Services

National Planning Policy Framework:  
 Part 4 - Promoting sustainable transport  
 Part 6 - Delivering a wide choice of high quality homes  
 Part 7 - Requiring good design  
 Part 10 - Meeting the challenge of climate change, flooding and coastal change  
 Part 11 - Conserving and enhancing the natural environment  
 Part 12 - Conserving and enhancing the historic environment

## CONSULTATIONS

Long Sutton Parish Council: Support the application subject to conditions to secure:

- Mature planting scheme along the northwest and south boundaries to ensure neighbour amenity;
- A two metre high hedge along the front boundary for purposes of streetscene and neighbour amenity;
- Removal of permitted development rights;
- Completion of the building works within 12 months due to the adjacent listed buildings and streetscene.

**County Highways:** Referred to their standing advice. For a four bedroom house this would require a minimum of three parking spaces plus an associated turning area. In a 30 mph zone visibility splays of 43m in either direction.

**County Archaeology:** No objections

Natural England: Raised no objection and noted the obligations of the LPA in relation to protected species, local wildlife sites, biodiversity enhancements and landscape enhancements.

**Ecology:** No comments received

**Arborist:** No comments received

**Conservation:** No objections subject to appropriate conditions

## REPRESENTATIONS

Written representations have been received from three local residents expressing support for the application.

Written comments have also been received from three local residents making the following comments / observations:

- Request that site traffic use the newly created access so that there is no additional traffic along Greystones' current driveway as this driveway passes the side of our

garden where our children play and which only has a low wall and trellis fence along the boundary.

- That construction works be limited to normal working hours Monday to Friday so that we can enjoy our garden and property at evenings and weekends.
- That a mature planting scheme be applied to the north, west and south boundaries, a new 2m high hedge be established along the front boundary, all first floor windows / openings be fitted with obscure glass, no further openings be permitted, that permitted development rights the use of the garage / workshop be restricted so that it cannot be converted to ancillary accommodation, any external lighting is of low impact, all to protect neighbour amenity.
- The conditions for the existing permission remain relevant to this application but notes that the condition regarding working times is difficult to enforce and would make completing the development in 12 months difficult. It is preferred that the working times be increased so that the development can be finished quicker.
- A number of trees and shrubs have been removed and wildlife probably decimated.
- A road has been made into the site in preparation.

## CONSIDERATIONS

This application is seeking full planning permission to erect a single detached dwellinghouse, double garage and to form a new access leading off Shute Lane to the east.

### **Principle:**

The application site is outside but abuts the defined development area for Long Sutton where new residential development is normally strictly controlled by policy ST3 of the South Somerset Local Plan. However, at present South Somerset District Council is unable to demonstrate that they have a five year housing land supply, a requirement of the NPPF (para 49). In such circumstances the NPPF advises that policies for the supply of housing should not be considered to be up to date and housing applications must therefore be considered in the context of the presumption in favour of development. Accordingly, policy ST3, which seeks to limit development outside settlement limits, can no longer be regarded as a constraint on residential development simply because it is outside development areas.

Given these circumstances, the proposal to construct a single dwelling must be considered on its own merits. Although the site is outside the development area it is located immediately adjacent to the development area and is within an easy walking distance of the main facilities found within the village, including a shop, pub, primary school and village hall. The proposed location is therefore considered to be a sustainable location for new residential development in line with the definition set out within the NPPF.

### **Visual amenity and impact upon the setting of the listed buildings:**

The design, proportions and use of traditional materials for the proposed new dwelling accord with local vernacular and should sit comfortably alongside Greystones and Long Sutton House, the neighbouring listed properties to either side. The existing low front boundary wall is to be retained with the exception of a short section to allow for the new access. It is noted that the conservation officer has raised no objection to this application and its impact upon the visual character of the area and upon the neighbouring listed buildings is considered to be acceptable.

### **Residential amenity:**

The juxtaposition of the proposed dwelling in relation to the neighbouring properties either side is such that it should not lead to any significant overbearing or loss of light

concerns. No openings are proposed at first floor level within the south elevation of the dwelling which faces towards Greystones to the south and there are no existing openings within Greystones opposing gable end which might lead to privacy issues. A single first floor window is incorporated within the north side elevation which faces towards Long Sutton House, however, this will not result in any window to window relationships and is more than 50m away from the neighbouring house and as such is not considered to lead to any significant loss of privacy to this property.

With regard to the various requests made by a number of neighbours:

- It is not considered reasonable to insist that all site traffic use the new access that serves this site, however, given that this access has already been formed and that the applicant does not own any neighbouring land that might offer an alternative means of access it is likely that the new access will be used as the principle means of access for construction traffic.
- One neighbour has asked that construction works be restricted to normal working hours Monday to Friday another neighbour however has asked that there be no such restriction and instead a condition be imposed insisting that the development be completed within 12 months. Whilst it is noted that the existing permission has similar restrictions, it is agreed that a time limit in which to complete the works is not unreasonable given its close proximity to the listed building known as Greystones, but that up to 18 months is acceptable and has been agreed by the applicant. It is unusual however to be so restrictive in terms of hours of construction works for a development of this modest scale and indeed the applicant has expressed opposition to such a condition being imposed, as such this requirement will not form part of the officer's recommendation.
- The request that a mature planting scheme be incorporated as part of this development along all four boundaries is noted but is not considered to be necessary or reasonable to insist on. It is understood that a number of trees and shrubs have been removed from within the site, which the applicant / previous landowner was entitled to remove. There is already robust planting along the boundary to the north and west and high, close board fencing along the south boundary immediately to the rear of Greystones. The site plan includes a hedge immediately behind the roadside boundary wall which will help to soften the frontage visually and can be secured through a landscaping condition.
- There is no specific reason to justify why a condition should be imposed to control what external lighting future occupiers can or cannot have, as such this does not form part of the officer's recommendation.

#### **Highway safety:**

The proposed new access to serve the development leads on to Shute Lane, a classified highway subject to a 30 mph speed restriction. The layout of this access, level of visibility, parking provision (four spaces) and turning area are considered to comply with the highway authority's standing advice and to therefore raise no significant highway safety concerns.

#### **Ecology:**

A local resident has expressed dismay at the loss of a number and trees and shrubs on the site and the impact that this may have had upon wildlife. As previously noted, there are no planning restrictions to prevent the owner of the land from removing any trees and shrubs from the site prior to making this application, if through the removal of this planting any protected species have been harmed then the owner is at risk of prosecution under separate wildlife legislation. Incidentally no evidence has been provided to suggest that this is the case and there is no evidence to suggest that the proposed development would result in any substantive ecology relates issues.

**Conclusion:**

For the above reasons the proposed development is considered to be acceptable in this location, and to cause no significant adverse impact on the character of the area, highway safety, the setting of the nearby listed buildings, or residential amenity.

**RECOMMENDATION**

Grant permission for the following reason:

The proposed dwelling represents an appropriate and sustainable form of development which will contribute to the council's housing supply without demonstrable harm to visual or residential amenity, highway safety or harm to the setting of nearby listed buildings and therefore accords with the aims and objectives of the National Planning Policy Framework and saved policies ST5, ST6 and EH5 of the South Somerset Local 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 drawings numbered 13/1382/01, 13/1382/02, 13/1382/03 and 13/1382/04 received 07/01/2014.

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

03. This permission shall not be exercised in addition to any residential permissions already granted (viz application ref.13/03062/FUL) and shall be treated as an alternative so that the developer may have the option of carrying out development in accordance with the present permission or the permission already granted, but not both. In the event of the residential development referred to in the permission already granted (13/03062/FUL) being substantially carried out, this permission shall forthwith lapse and be of no effect.

Reason: The Local Planning Authority would not have been prepared to grant planning permission but for the special need to accord with policy ST3 of the South Somerset Local Plan (Adopted April 2006).

04. The works hereby permitted shall be completed in all respects within 18 months of the commencement of works hereby approved, unless otherwise agreed in writing. Written notice of the date of the commencement of the approved works shall be given to the local planning authority.

Reason: To ensure that the works hereby approved are completed and / or not left in a partially completed state for a protracted period detracting from the character and setting of the adjacent the listed building in accordance with Policy EH5 of the South Somerset Local Plan.

05. No works shall be carried out unless particulars of the following have been submitted to and approved in writing by the Local Planning Authority;

- a) particulars of the materials (including the provision of samples where appropriate) to be used for all external walls, roofs and chimneys. Such particulars will include the detailed finish;
- b) full details of all new walls and boundary walls, including the materials, coursing, bonding, mortar profile, colour and texture, to be provided in the form of a sample panel to be made available on site;
- c) details of the recess, design, materials and external finish for all external doors, windows, boarding and openings, including detailed sectional drawings where appropriate;
- d) details of lintels to all new openings;
- e) details of all roof eaves, verges and abutments, including detailed section drawings, and all new guttering, down pipes and other rainwater goods, and external plumbing;
- f) details of all external meter boxes, including their position, design and materials;
- g) details of all gates, fences and the surface material for the parking and turning area.

Reason: In the interest of visual amenity and to safeguard the setting of the adjacent listed building to accord with Policies ST6 and EH5 of the South Somerset Local Plan.

06. The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels. All planting, seeding, turving or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and in accordance with policies ST5, ST6 and EH5 of the South Somerset Local Plan.

07. The internal ground floor levels of the buildings hereby permitted shall accord with the details set out on the proposed site plan (drawing number 13/1382/02) received 07/01/2014, unless otherwise agreed in writing by the local planning authority.

Reason: In the interest of visual amenity and to safeguard the setting of the adjacent listed building to accord with Policies ST6 and EH5 of the South Somerset Local Plan.

08. Before the dwelling hereby permitted is first occupied, the access over the first 5m of its length shall be properly consolidated and surfaced (not loose stone 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 ST5 of the South Somerset Local Plan.

09. Before the dwelling is occupied and 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 any part of the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority and thereafter maintained in this fashion at all times.

Reason: In the interests of highway safety and to comply with Policy ST5 of the South Somerset Local Plan.

10. There shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43m either side of the access. Such visibility shall be fully provided before the development hereby permitted is first brought into use and shall thereafter be maintained at all times.

Reason: In the interests of highway safety and to comply with Policy ST5 of the South Somerset Local Plan.

11. The access shall not be brought into use until drop kerbs have been installed at the carriageway edge and/or a vehicle cross-over constructed across the verge fronting the site for the width of the access.

Reason: In the interests of highway safety and to comply with Policy ST5 of the South Somerset Local Plan.

12. The area allocated for parking and turning (for vehicles and cycles) on the submitted plan, drawing no. 13/1382/02 received 07/01/2014, 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 interests of highway safety and to comply with Policy ST5 of the South Somerset Local Plan.

13. Any entrance gates shall be hung to open inwards and set back a minimum distance of 5m from the highway at all times.

Reason: In the interests of highway safety and to comply with Policy ST5 of the South Somerset Local Plan.

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