

Officer Report On Planning Application: 16/03426/OUT

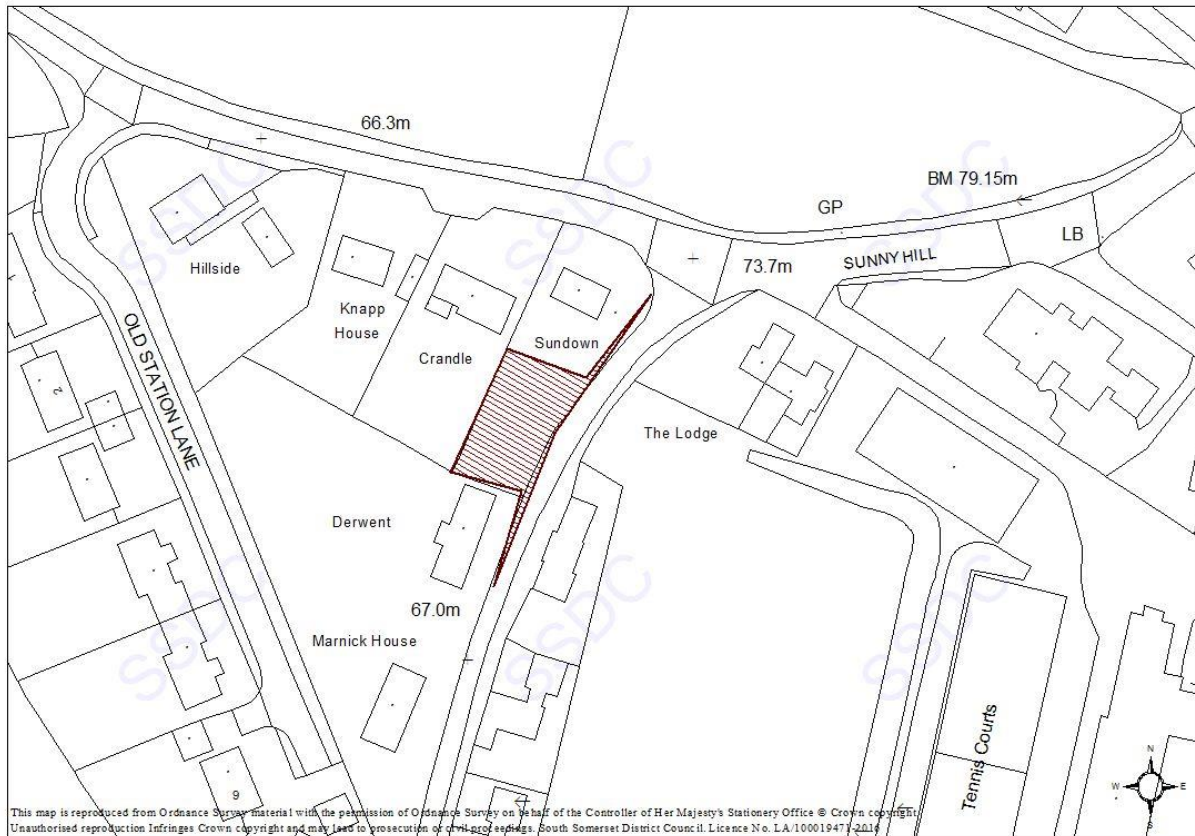
Proposal :	Outline application for the erection of single storey dwelling and formation of access
Site Address:	Sundown Sunny Hill Bruton
Parish:	Pitcombe
TOWER Ward (SSDC Member)	Cllr Mike Beech
Recommending Case Officer:	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
Target date :	3rd October 2016
Applicant :	Mr Ian Barrett
Agent: (no agent if blank)	Mr Michael Williams Sanderley Studio Kennel Lane Langport TA10 9SB
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

The application is before the committee at the request of the ward member, and with the agreement of the area chair, to allow local concerns to be debated.

SITE DESCRIPTION AND PROPOSAL





This application seeks outline permission for the erection of a single storey dwelling and formation of access. All matters are reserved for future consideration. The site consists of the garden to a single storey detached house finished in render with concrete tiles. The site is located outside of the development area as defined by the local plan. The site is close to various residential properties.

Indicative plans show the provision of a two bedroom bungalow, with two parking spaces and a new vehicular access.

HISTORY

16/01379/OUT - Outline application for the erection of a single storey dwelling and formation of access - Application withdrawn 11/05/2016

96/01472/FUL - The erection of extensions to bungalow - Application permitted with conditions 25/07/1996

96/00847/FUL - The erection of a two storey extension to bungalow - Application refused 06/06/1996

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF state that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006

2028 (adopted March 2015).

Policies of the South Somerset Local Plan (2006-2028)

Policy SD1 - Sustainable Development

Policy SS1 - Settlement Strategy

Policy SS5 - Delivering New Housing Growth

Policy EQ2 - General Development

Policy TA5 - Transport Impact of New Development

Policy TA6 - Parking Standards

Policy HG4 - Provision of Affordable Housing: Sites of 1-5 Dwellings

National Planning Policy Framework

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

Other Material Considerations

Pitcombe Parish Plan 2015

CONSULTATIONS

Pitcombe Parish Council - Objects for the following reasons:

- The proposal would harm road safety as the visibility splays are not adequate and there is not adequate space on the site to allow vehicles to enter and leave facing forwards.
- Harm to residential amenity as, due to ground levels, the adjoining property would be overlooked and would lose light.
- The site is very small and the proposal would cause overdevelopment of the site.
- The proposal would be unsustainable as the new occupiers of the dwelling would be reliant on car for access to all amenities.
- The proposal is contrary to the Pitcombe Parish Plan, which states that there is no requirement for additional housing in the parish.
- Disruption during construction due to the road having to be closed and the small nature of the site meaning very frequent vehicle movements would be required.

County Highway Authority - Standing advice applies

SDDC Highways Consultant - States that the details of the access arrangements as shown on the proposed site plan are acceptable. He notes the adverse comments from contributors in regards to visibility splays, and states that it is essential that the marked splays are provided on site. He notes the SCC standing advice requirement for on-site turning facilities for sites accessing onto a classified road, but in other cases vehicles should reverse from the public highway. He states that in this case the intentions of drivers seeking to access the site would be obvious and inter-visibility would be to the required standards.

REPRESENTATIONS

Letters of objection were received from the occupiers of 9 neighbouring properties. Objections were raised in the following areas:

- Concerns over highway safety
- Cramped from of development/adverse impact on character of area
- No need for dwellings
- Ecology impacts

- Increased risk of flooding
- Foul drainage
- Lack of detail in the application
- Disruption during construction phase
- Unsustainable location
- "Garden grabbing"
- Overshadowing and overlooking
- Risk to a nearby Walnut tree

CONSIDERATIONS

Principle of Development

The site is located outside of the development area as defined by the local plan, where development is usually strictly controlled. However, whilst the site is outside the development area of Bruton, which is defined by the local plan as Rural Centre capable of supporting some development, it is contiguous with the built form of the settlement. Apart from a small section close to the application site, there are continuous pavements to the centre of the settlement. The site is an, approximately, 1.2 km walk or drive from the edge of the development area and approximately 1.7 km from the edge of the town centre. Whilst the route is not flat, it is certainly walkable by the fit and able. The site is therefore considered to be on the edge of what could be argued to be sustainable in terms of accessibility to shops, services, and employment opportunities. In the current absence of a five year supply of housing land permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Furthermore local plan policies that could be argued to restrict development in this location, for example policy SS2 and SS5, cannot be afforded significant weight.

Notwithstanding local concerns, it is therefore considered that, on balance, the principle of modest residential development in this location is acceptable and accords with the up-to-date policies of the local plan and the aims and objectives of the NPPF.

The parish council have referred to the parish plan, which they state says that there is no requirement for additional housing in the parish. The parish plan is not completely clear on this, but does state "*...there should be limited occasions on which the parish will endorse residential development...*". Whilst these comments are noted, any blanket restriction on new housing in the parish of Pitcombe would not accord with the South Somerset Local Plan or the provisions of the NPPF and can therefore be afforded limited weight, and does not outweigh the considerations outlined above.

A concern has been raised locally that the proposal represents "garden grabbing" contrary to the provisions of the NPPF. However, whilst domestic gardens are not within the definition of previously developed land, there is no specific prohibition of developing gardens in the NPPF, and the presumption in favour of sustainable development is paramount.

Highways

It is considered that there is sufficient space on site to achieve an appropriate level of parking in accordance with the Somerset Parking Strategy. This would have to be assessed in detail as part of any reserved matters application. The road is not a classified road, and such it is noted that the County standing advice does not require the provision of on-site turning.

Local concerns have been raised as to the impact of the scheme on highway safety, in relation

to the substandard vehicular access. The highway authority was consulted as to the impact of the scheme. They referred to their standing advice. The SSDC Highways Consultant was consulted and raised no objections to the scheme. Whilst access is a matter that needs to be considered in more detail at the reserved matters stage, it is considered that, notwithstanding local concerns, a safe means of access to the site could be achieved.

Visual Amenity

Concerns have been raised locally as to the impact of the proposed dwelling on the character of the area. In terms of the specific design and materials, there is no clear prevailing character in the locality, and in any case these issues should be properly considered at the reserved matters stage.

Some of the concern relates to the size of the plot, which it is argued would result in a cramped form of development at odds with the local character. The plot is indeed small. However, there is no particular local character in relation to plot size, and a modest bungalow on the plot would still allow for sufficient amenity space for future occupiers.

As such, notwithstanding local concerns and subject to appropriate detail at the reserved matters stage, it is considered that the proposed development would preserve the character of the area in accordance with policy EQ2 of the South Somerset Local Plan and the aims and objectives of the NPPF.

Residential Amenity

Local concerns have been raised regarding the potential for an overlooking and overbearing impact arising from the development. However, due to the size of the plot and the position of adjoining dwellings, it is considered that a single-storey dwelling could be accommodated on site without causing demonstrable harm to the residential amenity of adjoining occupiers.

Therefore, subject to a satisfactory detailed design at the reserved matters stage, the proposal is considered to have no adverse impact on residential amenity in compliance with policy EQ2 of the South Somerset Local Plan.

Contributions

Policies HG3 and HG4 of the adopted South Somerset Local Plan requires either on site provision of affordable housing (schemes of 6 or more units) or a financial contribution towards the provision of affordable housing elsewhere in the district.

In May 2016 the Court of Appeal made a decision (SoS CLG vs West Berks/Reading) that clarifies that Local Authorities should not be seeking contributions from schemes of 10 units or less.

It is considered that whilst policies HG3 and HG4 are valid, the most recent legal ruling must be given significant weight and therefore we are not seeking an affordable housing obligation from this development.

We will also not be seeking any contributions towards Sports, Arts and Leisure (Policy SS6) as the same principle applies.

Other Matters

A concern has been raised locally that there will be undue disruption during the construction

phase. Whilst all construction is potentially disruptive, such disruption is likely to be short lived and therefore not sufficient reason to withhold planning permission. In this particular case, as highlighted by local occupiers and the parish council, the plot is small and located on a narrow road, which could result in any disruption being magnified. As such, it would not be unreasonable to impose a condition on any permission issued to secure a construction management plan, in order to help minimise the inevitable disruption.

A concern has been raised locally as to the potential for adverse impacts on local ecology. However, there are no known protected species on site, and the proposal represents a modest development on what is currently a domestic garden. It is therefore considered unlikely that there would be any significant adverse impact on local biodiversity.

Concerns have been raised locally as to the potential for problems associated with flooding and drainage. However, the site is not in an Environment Agency flood zone and there are no known incidents of surface water flooding in the immediate vicinity. It is therefore considered that all drainage issues can be satisfactorily controlled through the imposition of a suitably worded condition on any permission issued.

Finally, a neighbour has raised a concern about the potential impact of the development on a nearby walnut tree. There are no protected trees within the vicinity of the site, and no trees of obvious significance on the site. If, at the reserved matters stage, it appears likely that a nearby tree of significance is likely to be affected, this could be dealt with through the imposition of an appropriate tree protection condition at that time.

Conclusion

The principle of the proposed development is considered to be acceptable in this location and to have no significant adverse impact on visual amenity, highway safety, or residential amenity.

RECOMMENDATION

That application reference 16/03426/OUT be approved subject to the following conditions:

01. The principle of residential development in this sustainable location is considered acceptable. The proposed dwellings on this site would respect the character of the locality with no demonstrable harm to residential amenity or highway safety. As such the proposal complies with policies SD1, SS1, SS5, TA5, TA6 and EQ2 of the local plan, and the aims and objectives of the NPPF.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be carried out in accordance with the location plan received 08 August 2016.

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

02. Details of the access, appearance, landscaping, layout and scale (herein after called the "reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

03. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development shall begin no later than 3 years from the date of this permission or not later than 2 years from the approval of the last "reserved matters" to be approved.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

04. No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved by the Local Planning Authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate no greater than greenfield runoff rates. Such works shall be carried out in accordance with the approved details.

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained in accordance with the approved details throughout the lifetime of the development, in accordance with paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, Paragraph 103 of the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework (March 2015).

05. 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;
- Method of ensuring construction vehicles leaving the site do not emit dust or deposit mud, slurry or other debris on the highway.
- 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;

Reason: In the interests of highway safety and residential amenity and in accordance with policies EQ2, TA5 and TA6 of the South Somerset Local Plan.