

Area West Committee – 19th February 2014

Officer Report on Planning Application: 13/04241/FUL

Proposal:	Demolition of existing garage and erection of 2 No. semi-detached dwellinghouses (GR 332633/109004)
Site Address:	15 Glynswood Chard Somerset
Parish:	Chard
COMBE (CHARD) Ward (SSDC Member)	Cllr M Wale
Recommending Case Officer:	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
Target date:	2nd December 2013
Applicant:	Mr Tim Rudkin
Agent: (no agent if blank)	Robbie Roskell Architechtural And Building Consultants Ltd Unit 3, Whitehart Yard Beaminster Dorset DT8 3AE
Application Type:	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

The application is to be considered by Area West Committee at the request of the Ward Member, with the agreement of the Area Chair. It is felt that the application should be given further consideration by members, to allow the identified highway safety issues to be fully debated.





DESCRIPTION AND PROPOSAL

The application site forms the side garden to no. 15 Glynswood, which is located within the larger Glynswood development; to the north of the centre of Chard and within the local development area. The plot is a relatively wide but tapers to the south. The application site also includes a large disused garage building, which is outside of the existing garden area. The site can be accessed by pedestrians from the west and the garage and other existing parking to serve no. 15, is located to the east. The garage and parking are accessed from Glynswood via a private track in the ownership of the veterinary surgery located at no. 35 Glynswood. The site shares a boundary with no. 15 to the north and a group of privately owned dilapidated garages to the south. A long terrace of houses fronting Furnham Road, back onto the private access track to the east and the site faces the adjoining school playing fields to the west. Planning permission was previously sought and subsequently refused for the provision of a single dwelling on the site of the existing garage building.

This application proposes the erection of a pair of three bedroom semi-detached houses and the demolition of the existing garage building to provide additional parking spaces. It is proposed to construct the dwellings to a similar design and material finish as the adjoining properties to north (brickwork and tiles).

HISTORY

05/02144/OUT: Erection of proposed garages and erection of 1 no. dwelling - Refused.
860091: The erection of a porch/wc to dwelling - Conditionally approved.

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

South Somerset Local Plan (April 2006):
 ST5 - General Principles of Development
 ST6 - The Quality of Development
 EP9 - Control of Potentially Polluting Uses

Policy-related Material Considerations

National Planning Policy Framework (March 2012):
 Core Planning Principles - Paragraph 17
 Chapter 4 - Promoting Sustainable Transport
 Chapter 6 - Delivering a Wide Choice of High Quality Homes
 Chapter 7 - Requiring Good Design

Somerset County Council Parking Strategy (March 2012)
 Somerset County Council Highways Development Control - Standing Advice (June 2013)

South Somerset Sustainable Community Strategy (2008-2026):
 Goal 3 - Healthy Environments
 Goal 4 - Services and Facilities
 Goal 8 - High Development
 Goal 9 - Homes

CONSULTATIONS

Parish Council: Recommend refusal on the grounds of highways concerns due to unsuitable access and egress from and into Furnham Road. This forms part of the route for many children using the lane to access Holyrood School and the increase in the volume of traffic poses a danger. Members expressed concerns in relation to overcrowding and density.

SSDC Technical Services: Verbally confirmed that there are no known water courses or flood problems relating to this site. There are some surface water issues in the vicinity, however there would be no grounds to refuse unless the situation was made worse. An appropriate drainage scheme should satisfy any concerns.

County Highway Authority: Standing advice applies.

REPRESENTATIONS

The application has been advertised by site notice for the requisite period. 11 local residents have written in objection to the scheme. The main points raised are as follows:

- The width of the access lane is such that there is insufficient room for cars to be able to manoeuvre in and out of the proposed parking spaces.
- The access lane is already in bad condition and heavy construction traffic will make that worse.
- The lane and access onto Glynswood (through the veterinary surgery) is well used by pedestrians, including school children and additional traffic will make the area more hazardous.

- The amount of land shown as being in the applicant's ownership is incorrect. The applicant states that they own the strip of land directly to the rear of no.15 (up to the boundary of 27 and 29 Furnham Road and as shown in the blue line on the site plan). It is however understood that the applicant only owns the area within the red line site, which includes the garage buildings and a reduced strip of land adjacent to these (in line with the boundary of 23 and 25 Furnham Road). It is advised that the land behind no. 15 is within the ownership of the veterinary surgery at 35 Furnham Road, as is the private access track. It is also advised that all parking along the lane is overflow for the veterinary surgery car park and local residents park at the owner's discretion.
- The two storey properties will dominate the rear of the terrace facing Furnham Road (referred to as Norms Terrace) and will overlook these property's rear gardens. This will also affect resale values.
- Residents of Norms Terrace park along the lane to the rear too and additional pressure for spaces could lead to additional parking on Glynswood.
- The veterinary surgery car park can get very busy causing congestion and queuing onto Glynswood.
- The lane also exits onto the A358 (Furnham Road) to the south, which is a blind exit and very dangerous.
- There may be a risk to flooding of neighbouring properties as the lane floods easily with little precipitation. It is though there may be an underground stream through part of the lane.
- A previous application for housing to the rear of Norms Terrace was refused, the same should apply to this application.
- Concerns that pedestrians may walk along the paths to the front of the Glynswood properties and though into the access lane, using it as an informal right of way. To stop this occurring, the front pedestrian access between 13 and 15 Glynswood should be stopped up.
- Concern about additional pressure on foul and surface water drainage systems.

CONSIDERATIONS

Principle of Development

The site is situated within the defined development area of Chard and as such, is considered broadly acceptable in principle subject to compliance with other development plan policies. The main considerations in this case relate to the impact on residential amenity, visual amenity and highway safety.

Design, Scale and Appearance

The application site is located to the edge of a housing development with relatively dense development pattern. The proposed dwellings are to be located on a plot of land currently forming a side garden to 15 Glynswood. The garden is unusually large in comparison to neighbouring plots and is considered to lend itself for development. In terms of density, the resulting plots will not be dissimilar in size to other properties within the vicinity and as such, it is considered that the prevalent character of development is respected.

In terms of size and appearance, the dwellings are similarly proportioned to the

neighbouring semi-detached properties and are proposed to be completed in similar materials, thus being appropriately design for the location.

Residential Amenity

The development is sited and orientated so that views will be gained over the adjoining school playing field to the west and in the direction of the houses fronting Furnham Road (Norms Terrace), to the east. There are no openings proposed in the side elevations, although these would only overlook the side wall of no. 15 or over a derelict garage to the south.

The views to the east will be towards the rear of Norms Terrace, however it is not considered that this will lead to unacceptable harm to residential amenity. While there will be direct views, the shortest distance between the new properties and the nearest building to the east will be a little over 27m, which is considered to be an acceptable distance, particularly in a densely developed setting such as this. As such, it is not considered that any views would be significantly harmful enough to warrant recommending refusal.

Highway Safety

The proposed development is to be accessed via a private track, which is understood to be within the ownership of Glynswood Veterinary Surgery, located at 35 Furnham Road and forms the end of the terrace to the east. The track exits onto Glynswood to the north, through the veterinary car park, and directly onto Furnham Road to the south. It is proposed to demolish an existing garage building and make use of adjoining parking space to provide parking space for the two proposed dwellings and the existing property at 15 Glynswood. Objections have been received on the basis that the increased vehicle movements associated with the development will increase the risk to pedestrians, including schoolchildren, who use the track as a cut through between Furnham Road and Glynswood, and road users on the adjacent public highway.

In this case, the County Highway Authority have made no specific comment on the proposal, instead referring to the County Standing Advice. In considering this, it is not deemed that the proposal will cause detrimental harm to highway safety locally.

Firstly, in respect to visibility, access onto Glynswood is well used by local residents parking along the track or with access to the rear of Norms Terrace and also users of the veterinary surgery car park. The current access onto Glynswood is good, with clear visibility in either direction. While it is noted that that the scheme will increase traffic movements, it is not considered that these will be significantly greater than existing. It is acknowledged that the access directly onto Furnham Road is poor, however there is nothing that can be done to block this up as it is in separate ownership. It is understood that there is no right of access over this and as such users would be expected not to use this access. Furthermore, there is no way to stop current users of the track using this access so again, it is no considered that the existing situation will be made worse.

The standing advice requires new developments to provide an appropriate number of parking spaces per dwelling and also adequate space to turn. The County Parking Strategy requires a three bedroom property in Chard to have an average of 2.5 parking spaces so taking this in conjunction with the proposed development, this indicates a need for 7.5 spaces for the proposed and existing dwellings. The application indicates that there will be space for 6 parking spaces along the track and that a further 1 space is provided within a garage block adjacent to the access onto Glynswood. This is broadly in line with the parking strategy and not at such variance that it would be considered

reasonable to recommend refusal. The proposal was original submitted with a total of 9 parking spaces off the track, however these were so close together, it was not felt that there would be adequate space to manoeuvre safely. The scheme as submitted now is revised to increase the space for parking, as well as reduce number soft spaces to the current level, which in turn allows additional space for improved manoeuvring and improved safety.

There is a dispute as to the amount of land in the applicant's ownership, what is in private ownership and whether there is a right of access across it. The main disagreement is over the area of space off the track and directly to the rear of no.15. The applicant advises that this area of land is owned by them and several neighbours, including the veterinary surgery contend that this is not part of the applicant's ownership, stating that that is limited to the amount of land indicated within the red line site i.e. where the existing garage stands and a small area of land to the side. Notwithstanding these issues of land ownership, the grant of planning permission does not override any other legal requirements, for example the need to gain another land owner's consent to carry out works on their land or to gain access over it, as may be necessary. In this case, the disputed land would provide parking for the existing dwelling and without this the only one space available would be in the existing garage nearby. While this is an under provision of parking for this dwelling, it should be noted that existing residents park on this land and if it were to be the case that it was not owned by the applicant, the current situation would be no different in that the nearby garage would be the only available off road space. The existing on-site garage is in a deteriorated and unusable state. By demolishing this structure, which also has poor visibility and limited manoeuvring space, there will be additional spaces provided for future occupiers of the two new dwellings, which are certainly within the applicant's ownership. The only other matter is actual access over the private track, which the applicant states they have a legal right. While it is not possible to withhold a planning decision due to the uncertainty over ownership, it is considered prudent to require the parking spaces to be laid out and properly finished prior to other works commencing. This should at least mean that the matter of ownership will be resolved prior to the houses being constructed, in the event of planning permission being granted.

Other Issues

One of the neighbouring residents has advised that the private track doesn't drain well and often has standing water following rain. It is suggested that there may be an underwater stream below the site. This matter has been discussed with the Council's Engineer and he has confirmed that there are no records of any water courses or specific issues reported at this location, although there are surface water drainage issues locally. In respect to this application however, it is advised that this should not be a constraint on development subject to an appropriate drainage scheme being put in place to ensure that the existing situation is not made worse. This is a matter which could be conditioned.

Comments have also been received relating to the scheme putting additional pressure on existing water and drainage systems. As with the point above, a drainage condition will be imposed to ensure that the drainage arrangements are satisfactory, although this matter and that of water supply are largely non-planning matters and will be addressed in more detail at the Building Regulation stage. Additionally, any development will need to accord with other non-planning legislation that will consider these matters.

CONCLUSION

Overall, the proposed development is considered to be acceptable, as it is of similar size

and design to existing residential development in the vicinity and will therefore respect and relate to the character and appearance of the area. It is also considered that it will have no detrimental impact on highway safety and will not cause any unacceptable harm to residential amenity.

RECOMMENDATION

Approval with conditions

01. The proposed development, by reason of its size, scale and materials, respects and relate to the character of the area and causes no unacceptable harm to residential amenity or highway safety, in accordance with the aims and objectives saved policies ST5 and ST6 of the South Somerset Local Plan 2006 and the provisions of chapters 4, 6 and 7 and the core planning principles of the National Planning Policy Framework.

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: '13/096/03', '13/096/04 A' and '13/096/01 C'.

Reason: For the avoidance of doubt as to the development authorised and in the interests of proper planning.

03. No development shall be carried out on site unless particulars of materials (including the provision of samples) to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity, in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan 2006 and the provisions of chapter 7 of the National Planning Policy Framework.

04. The finished floor levels and ridge heights of the dwellings hereby permitted shall be carried out in accordance with the details submitted on drawing no. '13/096/04 A'. Such approved details, shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual and residential amenity, in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan 2006 and the provisions of chapter 7 and the core planning principles of the National Planning Policy Framework.

05. The area allocated for parking and turning on the approved plan, drawing no. '13/096/01 C', 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. Such approved works shall be provided and constructed before any work commences on the construction of the dwellings hereby permitted and thereafter retained and maintained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety, in accordance with saved policy ST5 of the South Somerset Local Plan and the provisions of chapter 4 of the National Planning Policy Framework.

06. The area allocated for parking and turning on the approved plan, drawing no. '13/096/01 C', 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, in accordance with saved policy ST5 of the South Somerset Local Plan and the provisions of chapter 4 of the National Planning Policy Framework.

07. Before the development hereby permitted is commenced, foul and surface water drainage details to serve the development (including the approved parking area), 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 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety, residential amenity and to protect the local water environment, in accordance with saved policies ST5, ST6 and EP9 of the South Somerset Local Plan 2006 and the provisions of chapters 4, 7 and the core planning principles of the National Planning Policy Framework.

08. No development shall be undertaken unless a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the hours of construction, routing for construction vehicles, parking for construction and contractor's vehicles and measures to prevent the transfer of dust, mud or other waste/debris onto the public highway or adjoining private track. The development shall thereafter be carried out in accordance with such details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity, in accordance with saved policy ST6 of the South Somerset Local Plan 2006 and the core planning principles of the National Planning Policy Framework.

09. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), there shall be no extensions to the dwellings hereby approved or outbuildings erected without the prior express grant of planning permission.

Reason: In the interests of visual and residential amenity, in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan 2006 and the provisions of chapter 7 and the core planning principles of the National Planning Policy Framework.
