

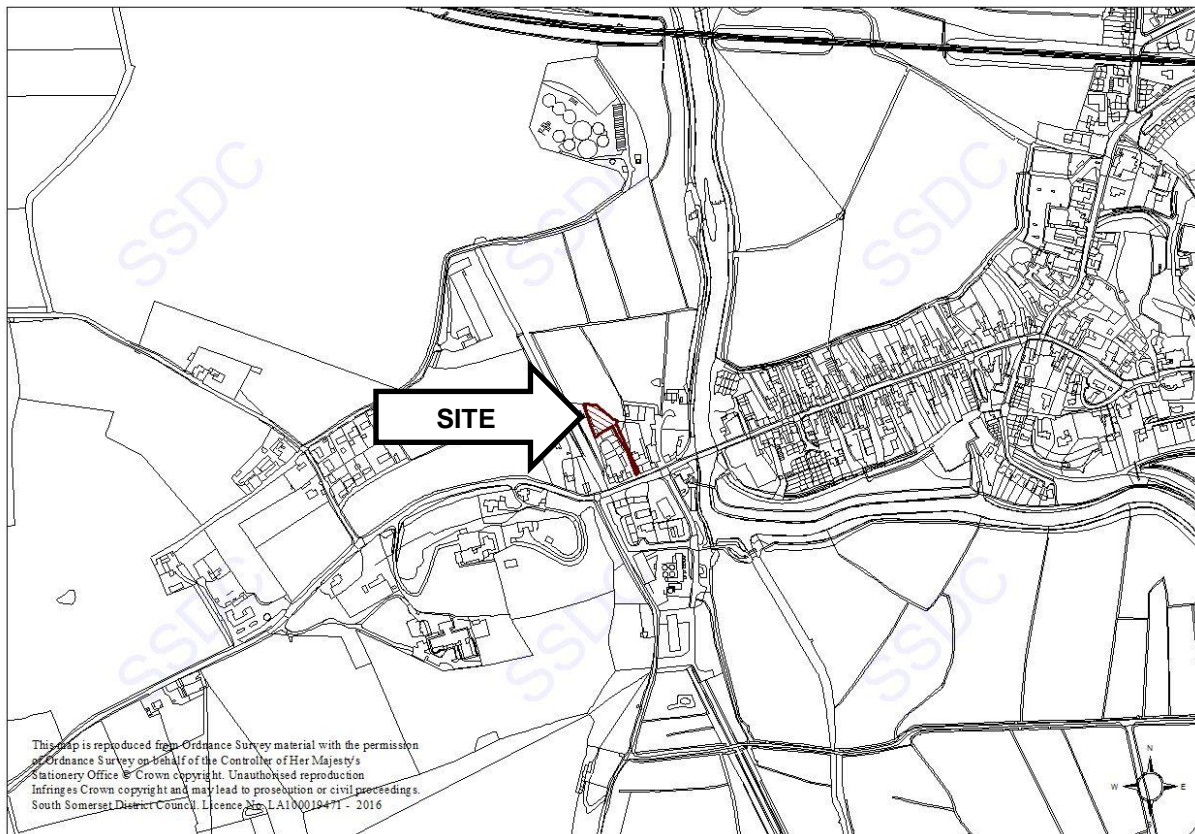
Officer Report On Planning Application: 16/04346/FUL

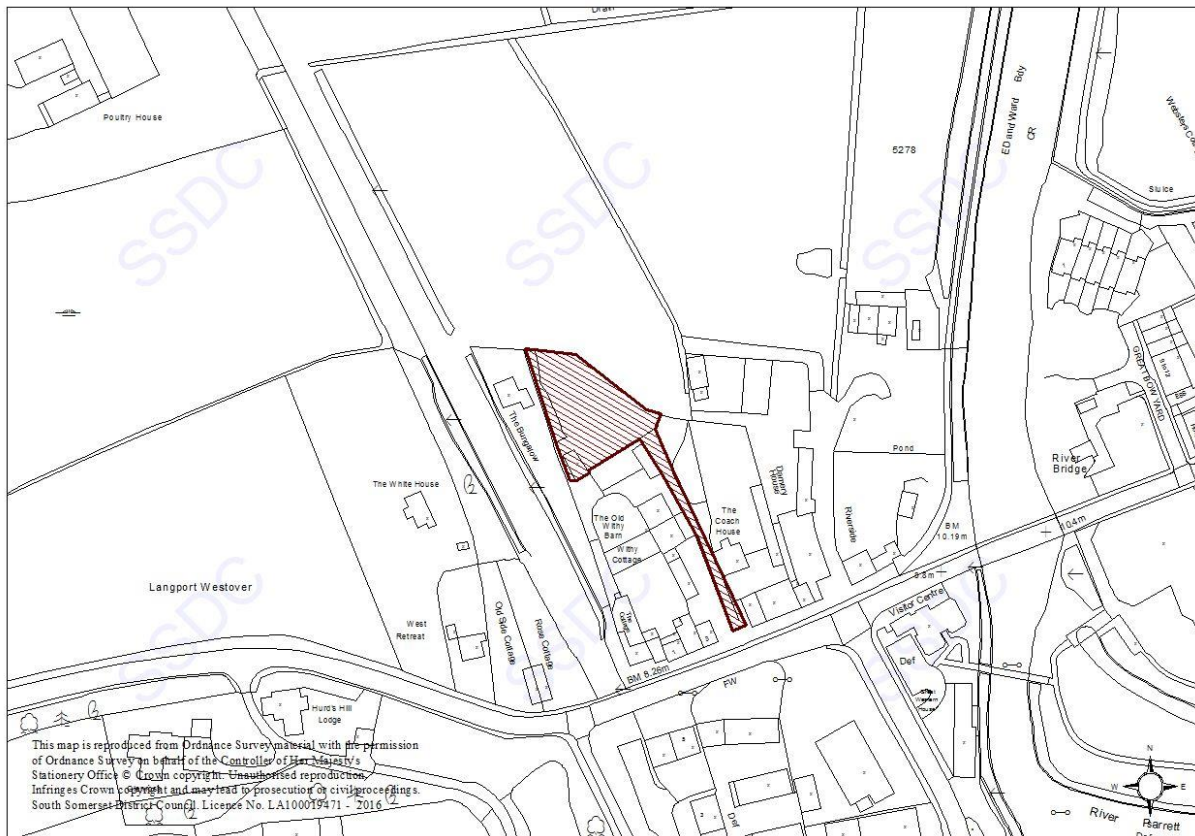
Proposal :	Proposed erection of a dwelling.
Site Address:	Land Adjacent The Old Coach House, Westover, Langport.
Parish:	Curry Rivel
CURRY RIVEL Ward (SSDC Member)	Cllr Tiffany Osborne
Recommending Case Officer:	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
Target date :	2nd December 2016
Applicant :	Mr D and C Knight
Agent: (no agent if blank)	Mr Clive Miller, Sanderley Studio, Kennel Lane, Langport TA10 9SB
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

This application is to be considered at committee as the access arrangements do not fully comply with Highway Authority Standing Advice and relate a numbered classified road (A378). For this reason, planning permission cannot be granted under delegated powers and must be considered at committee.

SITE DESCRIPTION AND PROPOSAL





The site comprises a triangular shaped field accessed via a track serving a number of other residential properties, which is in itself accessed from the A378, to the north of the Westover Trading Estate. The site has high hedgerows to the east and west boundaries and an access gate and fencing to the south. There are residential properties to the south and one to the west. There is open countryside to the north and northeast. There is currently a small agricultural barn and a chicken shed on site. The local conservation area adjoins the site to the south. The site is also partially in Flood Zone 2.

The application is made planning permission to erect a four bedroom two storey house and detached garage. It is proposed to be brick built with concrete double roman tiles.

HISTORY

- 04/00317/OUT: Erection of a dwelling and amendments to parking at former railway hotel - Refused 11/05/2004.
- 893455: Dwelling (Outline) - Refused 24/01/1990 - Subsequent appeal dismissed.
- 870807: The conversion of barn/store into two dwellings - Permitted with conditions 29/05/1987.
- 86951/A: Erection of a bungalow and private garage and use of existing access - Refused 20/07/1972.
- 86951: Development of land for residential purposes, demolition of existing buildings and use of existing access - Refused 12/10/1971.
- 53727: Conversion of a partially demolished house into a store - Permitted with conditions 08/11/1961.

POLICY

The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the adopted local plan now forms part of the development plan. As such, decisions on the award of planning permission should be made in accordance with this development plan, unless material considerations indicate otherwise. Legislation and national policy are clear that the starting point for decision-making is the development plan, where development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

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

SD1 - Sustainable Development
SS1 - Settlement Strategy
SS4 - District Wide Housing Provision
SS5 - Delivering New Housing Growth
HG4 - Affordable Housing Provision
TA5 - Transport Impact of New Development
TA6 - Parking Standards
EQ2 - General Development
EQ3 - Historic Environment
EQ7 - Pollution Control

National Planning Policy Framework

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
Chapter 10 - Climate Change and Flooding
Chapter 11 - Conserving and Enhancing the Natural Environment
Chapter 12 - Conserving and Enhancing the Historic Environment

National Planning Practice Guidance

Conserving and Enhancing the Historic Environment
Design
Natural Environment
Rural Housing
Planning Obligations

Policy-related Material Considerations

Somerset County Council Parking Strategy (September 2013)
Somerset County Council Highways Development Control - Standing Advice (June 2015)

CONSULTATIONS

Curry Rivel Parish Council: The Parish Council is not putting forward any objections but, this decision was only reached by a majority decision when a vote was taken.

Langport Town Council: Concerns were expressed over highway access arrangements, and increased traffic movement. There were also additional comments that some councillors would like to see more sustainability built into any development.

SCC Highway Authority: Standing advice applies. Noting previous objections from the Highway Authority, further comment was made advising that if there has been no material change to the application (from previous refused schemes), and there are still highway implications, the Highway Authority would recommend refusal of the application. It is reiterated however, that it is ultimately for the LPA to make a decision in line with Standing Advice.

SW Heritage: No objection on archaeological grounds.

SSDC Civil Contingencies Manager: Has no objections to the suggestions identified in correspondence dated 14th October 2016 (email from Clive Miller to John Millar), in relation to flood emergency response and evacuation arrangements.

SSDC Environmental Protection Officer: The Environmental Protection Officer has advised that the site is within an area historically used as a landfill site and as such there is the potential for there to be contaminated land. Relevant contaminated land conditions are suggested.

REPRESENTATIONS

Eleven letters of objection were received from six local residents. The main points raised relate to the following areas:

- Highway safety concerns as a result of increased vehicular movements using substandard access, including construction traffic
- Safety of existing occupiers using existing access
- Disruption to existing residents during construction works
- Setting a precedent for further development
- Impact on residential amenity due i.e. loss of privacy
- Adverse impact on local rural character and the adjoining conservation area
- Planning permission has twice been refused on this site for highway safety reasons
- An existing warehouse just off the A378 is currently unoccupied and will lead to additional vehicle movements should this come back into use

CONSIDERATIONS

Principle of Development

The site is located within the defined development area of Langport, although it is within the parish boundaries of Curry Rivel. Langport is designated as a Market Town within the South Somerset Local Plan (2006-2028), and as such is a location where development is considered to be acceptable in principle where this "meets local housing need, extends local services and supports economic activity appropriate to the scale of the settlement." Policy SS5 identifies strategic housing targets for Yeovil, the Market Towns and Rural Centres. The proposed development will contribute to the levels of housing proposed for Langport, thereby supporting district-wide housing provision, however in considering the change of use of local services (including public houses). Due to the location within the defined development area of a Market Town, the proposed residential development is acceptable in principle subject of course to the assessment of other appropriate local and national policy considerations, such as highway safety, character and appearance of the local area, design and residential amenity, among other matters.

Scale and Appearance

It is noted that there have been previous refusal applications for the provision of a dwelling in this location, the most recent being in 2004. One of the refusal reasons included on this occasion was that the proposal failed to respect the local pattern of residential development and would be harmful to the character of the area. Notwithstanding this previous refusal reason, there have been quite significant changes in national and local planning permission in recent years when considering development proposals at the developed edges of settlements. While this doesn't necessarily impact on determination of whether a scheme accords with the local pattern of development, it is noted that the site is at the end of a track with development on either side. Whilst it does include building on a current greenfield site, it is also noted that there is a dwelling immediately adjoining the site to the north west that actually extends further to the north. The proposed development is seen in relation to this property to the west and the other existing development to the south, and other buildings further to the east. In this respect it is considered that the development is adequately sited in respect to existing built form without extending to the detriment of the character of the area. The existing site boundaries to the north, east and west are heavily planted with hedgerow and trees that further enclose the site, reducing the impact of development on open countryside to the north. As such, it is not considered that the provision of a house in this site will be harmful. Similarly, it is not considered to adversely affect views in and out of the conservation area.

The proposed dwelling is a relatively large four bedroom house; however it fits comfortably within the plot and is considered to appropriately respect the scale of development on nearby plots. Subject to a condition agreeing the final material finishes, the proposed design, scale and materials are considered to be acceptable.

Residential Amenity

There have been objections received in respect to the impact on the residential amenity of neighbouring occupiers as a result of overlooking nearby garden areas. In considering impact, the property itself is located centrally within the site and away from the boundaries so as to avoid overshadowing or general overbearing impact. Similarly, the orientation and design of the property means that openings on the north, east and west elevations overlook open countryside existing heavily planted boundaries, with no adverse impact on neighbouring amenity. There is the potential for some overlooking from south facing windows, however the proposed garage has been sited strategically to block any significant views that would be considered unacceptably harmful. It is acknowledged that this is largely dependent on the garage being provided, however it is considered appropriate to require the garage constructed prior to occupation of the dwellinghouse, should permission be granted, and for it to be retained as such.

Concern is also raised over the safety of neighbouring occupiers accessing their properties and walking along the existing access track, however the provision of this dwelling is not considered to lead to any significant increase in harm bearing in mind that several properties already use this track, in addition to the application site already being in use for agricultural purposes.

Objections have been received in respect to disturbance during construction works; however this would only be for a finite period. While there is potential for some disturbance it would be reasonable to refuse permission on these grounds. In order to protect local residents, it would be reasonable to impose a condition requiring the approval of a Construction and Environmental Management Plan (CEMP) that could include the agreement of construction hours, methods of accessing the site and contractor parking arrangements.

Overall, there is considered to be limited harm to residential amenity, such that it would not be appropriate to recommend refusal.

Highway Safety

A number of objections have been received from neighbours in respect to highway safety, as well as concern expressed by the Langport Town Council. The main issues relate to the width of the shared access track and the substandard nature of the access from this track onto the A378, which has reduced visibility and poor alignment. It is also noted that the Highway Authority previously raised concerns about highway safety, recommending refusal last in 2004.

In support of the application, the applicant has argued that there have been material changes in circumstances since the last planning application over 12 years ago, specifically stating the following:

- The introduction of the 20 mph zone starting immediately adjoining the access into Westover
- The Structure Plan has been revoked and the previous policy reason for refusal no longer exists
- The Manual for Streets and Streets 2 have been published
- Publication of the NPPF which introduces the presumption in favour of sustainable development and the principle for the first time that development proposals should only be refused on highway safety grounds where the (cumulative) impact on highway safety is considered to be severe.
- A detailed technical assessment has done here for the first time, carefully and accurately describing the highway situation and concluding that although Standing Advice cannot exactly be met, the extent to which visibility to the west is compromised is not such that the impact of development would have any significant adverse impacts and certainly not such that it would warrant a justifiable reason for refusal.

Since the submission of the application, it is also noted that a recent appeal decision (APP/R3325/W/16/3152198 - Two Oaks, Broadway Road, Ilminster) determines that Standing Advice only applies to new accesses. The Inspector quotes *"The Council is concerned that visibility at the junction with Broadway Road is so impaired that an increase in traffic movements at this junction would result in severe harm to highway safety. These concerns are echoed by both local residents and the Parish Council all of whom have referred to the Highways Development Control Standing Advice for Planning Applications ("the Standing Advice") in support of their position. Para 3.1 of that document states that where accesses and junctions are to be formed, the Manual for Streets is the appropriate guidance for visibility splays. However, in this case the proposal seeks to utilise the existing access and the application form indicates that no new junction is to be formed. As such, I do not consider Para 3.1 of the Standing Advice to be applicable. Instead, I consider the central question to be whether visibility at the junction is such that the additional vehicular movements associated with the development would pose a significant risk to highway safety."* On this basis, it is considered appropriate to assess whether indeed the increase in vehicle movements associated with this development proposal would pose a significant risk to highway safety, notwithstanding the fact that full visibility levels, as identified in the Highway Authority Standing Advice are met.

The applicant further supports the proposal by identifying that there is a good level of visibility to the east, with splays in excess of 2.4m by 60m available. It is advised that views to the west are partially obscured by railings and a bridge parapet wall, however it is possible to see the roof of a car at a minimum distance of 50m, and also see cyclists or motorcyclists above the

railings and parapet wall. Additionally, the applicant has commissioned a 'manual traffic turning count' to survey the usage of the access onto the A378. The results of this survey, which was carried out between 07:45 and 09:15 on Wednesday 10th August 2016, showed four vehicles exiting the access and one pedestrian entering. It is acknowledged that this survey was carried out during a school holiday period but it is contended that this is still a fair estimate of usage, demonstrating that the access is currently very lightly used, considering that there are at least 14 residential properties using the access onto the A378.

The Highway Authority have advised that the development should comply with Standing Advice. They have offered limited further advice in that if there is no material change in circumstances from previous applications, then they would recommend refusal, however determination of this scale of development is ultimately for the Local Planning Authority to assess in conjunction with Standing Advice. Bearing in mind that there have been some material changes in circumstances, as highlighted above, and that a survey has been commissioned to provide additional evidence in support of the application, along with the recent Inspector's decision in respect to Standing Advice, it is not considered that one additional household, using the main access off the A378 would cause such significant, or severe, adverse impact on highway safety that planning permission should be refused on highway safety grounds. It is acknowledged that the access road off the main A378 access is poorly aligned, and that the track is not of the necessary width to allow full passing of two vehicles, however visibility is good over a the majority of the track, allowing vehicles to pull in and manoeuvre without causing a hazard.

The occupiers of some of the adjoining properties have raised concerns that their parking spaces would be affected, however the submitted plans show that there is approximately 5m between the west side of the track, and the gate position, which is more than a standard parking space of 4.8m. allowing for vehicles to park as per the existing arrangements.

Concerns have been registered in relation to highway safety implications of construction traffic, however as with disturbance to residential amenity, this could be adequately covered within a Construction and Environmental Management Plan.

Overall, the increase in use of the access is not considered such that there would be a significant impact on highway safety as a result of the proposed development.

Other Issues

The site is partly within Flood risk zone 2, as designated by the Environment Agency, however all the built form is proposed outside of the flood zone, with only some of the proposed garden within. As such there are no objections in respect to flood risk. It is noted that a small amount of the access is within Flood Risk Zone 2, however the applicant has submitted details in respect to flood emergency response and evacuation arrangements. The Council's Civil Contingencies Manager has considered these proposals and has raised no objections. Ultimately the limited amount of access in designated Flood Risk Zones will not be such that evacuation from the site or emergency access to it would be impeded significantly. An informative will be added in respect to this matter.

The Council's Environmental Protection Officer has identified historic landfilling locally, which could potentially affect the site. While this is not a constraint to development, relevant contaminated land conditions are suggested.

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 the Local Planning Authority are not seeking an affordable housing obligation from this development.

Conclusion

Despite concerns raised locally, the proposed residential development of the site is considered to be acceptable in this location, as it respects the character of the area, and is not considered to cause demonstrable harm to residential amenity and highway safety, and will not increase flood risk locally.

RECOMMENDATION

Grant approval for the following reason:

01. The proposed development, by reason of size, scale and materials, is acceptable as it respects the character of the local area, does not adversely affect the setting of nearby conservation area and has no unacceptable impact on residential amenity, highway safety or local flood risk. As such, the proposed development is considered to accord with the aims and objectives of policies SD1, SS1, SS4, SS5, TA5, TA6, EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of chapters 4, 6, 7, 11, 12 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: '16/1568/01' and '16/1568/03'.

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

03. No work shall be carried out in respect to the construction of the external surfaces of the development hereby permitted unless particulars of materials (including the provision of samples) to be used for the external surfaces have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity, in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of chapters 7, 11 and 12 of the National Planning Policy Framework.

04. The area allocated for parking and turning on submitted plan '16/01568/01', shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the occupation of the dwellinghouse hereby permitted.

Reason: In the interests of highway safety, in accordance with policies TA5 and TA6 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 4 of the National Planning Policy Framework.

05. The garage hereby approved shall be constructed prior to the dwellinghouse first being occupied.

Reason: In the interests of residential amenity, in accordance with policy EQ2 of the South Somerset Local Plan (2006-2028) and the core planning principles of the National Planning Policy Framework.

06. The development hereby permitted shall not commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include construction vehicle movements, construction operation hours, construction vehicular routes to and from site, 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, pollution prevention measures and a scheme to encourage the use of public transport amongst contractors. The development shall be carried out strictly in accordance with the approved Construction Management Plan.

Reason: To safeguard residential amenity and highway safety, in accordance with policies EQ2 and TA5 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 4 and the core planning principles of the National Planning Policy Framework.

07. The development hereby permitted shall not begin until a scheme to deal with contamination of land, controlled waters and/or ground gas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures, unless the Local Planning Authority dispenses with any such requirement specifically in writing:

1. A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175 : 2011 Investigation of Potentially Contaminated Sites - Code of Practice.

2. A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites - Code of Practice. The report should include a detailed quantitative human health and environmental risk assessment.

3. A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation should be stated, such as site contaminant levels or a risk management action, and how this will be validated. Any ongoing monitoring should also be outlined.

4. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to and approved in writing by the Local Planning Authority.

5. A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show that the site has reached the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with policy EQ7 of the South Somerset Local Plan (2006-2028) and the core planning principles of the National Planning Policy Framework.

08. Before the development hereby permitted commences the applicant must either:
- a. Investigate the site for landfill gas to the satisfaction of the LPA, to ascertain whether gas protection measures are required. Where measures are required the details shall be submitted to, and approved by, the LPA. Or;
 - b. The applicant shall install gas protection measures as a precautionary measure without first investigating the site. The details of these measures shall be submitted to, and approved by, the LPA.

For a. and b. all required measures shall be installed before the development is first occupied.

Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with policy EQ7 of the South Somerset Local Plan (2006-2028) and the core planning principles of the National Planning Policy Framework.

09. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional windows, including dormer windows, or other openings (including doors) shall be formed in the dwelling hereby permitted without the prior express grant of planning permission.

Reason: In the interests of visual and residential amenity, in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of chapters 7, 11, 12 and the core planning principles of the National Planning Policy Framework.

Informatives:

01. The applicant should note that the entrance to the site is within Flood Zones 2, as designated by the Environment Agency, and should consider putting flood emergency response and evacuation arrangements in place, in line with details indicated in correspondence dated 14th October 2016 (email from Clive Miller to John Millar).
-