



JOINT AREA COMMITTEES IN SOUTH SOMERSET
Officer Report On Planning Application:
08/01405/FUL

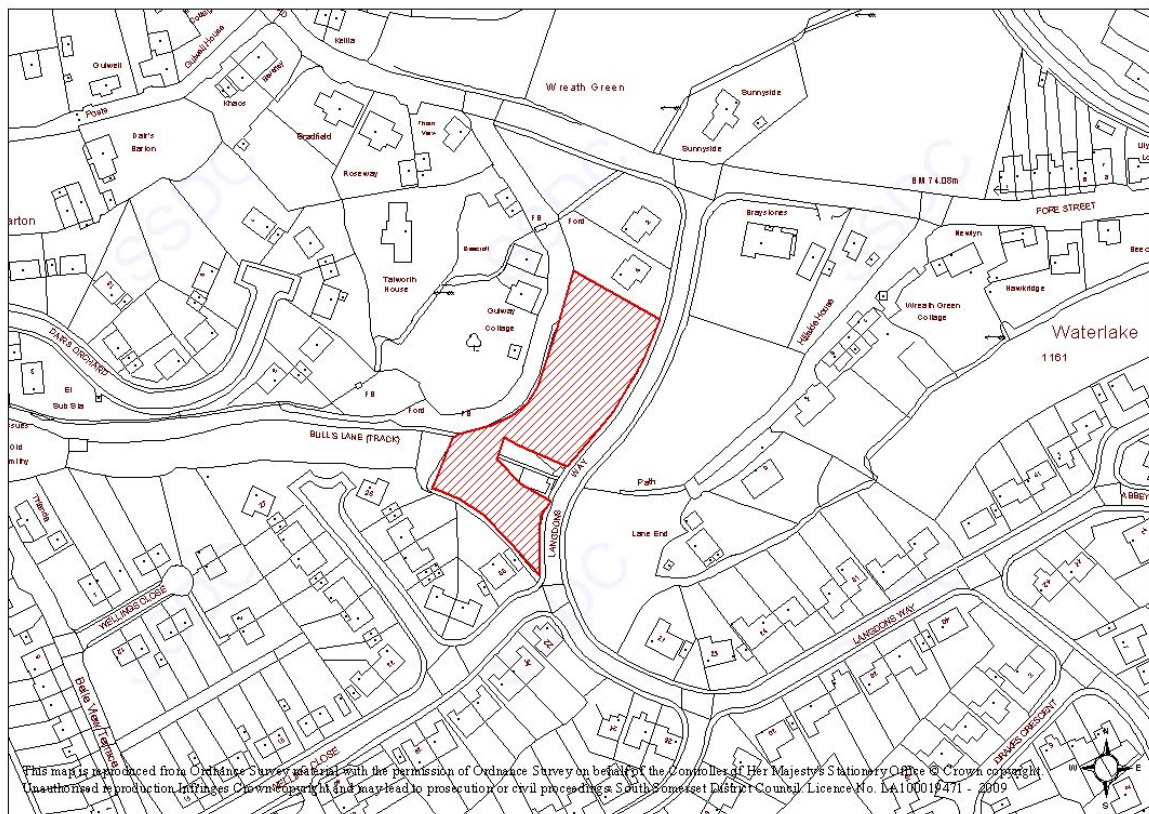


Proposal :	Alterations to dwellings as previously approved by application number 04/00082/FUL. (As detailed in accompanying Design and Access Statement). (GR 332958/105625)
Site Address:	Plots 1, 2, 3, 4, 5, 7 & 8 Langdons Way Tatworth Chard
Parish:	Tatworth And Forton
Ward : (SSDC Member)	TATWORTH AND FORTON: Mr A Turpin (Cllr)
Division (SCC Member)	CHARD SOUTH: Mrs J Shortland (Cllr)
Recommending Case Officer:	Linda Hayden Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
Target date :	18th June 2008
Applicant :	Smith & Williamson
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

This application has been referred to the Joint Area Committee - West at the request of the Ward Members and with the agreement of the Chairman to allow the issues raised by the Parish and neighbours to be fully considered.

SITE DESCRIPTION AND PROPOSAL



The application relates to a relatively new residential development site within the centre of Tatworth. Permission was originally granted for 13 houses (ref. 04/00082/FUL dated 29 July 2004) on two separate parcels of land to either side of Langdon's Way. At the present time only eight have been constructed on the site to the west of Langdon's Way. There are residential properties to the north, east, south and west. To the southwest the properties are

at a higher ground level and are mainly bungalows, with rear gardens that look out over the new development. On the rear western boundary is the Devon Bank.

This is an application seeking retrospective planning permission for a number of revisions to the approved plans for the original development of 13 dwellings (ref. 04/00082/FUL). Eight of the dwellings on the western side of Langdon's Way have now been completed but none have been built in accordance with the approved plans. This application relates to 7 of the eight plots (1,2,3,4,5,7 and 8) that have been built, a further application for revisions to Plot 6 was submitted separately (ref. 07/03837/FUL) and this is pending consideration.

The proposed revisions are as follows:-

Plots 1 and 2

- One of two chimneys removed
- Variation in size and style of windows on front elevation
- Additional first floor window on side elevation (for en-suite)
- First floor window at rear reduced in size
- Patio doors at rear replaced with a window
- Double garage changed to single garage and carport

Plots 3 and 4

- One of two chimneys removed
- Variation in size and style of windows on front elevation
- Additional first floor window on side elevation (for en-suite)
- First floor window at rear reduced in size
- Patio doors at rear replaced with a window

Plot 5

- Central first floor window omitted
- Additional ground floor window to side
- Garage roof amended
- Slight alteration to rooflights and dormers
- Porch - larger than approved plans

Plot 7

- One of two chimneys removed
- First floor window reduced in size
- Rear patio doors replaced with window
- Rear ground floor window detail amended
- Details of garage

Plot 8

- Central first floor window omitted
- Garage roof amended
- Slight alteration to rooflights and dormers
- Garage amended to kitchen

HISTORY

07/03837/FUL - Alterations to dwelling (Plot 6) to include the re-siting of 3 no. rooflights, 1 no. dormer window and change of approved garage to kitchen. This application is pending consideration but was considered by Area West Committee on 21st November 2007 when it was resolved:-

'that consideration of the application be deferred for further information on matters regarding the overall development including that concerning enforcement issues and the effect that a decision on this application may have in respect of other properties in this area.'

Hence, the application currently under consideration was submitted for revisions to the whole development.

04/00082/FUL - Erection of 13 dwellings - Approved 29/07/04

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:

Regional Spatial Strategy (RSS) for the South West (RPG10) (adopted September 2001):

Policy VIS 1 - Expressing the Vision

Policy VIS 2 - Principles for Future Development

Somerset and Exmoor National Park Joint Structure Plan (adopted April 2000):

Policy STR1 - Sustainable Development

Policy 49 - Transport Requirements of New Development

South Somerset Local Plan (adopted April 2006):

Policy ST5 - General Principles of Development

Policy ST6 - The Quality of Development

Policy-related Material Considerations

Draft Regional Spatial Strategy for the South West (Proposed Changes June 2008):

Development Policy C - Development in Small Towns and Villages

Development Policy E - High Quality Design

CONSULTATIONS

Area Engineer:

No comment.

Tatworth and Forton Parish Council:

Advised at meeting with Planning Officers and Agent on 11 June 2008 that they were concerned that the development had not taken place in accordance with the relevant conditions. Of particular concern to them were issues relating to drainage and the cellular storage units; surface water run-off due to the fact that tarmac has replaced block paving in some areas; concerns about levels of visibility and subsequent impact upon highway and pedestrian safety and parking provision.

County Highway Authority:

'In response to our ongoing discussions relating to this proposal I have since returned to the site and have the following comments: It is clear that some of the existing pillars have been constructed to such a height that it restricts the level of pedestrian visibility achieved. As a result, in the interests of highway safety I would advise you that the following pillars should be lowered to a height no greater than 900mm above the adjoining carriageway level.

Access 1 - Serving Plots 7 and 8

No pillars are required to be lowered

Access 2 - Serving Plot 6

No pillars are required to be lowered

Access 3 - Serving Plot 5

The first pillar back from the carriageway edge will need to be lowered to a height no greater than 900mm above the adjoining road level

Access 4 - Serving Plot 4

The first pillar to the north east of the access will need to be lowered to a height no greater than 900mm above the adjoining road level

Access 5 - Serving Plot 3

The first pillar to the south west of the access will need to be lowered to a height no greater than 900mm above the adjoining road level. The first pillar to the north east of the access will also need to be lowered.

Access 6 - Serving Plots 1 and 2

No pillars are required to be lowered.'

The County Highway Authority advise that the lost parking spaces caused by the conversion of the garages to kitchens at Plots 6 and 8 will need to be repositioned elsewhere within the curtilage of the site.

REPRESENTATIONS

Four letters of objection were received, the concerns are summarised as follows:

- 1) Will there be adequate off road parking if the conversion of the garages to kitchens is allowed. There have been many near misses due to on street parking. Concerned that the site is on a route to school.
- 2) The right to peace will be infringed by further work.
- 3) Concerned that the roof windows will result in overlooking.

CONSIDERATIONS

It is considered that the main planning considerations with regard to this proposed development are:-

- 1) Has the development been carried out in accordance with the conditions imposed on the original consent 04/00082/FUL?

With particular regard to:-

- a) drainage requirements
 - b) highways issues (visibility and parking provision)
- 2) Are the revisions to the design of the dwellings acceptable in design terms and impacts upon neighbouring properties?

- 1) Has the development been carried out in accordance with the relevant conditions?

Approval was given in 2004 for the development of 13 dwellings, the permission was subject to a large number of conditions. Concern has been expressed that the development has not taken place in accordance with the approved details especially in regard to the issues of drainage and highway safety. The Parish Council was particularly concerned that all the outstanding issues regarding the conditions would need to be formally addressed before this current application was considered.

With regard to the issues of drainage there has been concern expressed that the agreed cellular storage tanks required to deal with the surface water from the site have not been installed. However, it has now been established that whilst the original details submitted with the application showed a number of smaller storage tanks underneath individual driveways, the details agreed by the Area Engineer (following the grant of permission) were for two very large storage tanks to be installed at the rear of Plots 1 and 2. The Building Control Officer has confirmed that these units were installed as shown on the approved details. With regard to the use of tarmac rather than concrete setts and resin-bonded gravel for the areas of hard surfacing the Building Control Officer has further advised that the difference in levels of surface run-off would not be significant.

In terms of the issues of highway and pedestrian safety, the County Highway Authority have advised that providing a number of the pillars are reduced in height to 900 mm then the proposal is acceptable. Such a request can be assured through the imposition of an appropriate condition that includes a time limit for the completion of the works. With regard to the parking situation, it is proposed that the additional space required for Plot 8 (to replace the garage space lost due to the conversion to a kitchen) will be provided at the side of the property. The plans now show two spaces for all of the dwellings on the site (which is in compliance with the relevant condition) and as such the County Highway Authority are satisfied with the proposals.

- 2) Are the revisions acceptable in design terms and impacts upon neighbouring properties?

It is considered that, in the main, the alterations that have taken place to the houses are of a relatively minor nature that do not have a significant adverse impact upon the design of the estate as a whole.

The one issue of significance relates to concerns regarding overlooking. However, the roof lights and dormer window in the roofs are very similar to the approved drawings, there is only a very minor alteration to the layout of the rooflights. It is not considered that the difference results in any material increase in overlooking. It should be noted that the dormer window on the side of Plot 8 serves a staircase rather than a habitable room.

In summary, it is considered that all the outstanding issues at the site (with regard to the conditions attached to the previous consent) have now been satisfactorily addressed. The alterations to the façades of the properties are considered to be relatively minor and do not unduly impact upon the design of the houses or the development as a whole. The principle of the rooflights and dormers was established under the previous permission and the alterations to these features are very slight. The dormer window serves a staircase and as such it is not considered that the window would result in undue overlooking and would not warrant the refusal of the application on this basis. It is disappointing that the development was not carried out in accordance with the approved plans however members will be aware that this should have no bearing upon the consideration of this application as the revisions need to be considered on their own merits.

RECOMMENDATION

Approve.

The revised elevations of the dwellings are considered to be relatively minor alteration to the approved plans and do not adversely impact upon the design of the estate as a whole. There are no additional windows that will result in overlooking of any neighbouring properties. The plans incorporate the provision of two parking spaces for each dwelling. As such, the proposals are acceptable and in accordance with Policies ST5 and ST6 of the South Somerset Local Plan (adopted April 2006) and Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011.

SUBJECT TO THE FOLLOWING:

1. Within six months of the date of this permission the pillars at the front of Plots 3, 4 and 5 shall be lowered to a height of 900mm or less. Thereafter the lowered pillars shall remain at this height.

Reason: In the interests of highway safety and to accord with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011.

2. Within six months of the date of this permission a scheme for the allocation of the additional parking space required for Plot 8 shall be submitted to and agreed in writing by the Local Planning Authority. Such a scheme must include details of how this parking space will be permanently retained for the use of Plot 8. Such approved scheme shall be completed prior to the occupation of Plot 8 and be permanently retained and properly maintained thereafter.

Reason: In the interests of highway safety and to accord with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011.

3. The areas allocated for parking for Plot 8 as defined in the scheme required by Condition 02 above shall be kept clear of obstruction and shall not be used other than for the parking of vehicle in connection with Plot 8 Langdons Way.

Reason: In the interests of highway safety and to accord with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991 - 2011 and Policy ST5 of the South Somerset Local Plan (adopted 2006).

Informatives:

1. The applicant is reminded that this permission is approved as an amendment to the original planning permission 04/00082/FUL dated 29 July 2004. The applicant is advised that due regard must be paid to all relevant conditions relating to 04/00082/FUL and the associated section 106 legal agreement.
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