

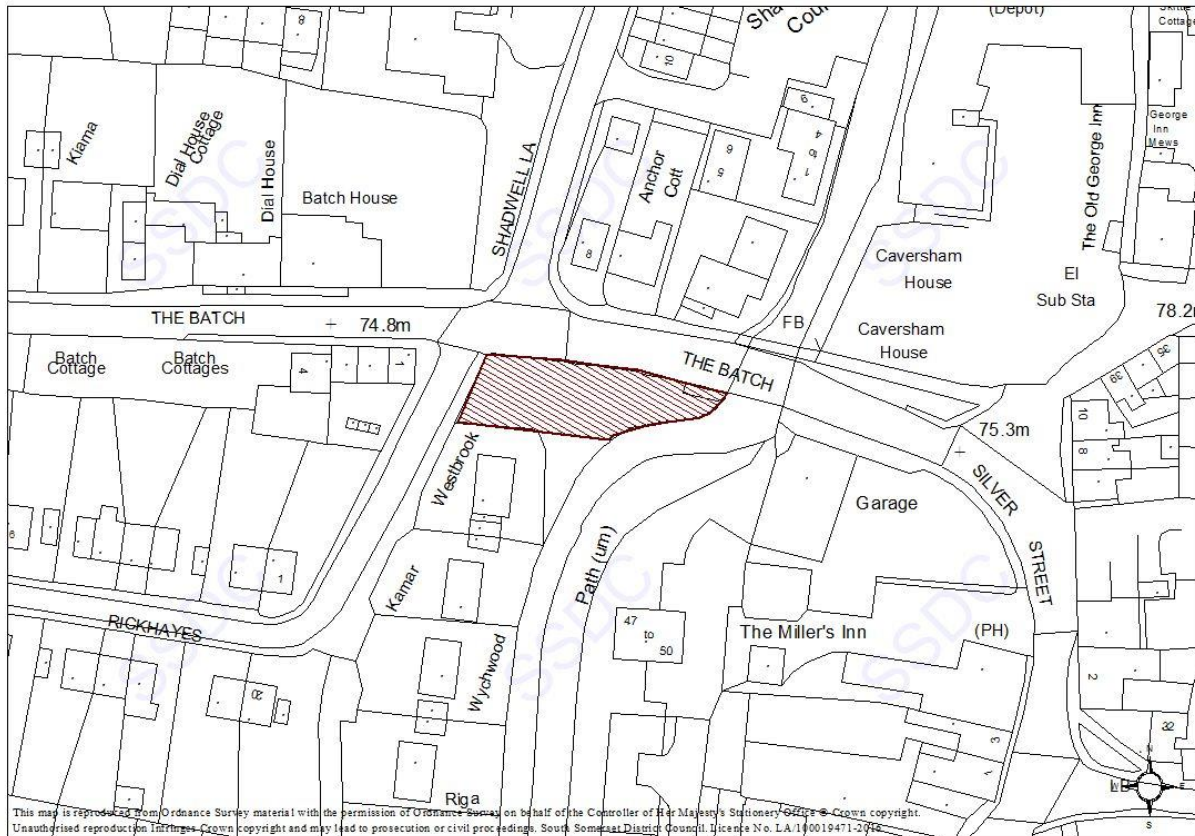
Officer Report On Planning Application: 16/03458/OUT

Proposal :	The erection of a bungalow.
Site Address:	Land Adjoining Westbrook The Batch Wincanton
Parish:	Wincanton
WINCANTON Ward (SSDC Member)	Cllr Nick Colbert Cllr Colin Winder
Recommending Case Officer:	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
Target date :	27th September 2016
Applicant :	Mr And Mrs Colbert
Agent: (no agent if blank)	Bell Associates Fountain Cottage Wyke Road Gillingham Dorset SP8 4NH
Application Type :	Minor Dwellings 1-9 site less than 1ha

The application is before the committee because the applicant is a district councillor.

SITE DESCRIPTION AND PROPOSAL





This application seeks outline permission for the erection of a bungalow. All matters are reserved for future consideration. The site consists of an area of land laid to grass and trees, adjoining an existing single storey dwelling and the River Cale. The site is located within the Wincanton development area as defined by the local plan. The site is close to various residential properties, including several grade II listed buildings, and is immediately adjacent to a conservation area. A significant portion of the site is in Environment Agency flood zone 3b. The remainder of the site is within flood zone 2.

The indicative plan shows the provision of a single dwelling to the west of the site (outside of flood zone 3b), with a vehicular access to the south. The access would be immediately adjoining the existing bungalow known as Westbrook.

HISTORY

16/016065/OUT - Outline application for the erection of two detached bungalows with some matters reserved - Application withdrawn 15/07/2016

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 EQ1 -Addressing Climate Change in South Somerset
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
Chapter 10 - Meeting the Challenge of Climate Change, Flooding and Coastal Change

National Planning Practice Guidance

Flood Risk and Coastal Change - Paragraphs 9 - 17

CONSULTATIONS

Wincanton Town Council - Recommend approval.

County Highway Authority - Standing advice applies

SSDC Highways Consultant - Refers to his comments made in relation to his previous application, which were:

He noted that the proposal represented an opportunity for highway improvements by providing a visibility splay across the entire frontage of the site to serve the Rickhayes/The Batch junction and to provide a footway along the southern side of the Batch. He states appropriate visibility splays at the point of access off Rickhayes should be provided. He states that the first 6 metres of the access should be properly consolidated and surfaced, on-site parking should accord with Somerset Parking Strategy optimum standards, and on-site turning should be provided.

SSDC Conservation Officer -

He notes his comments in relation to the previous application on the site, which were:

"This site abuts the conservation area. To the northwest on the opposite side of the road are a pair of listed buildings and immediately west are a range of stone cottages, siting up against the road edge. The current row of bungalows are set well back from the road without intruding significantly on the historic character of this part of the conservation area. The properties on the opposite side are modern, but do have a conventional two storey form. The Design Statement makes no reference to the character of the area, or appropriateness of two new bungalow's in this context.

The area does not appear to have been developed historically, and has served in the past as a nursery. The trees on the plot of land currently offer a welcome screen to the modern bungalows beyond.

The site is small, and heavily constrained by the position of the river and roads. It is evident from the proposal that siting buildings here is problematic. The buildings appear to turn their back to The Batch with the back of a garage building projecting further towards the road, yet there is a reference to a 'front entrance' on the proposed site layout. This arrangement is considered to cause harm to the character of the conservation area and setting of nearby listed buildings, by failing to respond to the established character of the area. The bungalow form of

the buildings is inappropriate in this context, and their detached form will not provide a good quality streetscene arrangement, that we should expect on a site that fronts a busy road. I therefore recommend refusal.

I consider it difficult to accommodate any development here, but suggest that there may be potential for something with a traditional two storey cottage form, of a scale to match 1-4 The Batch, that addresses the street properly."

He states that his concerns still stand. He notes that no additional information has been submitted to show how the proposal has taken into account the historic character of the area and setting of the listed buildings opposite. He concludes that he is of the view that the erection of a bungalow in this prominent position will cause harm to the setting of the conservation area and listed buildings, and as such recommends refusal.

Environment Agency - They object to the proposal on flood risk grounds. They note the requirement of the NPPF for the development to pass a sequential test, and if it can pass a sequential test to also pass the exception test.

They note the submitted flood risk assessment (FRA), and the refined flood information for the present situation, but states that it has not related this development proposal to the design flood level associated with climate change. They therefore conclude that the application is contrary to the NPPF. They state:

"For the application to be acceptable we would expect the applicant to use a mixture of raising finished floor level above the design flood level as well as flood resilience. We would like the applicant to consider raising the finished floor level above the design flood event to minimise the impact on the building. In addition the applicant will need to look at providing floodplain storage compensation to demonstrate that there are not any offsite impacts from raising the developments floor levels. If the applicant proposed voids / stilts to allow for flood conveyance beneath the building then this would not be considered acceptable.

It is also not clear if there is any ancillary development in Flood Zone 3b for example boundary walls that would need to be considered in the FRA."

They note that a safe route across the site from the dwellings to the entrance of the site should be created.

SCC Archaeology - No objections

REPRESENTATIONS

A letter of objection was received from the occupiers of 1 neighbouring property. Objections were raised on the following grounds:

- Concern over the impact of the proposal on visual amenity.
- Concern over the impact of the development on physical amenity.
- Concern over the impact of the proposal on highway safety.

CONSIDERATIONS

Principle of Development

The site is located within the development area of Wincanton. As such, the principle of residential development is considered to be acceptable in accordance with local plan policies and the NPPF.

Highways

A concern has been raised by a local occupier in relation to highway safety. The County Highway authority has referred to their standing advice. The application is outline with all matters reserved. The indicative position of the proposed vehicular access cannot achieve visibility of splays of 43 metres, which is the level required by county standing advice, due to the proximity of the junction. Furthermore the indicative position of the proposed dwelling would significantly reduce the visibility of vehicles turning left from The Batch into Rickhayes, compounding the issue of visibility. No evidence has been submitted to demonstrate that vehicle speeds are commensurate with the available visibility at this point. As such, it is considered that it has not been adequately demonstrated that a safe and efficient means of access to the public highway can be provided on site, contrary to local plan policy TA5. An assessment of whether parking is being provided at an appropriate level would be made at the reserved matters stage.

It is noted that the indicative layout plan shows the provision of a footpath to the south side of The Batch, as requested by the SSDC Highways Consultant. However, it is not considered that this potential benefit of the scheme should outweigh the potential adverse highway safety impact of inadequate visibility splays.

Visual Amenity

The site is located immediately adjacent to a conservation area and close to a couple of grade II listed buildings. As such, the SSDC Conservation Officer was consulted as to the impact of the development on the visual amenity of the area. He has objected to the proposal on the grounds that a bungalow in this prominent position would have an adverse impact on the setting of the conservation area and the nearby listed buildings, by being at odds with the overwhelmingly two-storey historic area. The existing bungalows on Rickhayes are set well back from The Batch, and therefore do not intrude into the historic area in the same way as the proposed bungalow would. However, the proposal is outline with all matters reserved, including scale. As such, it would not be reasonable to refuse the proposal on the grounds of proposed scale. The design, including scale, is more properly considered at the reserved matters stage.

As such, subject to appropriate detail at the reserved matters stage and notwithstanding local concern, it is considered that the proposed development would preserve the character of the conservation area and the setting of the nearby listed buildings in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan and the aims and objectives of the NPPF.

Residential Amenity

Due to the size of the plot and the position of adjoining dwellings, it is considered that a single 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 and notwithstanding local concern, the proposal is considered to have no adverse impact on residential amenity in compliance with policy EQ2 of the South Somerset Local Plan.

Flooding

The site is located immediately adjacent to the River Cale and is partially within Environment Agency flood zone 3a/3b and partially within flood zone 2. The developer has indicated how the development could be largely contained within the flood zone 2 area of the site rather than the flood zone 3 area. However, even if all of the development is contained within flood zone 2 (rather than 3), the NPPF makes it clear that the development should still be subject to a sequential test, which seeks to direct development to areas of less flood risk. No attempt has been made by the applicant to carry out a sequential test. As the proposal is for a single open

market dwelling it is considered very unlikely that the applicant would be able to demonstrate that there are no other reasonably available sites elsewhere in the district that could accommodate the development. The fact that the applicant may not own other sites cannot be considered relevant in the application of a sequential test. As such, it is considered that is no reasonable prospect of the development passing a sequential test, even if the applicant was to make such an attempt.

The Environment Agency has objected to the scheme on the grounds that the submitted FRA has not related the proposed development to the design flood level associated with climate change, contrary to the advice contained within the NPPF. Therefore, even if the applicant was able to pass the sequential test, there would still be an objection relating to flood risk from the Environment Agency as the application currently stands.

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.

Conclusion

The impacts of the development, subject to suitable details at the reserved matters stage, are considered to be acceptable in relation to the principle of development, residential amenity, and visual amenity. However, the proposed dwelling would be located within Flood Zones 2 and 3 where residential development that would result in people and property being at risk from flooding and is only acceptable in exceptional circumstances. No such circumstances have been demonstrated and furthermore it has not been demonstrated that, sequentially, there are no other suitable sites available that would not be at risk of flooding. It has also not been demonstrated that a safe and efficient means of access to the site can be achieved.

RECOMMENDATION

Refuse

FOR THE FOLLOWING REASONS:

01. The proposed dwelling would be located within Flood Zones 2 and 3 where residential development that would result in people and property being at risk from flooding and is only acceptable in exceptional circumstances. No such circumstances have been demonstrated and furthermore it has not been demonstrated that, sequentially, there are no other suitable sites available that would not be at risk of flooding. Accordingly the proposal is considered to fail the required Sequential Test and in these respects, the proposal is contrary to the aims and objectives of the NPPF (in particular paragraphs 14, 55, 100 and 101), and Policy EQ1 of the South Somerset Local Plan.

02. It has not been adequately demonstrated that a safe and efficient means of access to the site can be achieved, contrary to policy TA5 of the South Somerset Local Plan.

Informatives:

01. In accordance with paragraphs 186 and 187 of the NPPF the council, as local planning authority, takes a positive and proactive approach to development proposals focused on solutions. The council works with applicants/agents in a positive and proactive manner by;
- offering a pre-application advice service, and
 - as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

In this case there were no minor or obvious solutions to overcome the significant concerns caused by the proposals.