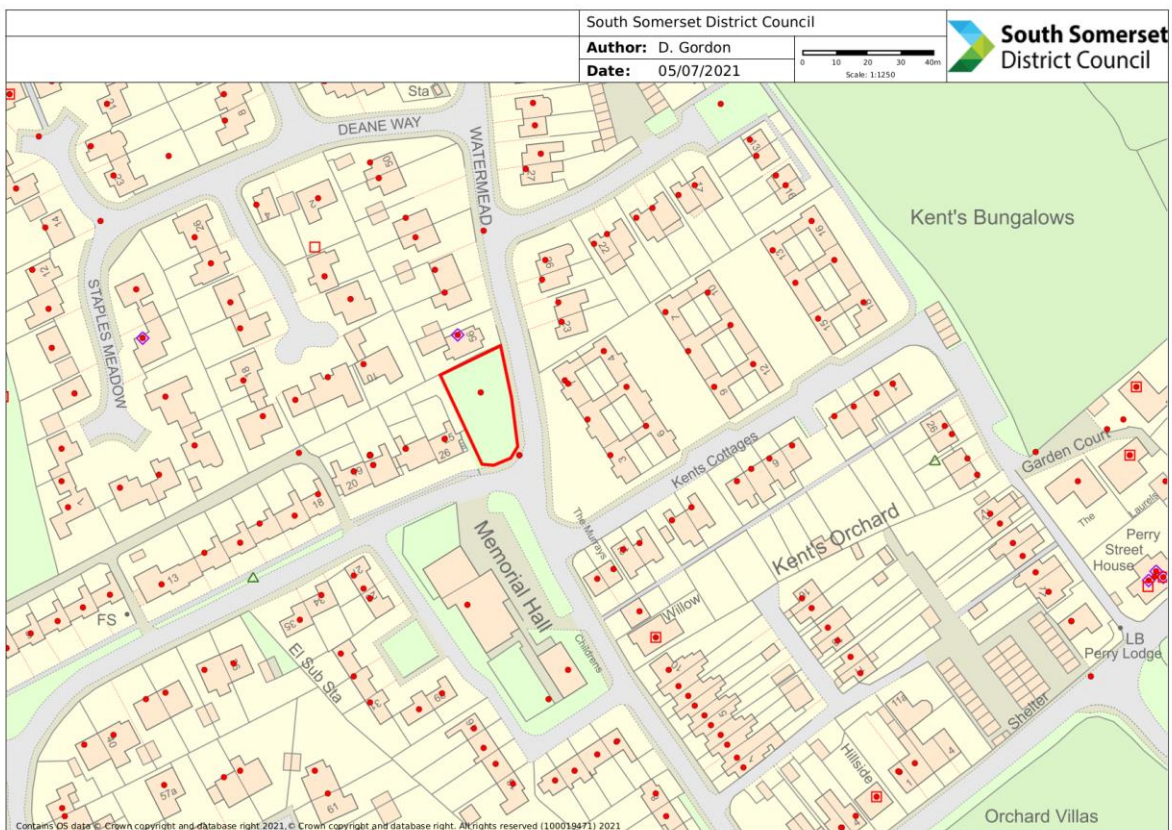


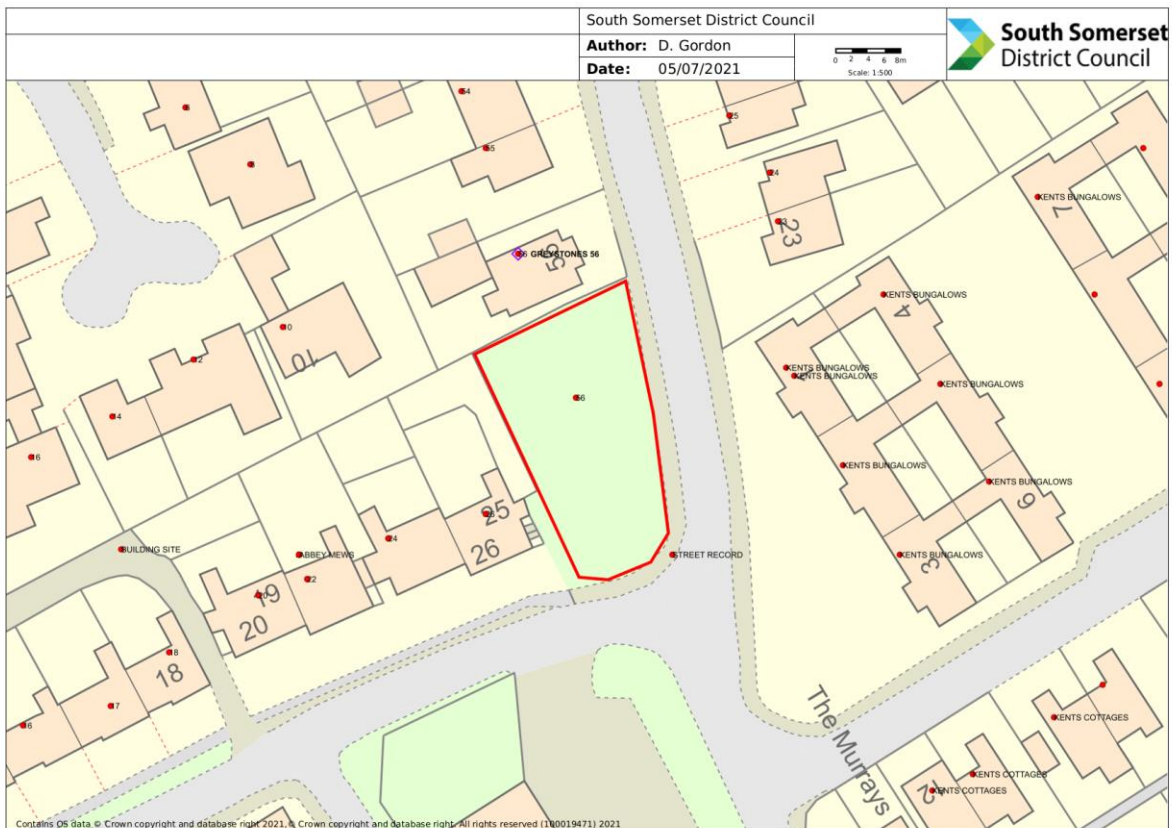
Officer Report On Planning Application: 20/01597/FUL

Proposal :	Construction of a detached dwelling with associated parking
Site Address:	Land Adj 56 Watermead South Chard
Parish:	Tatworth and Forton
BLACKDOWN, TATWORTH & FORTON Ward (SSDC Member)	Cllr M Wale Cllr J Kenton
Recommending Case Officer:	Louisa Brown (Specialist) Tel: (01935) 462344 Email: louisa.brown@southsomerset.gov.uk
Target date :	5th August 2020
Applicant :	Mr Dan Bennett
Agent: (no agent if blank)	Mrs Victoria Cains, Sandcliffe House, Northgate Street Devizes, SN10 1JT
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE:

The application has been referred to Committee by the Case Officer as the applicant is South Somerset District Council.





SITE DESCRIPTION AND PROPOSAL

This is an application seeking full planning permission for the erection of 1 no. dwelling with associated parking at land adjacent to 56 Watermead, South Chard. The site is located on a corner plot at the junction of Watermead and Kents Lane, within a residential area. The area is characterised by two storey and single storey properties, with the dwelling directly to the north being a two storey detached dwelling and those on the west boundary being semi-detached two storey buildings providing flats, to the south of the site is the Memorial Hall

The proposal seeks to erect a 3 no. bedroom detached dwelling with parking. The access for the parking will be off Watermead and adjacent to the north boundary. Originally the scheme was for a pair of semi-detached dwellings however further to advice from the LPA this was amended to one unit and the design altered.

HISTORY

None

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11 and 12 of the NPPF indicate it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

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.

South Somerset Local Plan (2006-2028)

Policy SD1 - Sustainable Development

Policy SS1 - Settlement Strategy

Policy SS2 - Development in Rural Settlements

Policy SS4 - District Wide Housing Provision

Policy SS5 - Delivering New Housing Growth

Policy EQ1 - Addressing climate change in South Somerset

Policy EQ2 - General Development

Policy EQ4 - Biodiversity

Policy TA1 - Low Carbon Travel

Policy TA5 - Transport impact of new development

Policy TA6 - Parking Standards

National Planning Policy Framework

Chapter 2: Achieving sustainable development

Chapter 5: Delivering a sufficient supply of homes

Chapter 6: Building a strong, competitive economy

Chapter 8: Promoting healthy and safe communities

Chapter 9: Promoting sustainable transport

Chapter 11: Making effective use of land

Chapter 12: achieving well designed places

National Planning Practice Guidance

Design

Policy-related Material Considerations

Somerset County Council Parking Strategy (September 2013)

Somerset County Council Highways Development Control - Standing Advice (June 2017)

National Design Guide - September 2019

CONSULTATIONS

Tatworth and Forton Parish Council:

"The Parish Council have considered this application.

The site is designated community land, has been in use as such since the original surrounding development was completed.

Located on a busy 4 road junction, opposite the entrance to the Memorial Hall car park any application must have the highway authority's blessing.

Whilst the size of the plot is such that it may be developed, any development must result with the properties being available for local parish residents for rent or purchase."

SCC Highway Authority:

Standing advice applies.

SSDC Highway Consultant:

"I note the development scheme has been altered to propose the construction of a single dwelling rather than a pair of dwellings. The proposed parking provision and visibility splays now shown on the amended plan are acceptable. The other comments I made previously in respect of access surfacing, drainage and the need to provide a charging point for electric vehicles do not appear to have been addressed on the submitted plan, but these elements of the scheme, in addition to the visibility splays and parking provision, can be secured by condition. A S.184 license will also be required from SCC to cover the dropping of the kerb-line and the re-profiling of the frontage footway for the width of the access onto Watermead."

Rights of Way:

No comments received

REPRESENTATIONS

Thirteen neighbours were notified and a site notice displayed. Three objections have been received. The issues raised in summary are:

- New dwelling detrimental to character of the area
- Highway safety, will affect visibility splays, create traffic congestion
- Loss of open space
- Loss of amenity, overlooking, lack of light
- Vehicle fumes
- Devaluation of property
- Disruption to roads and pavements.

CONSIDERATIONS

The main issues to assess as part of this application are the principle of development, impact on highway safety, visual amenity, residential amenity and ecology.

Principle of Development:

The starting point for decision-making is the statutory development plan, which is the South Somerset Local Plan (2006 - 2028). Adopted in March 2015, this provides the policy framework through which to make decisions on whether or not to grant planning permission for development in the district. The District Council can currently demonstrate that they have in excess of the five year land supply and as such all housing policies are considered up to date.

Sustainability of the settlement:

South Chard is classified as a 'rural settlement' in the Local Plan and as such Policy SS2 applies. This states:

"Development in Rural Settlements (not Market Towns or Rural Centres) will be strictly controlled and limited to that which:

- Provides employment opportunities appropriate to the scale of the settlement; and/or
- Creates or enhances community facilities and services to serve the settlement; and/or
- Meets identified housing need, particularly for affordable housing.

Development will be permitted where it is commensurate with the scale and character of the settlement, provides for one or more of the types of development above, and increases the

sustainability of a settlement in general. Proposals should be consistent with relevant community led plans, and should generally have the support of the local community following robust engagement and consultation.

Proposals for housing development should only be permitted in Rural Settlements that have access to two or more key services listed at Paragraph 5.41".

Policy SS2 sets a relatively restrictive approach to development in rural settlements in that the principle of housing is not automatically accepted as it is predicated upon the compliance of the proposal with the above requirements. The agent has referred to there being a housing need for a 3 no. bedroom property in this location.

The parish council neither support nor object to the proposal, but state that:
"Whilst the size of the plot is such that it may be developed, any development must result with the properties being available for local parish residents for rent or purchase."

The District Councils online list under 'Housing demand - freedom of information requests' sets out that Homefinder Somerset identified a need for six 3 no. bedroom units in the parish of Tatworth and Forton. Whilst the proposed development will not provide housing by an affordable housing provider, it does serve an identified need, for smaller housing that is more attainable on the open market for a family home. Online estate agent sites indicate that currently there is only one 3 no. bedroom unit available for sale in South Chard and a further 2 properties within Tatworth.

It is considered that the development will meet a housing need in this location and is commensurate with the scale and character of the settlement in accordance with policy SS2 of the South Somerset Local plan (2006-2028) and the NPPF.

Visual Amenity:

Objections have been raised to the dwelling being out of character with the area and the loss of open space. The agent has submitted an amended plan to address the concern of the LPA and residents, no comments have been received in regard to the amended plans. The original scheme was for 2 no. dwellings, the amended plans show a single dwelling fronting onto Watermead and as such has been designed to reflect the dwelling to the north, with materials used to match buildings in the immediate vicinity.

The property will sit back from the front elevation of no. 56 Watermead and sit behind the build line for properties on Kents Lane, thus pulling it back from the corner at the junction, to enable a partial retention of the open green space. In addition the plan shows the planting of a tree in the open space.

The area is characterised by properties finished in re-constituted stone, brick and some part rendered all under tiled roofs. The dwelling will be finished in brick under a double roman tiled roof, with grey upvc or aluminium windows and doors. The materials are considered to be acceptable subject to a condition to agree the colour finish.

Notwithstanding comments received it is considered that the proposed development by reason of location, scale, design and materials will not adversely affect visual amenity in accordance with policy EQ2 of the South Somerset Local Plan.

Residential Amenity:

Objections are raised due to overlooking and loss of amenity, along with fumes from vehicles. In addition there is an objection due to devaluation of properties. Unfortunately devaluation is not a material planning consideration and as such cannot be taken into account.

The dwelling has been designed to ensure that the first floor windows on the west elevation are obscure glazed to limit any adverse overlooking, in addition there are no windows in the north elevation of the proposed dwelling. The dwelling to the north has windows in its south elevation, however the proposed dwelling will be situated just over approximately 6.25 metres from their side elevation.

Whilst the neighbour's outlook will be affected there is no right to a view under planning consideration. It is considered that there is enough distance to ensure there will be no adverse loss of light. Furthermore the parking is separated by a boundary fence and the site is in an already residential area where there are car fumes, as such it is considered that an additional property will not result in an adverse impact on residential amenity.

Notwithstanding comments received it is considered that the proposal has been designed to minimise the impact on neighbouring properties and there will be no significant adverse impact on residential amenity in accordance with policy EQ2 of the South Somerset Local Plan.

Highway Safety:

Objections are raised in regard to the effect on visibility at the junction of Kents Lane and Watermead and increase in traffic, along with disruption to the roads and pavements. The Highway Authority has referred to standing advice and the SSDC Highway Consultant has no objection subject to the relevant conditions.

Policy TA1 requests that all new development meet certain criteria. It is considered reasonable in this instance to condition that the development includes an electric charging point for vehicles in connection with each new unit.

Notwithstanding comments received it is considered that the proposed parking and access is acceptable and in accordance with policies TA5 and TA6 of the South Somerset Local Plan and the implementation of the necessary condition will also enable the development to be in accordance with policy TA1 of the South Somerset Local Plan.

Ecology:

The site is not within the Somerset Levels and Moors catchment area nor have any protected species been identified on the constraints. As such Ecology have not been consulted, and it is considered that the proposal will have no adverse impact on biodiversity in accordance with policy EQ4 of the South Somerset Local Plan.

Affordable Housing Contributions and CIL:

Following a court of Appeal decision, South Somerset District Council will not be seeking affordable housing contributions from schemes of 10 or less dwellings or where the gross floor area of buildings is less than 1000 sq. m. in line with the statement made by the Minister for Housing and Planning.

The proposal will be liable for CIL, Form 1 has been submitted.

RECOMMENDATION

Approve

01. The proposed dwellinghouse, by reason of location, design, scale and materials, contributes to meeting a housing need that is commensurate with the scale and character of the settlement and does not cause significant harm to visual amenity, residential amenity, ecology or highway safety in accordance with the aims and objectives of policies SD1, SS2, SS4, SS5, EQ2, EQ4, TA1, TA5 and TA6 of the South Somerset Local Plan (2006-2028) and the aims and objectives of the NPPF.

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:

Location_1886-planning.dwg
Design_C-1886-P2.dwg

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

03. No work shall be carried out above ground works on site unless particulars of the following have been submitted to and approved in writing by the Local Planning Authority:

- a) details of the make and colour of the double roman roof tiles to be used
- b) details of the make and colour finish of the brick to be used on the external walls
- c) details of the external finish and colour for all external doors and windows

Once approved such details shall be fully implemented and shall thereafter not be altered unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to accord with Policy EQ2 of the South Somerset Local Plan (2006-2028).

04. Prior to the first occupation of the dwelling hereby approved the boundary treatments as shown on the approved plan, Design_C-1886-P2.dwg, shall be fully implemented unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual and residential amenity and to accord with Policy EQ2 of the South Somerset Local Plan (2006-2028).

05. Prior to the development hereby approved being first brought into use the obscure glazed windows, shown on approved plan Design_C-1886-P2.dwg, shall be fully implemented,

to a minimum level 3, and shall be permanently retained and maintained in this fashion thereafter.

Reason: In the interests of residential amenity and to accord with Policy EQ2 of the South Somerset Local Plan (2006-2028).

06. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), there shall be no extensions to this building without the prior express grant of planning permission.

Reason: In the interests of visual and residential amenity and to accord with Policy EQ2 of the South Somerset Local Plan (2006-2028).

07. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of the dwellinghouse hereby approved forward of any wall of that dwellinghouse which fronts onto a road (east and south elevation of the dwelling).

Reason: In the interests of visual amenity and to retain the open space and to accord with Policy EQ2 of the South Somerset Local Plan (2006-2028).

08. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows (other than those expressly authorised by this permission) shall be constructed.

Reason: In the interests of residential amenity and to accord with Policy EQ2 of the South Somerset Local Plan (2006-2028).

09. The overall ridge height of the dwelling hereby approved shall not exceed that shown on the approved plan, Design_C-1886-P2.dwg - Watermead Street Elevation, when assessed in relation to the adjacent dwelling known as 56 Watermead.

Reason: In the interests of visual amenity and for the avoidance of doubt and to accord with Policy EQ2 of the South Somerset Local Plan 2006-2028.

10. The landscaping as indicated on the approved plan shall be carried out within the dormant planting season (November to February inclusively) following the commencement of any aspect of the development hereby approved; and if any trees or shrubs which within a period of ten years from the completion of the development die, are removed or in the opinion of the Council, become seriously damaged or diseased, they shall be replaced by the landowner in the next planting season with trees/shrubs of the same approved specification, in the same location; unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the planting of new trees and shrubs in accordance with the Council's statutory duties relating to The Town & Country Planning Act, 1990 (as amended)[1] and

the following policies of The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure

11. Before the dwelling hereby permitted is first occupied, a properly consolidated and surfaced access and parking area shall be constructed (not loose stone or gravel) details of which shall have been submitted to and approved in writing by the Local Planning Authority. The access and parking area shall be constructed in accordance with the agreed design and shall be maintained in the agreed form thereafter at all times.

Reason: In the interests of highway safety and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

12. The dwelling hereby permitted shall not be occupied until the parking spaces have been provided, as detailed on submitted drawing number Design_C-1886-P2.dwg. The said spaces shall thereafter be kept clear of obstruction at all times and not used other than for the parking of vehicles in connection with this development.

Reason: In the interests of highway safety, in accordance with policies TA5 and TA6 of the South Somerset Local Plan 2006-2028.

13. Prior to first occupation provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall be submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed prior to the first occupation and thereafter maintained at all times.

Reason: In the interests of highway safety and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

14. At the proposed access there shall be no obstruction to visibility greater than 600 millimetres above adjoining road level within the visibility splays shown approved drawing, Design_C-1886-P2.dwg. Such visibility splays shall be constructed prior to the first occupation of the dwelling hereby permitted and shall thereafter be maintained at all times.

Reason: In the interests of highway safety and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

15. Prior to first occupation of the dwelling hereby permitted, one 16amp electric charging point, for electric vehicles, shall be provided adjacent to one of the parking spaces. Once installed such electric charging point shall be retained and maintained in working order, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development is resilient and sustainable in accordance with Policy TA1 (Low Carbon Travel) of the adopted South Somerset Local Plan and the provisions of the NPPF.

Informatives:

01. Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation or alteration of an access to the highway will require

a Section 184 Permit. This must be obtained from the Highway Service Manager at the following Area Highway office: South Somerset Area Highways Office - Houndstone Business Park, Yeovil. The Area Highways Offices are contactable on the following telephone number No.0300 123 2224. Applications for such a permit should be made at least four weeks before access works are intended to commence.