

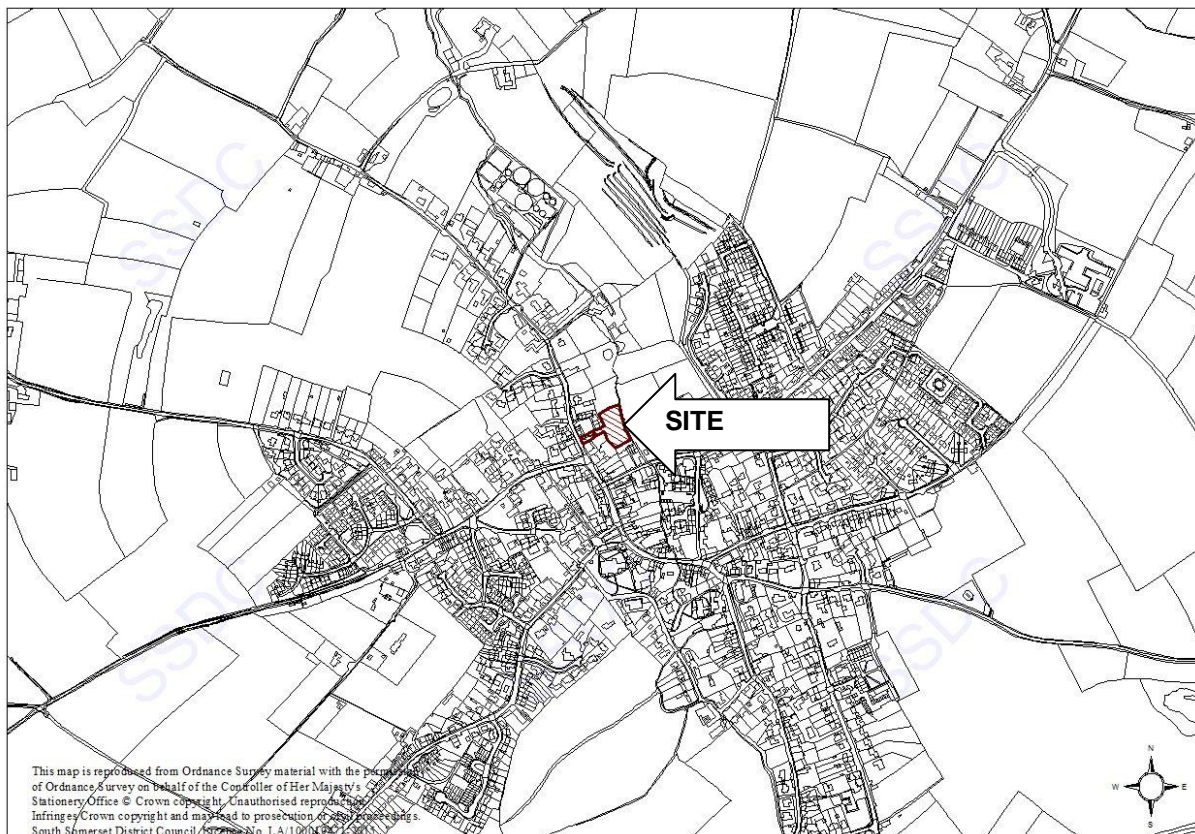
Officer Report On Planning Application: 15/05407/FUL

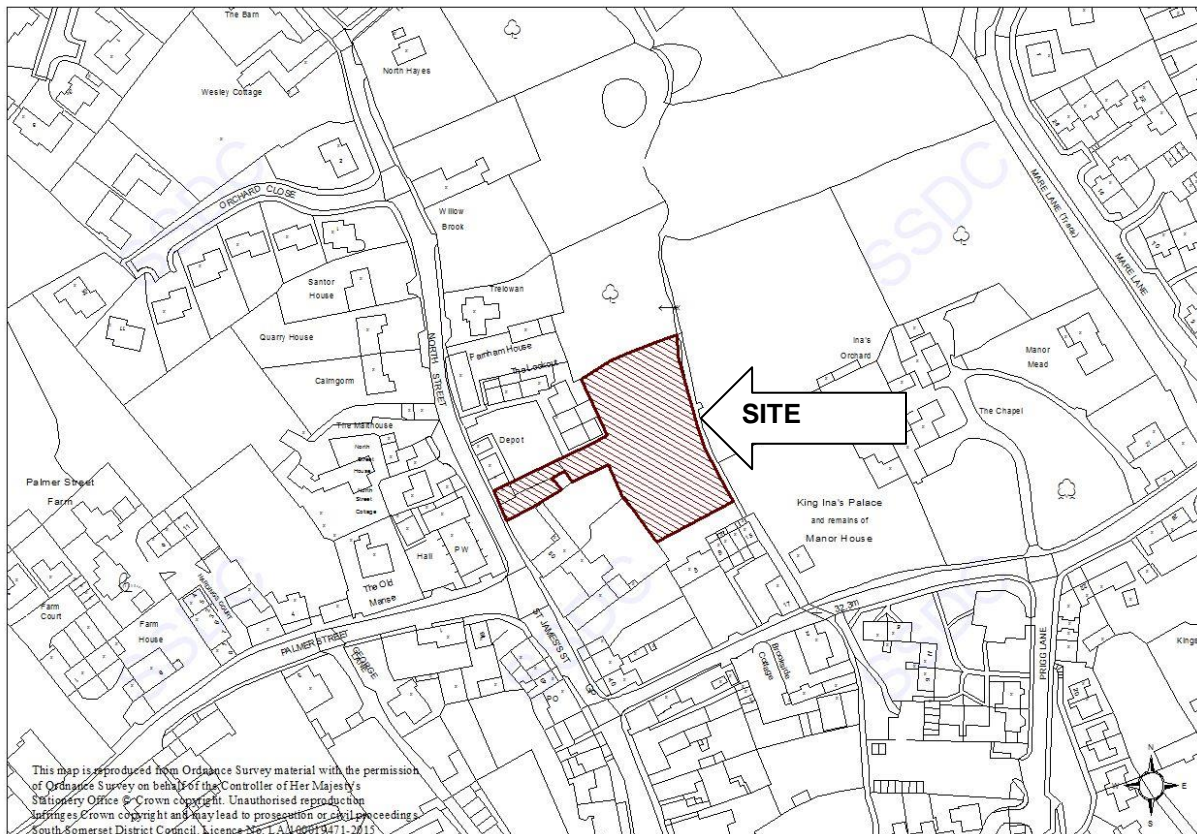
Proposal:	Demolition of outbuilding, alterations to existing vehicular access and the erection of a new dwellinghouse (Revised Application)(GR 343206/117054)
Site Address:	50 St James Street, South Petherton, Somerset.
Parish:	South Petherton
SOUTH PETHERTON Ward (SSDC Members)	Cllr Adam Dance Cllr Crispin Raikes
Recommending Case Officer:	Linda Hayden Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
Target date :	28th January 2016
Applicant :	Dr Gill Glendinning
Agent: (no agent if blank)	Mr Mark Merer, Welham Studios, Charlton Mackrell, Somerset TA11 7AJ
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

The application is referred to Area North Committee at the request of the Ward Member and with the agreement of the Chair in light of the local support and to allow the highways issues to be debated.

SITE DESCRIPTION AND PROPOSAL





This application relates to land that forms the relatively large curtilage of 50 St James Street within the centre of South Petherton. The property is a very attractive Grade II* listed detached house of mostly hamstone ashlar with a slate roof. Access to the site is made from St James Street via a narrow access in the high hamstone wall that forms the eastern boundary of the site.

This is a revised application following the refusal of a similar application on grounds that the proposal would interfere with highway safety. As before, the application proposes the demolition of an outbuilding and the erection of a detached dwellinghouse but it is now proposed to slightly widen the existing access in the boundary wall. The proposed dwelling would be situated within the rear part of the curtilage directly adjacent to the modern high wall that forms the boundary to Coach Court. The outbuilding proposed for demolition is situated at the front of the site and its removal will allow for parking and turning space for both the existing and proposed dwelling (three parking spaces for each dwelling) behind the historic wall along St James Street.

The proposed dwelling will have three bedrooms and is of contemporary flat-roofed design that will wrap around the boundary with Coach Court. It is proposed to finish the building in Red Cedar cladding with a grass ('living') roof, windows and doors are to be of charcoal grey aluminium. The dwelling will be situated on a stilt platform due to the sloping nature of the site.

An associated listed building application accompanies the application (15/0408/LBC), this relates to the demolition of the outbuilding and the widening of the access in the historic boundary wall. It should, however, be noted that the demolition of the outbuilding has already been approved under 15/03425/LBC.

The site is within the conservation area of South Petherton.

The Design and Access Statement advises:

- The design is a response to the high boundary wall on the boundary with Coach Court and will provide an enhancement of the area. It will be a single storey, modular, factory made timber framed building supported on stilts.
- The building is lower than the boundary wall and to be finished with a flat green meadow roof. The cedar finish will ensure the new dwelling sits appropriately within its surroundings.
- The current vegetable garden will provide pedestrian access from the garage to the new dwelling. A new 1.8m boundary wall with landscaping will integrate with the existing house.

In addition, an Archaeological Assessment of the outbuilding to be demolished accompanies the application and this concludes that the outbuilding is of twentieth century origin and is not part of the original outbuildings of the property which is sixteenth century in origin.

HISTORY

15/03424/FUL - Demolition of outbuilding and the reception of 1 No. detached dwellinghouse. Refused 14/10/2015 for the following reason:

'The development would lead to an increase in vehicles entering and exiting the site through the existing access which is considered to be substandard due to its restricted visibility. Increased use of the access will lead to potential vehicular/pedestrian conflicts that could compromise highway safety. As such, the proposal is detrimental to highway safety, and is therefore contrary to policy TA5 of the South Somerset Local Plan (2006-2028), Somerset County Council Highways Standing Advice and the National Planning Policy Framework 2012.'

15/03425/LBC - Demolition of outbuilding. Approved 6/10/2015.

13/03807/LBC - The carrying out of internal and external alterations to include the replacement of window with door. Approved 3/12/2013.

96/02861/FUL and 96/02732/LBC - The erection of conservatory on east elevation. Approved 16/4/1997.

94/02087/LBC - Removal of white paint from bow windows on front elevation with wood preservative treatment to return windows to original state. Refused 24/2/1994 subsequent appeal allowed.

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 decisions must be made in accordance with relevant Development Plan documents unless material considerations indicate otherwise.

Relevant Development Plan Documents

South Somerset Local Plan 2006 - 2028:

Policies:-

SD1 - Sustainable Development

SS1 - Settlement Strategy (South Petherton is designated as a 'Rural Centre')

SS5 - Delivering New Housing Growth

SS6 - Infrastructure Delivery

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

TA5 - Transport Impact of New Development

TA6 - Parking Standards

EQ2 - General Development

EQ3 - Historic Environment

It should be noted that the housing supply policies within the Local Plan have been impacted by the recent recognition that the Council does not have a five year supply of housing sites. Paragraph 49 of the NPPF states that relevant local plan policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. In addition, paragraph 14 of the NPPF advises that this has an impact upon decision making stating that 'where the development plan is absent, silent or relevant policies are out-of-date' permission should be granted unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or

- Specific policies in this Framework indicate development should be restricted."

Listed Building Control

The starting point for the exercise of listed building control is the statutory requirement on local planning authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses' (section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990).

Sections 16 and 66 of the Act require authorities considering applications for planning permission or listed building consent for works that affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of the building's character, especially if a garden or grounds have been laid out to complement its design or function.

Section 72 of the Listed Buildings Act requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area. This requirement extends to all powers under the Planning Acts, not only those that relate directly to historic buildings. The desirability of preserving or enhancing the area should also, in the Secretary of State's view, be a material consideration in the planning authority's handling of development proposals that are outside the conservation area but would affect its setting, or views into or out of the area.

National Planning Policy Framework (NPPF):

Chapter 6 - Delivering a wide choice of high quality homes

Chapter 7 - Requiring Good Design

Chapter 12 - Conserving and enhancing the historic environment

National Planning Practice Guidance:

- Design
- Conserving and enhancing the historic environment

CONSULTATIONS

South Petherton Parish Council: Recommend approval

County Highway Authority: Advise that Standing Advice is applicable.

Highways Consultant (SSDC): The Highways Consultant has visited the site with the agent and applicant and fully considered the amended plans, he comments:

'I acknowledge the efforts made by the applicant to find a solution. I think the proposed angling of the end walls on both sides of the access would improve pedestrian/vehicular inter-visibility. However, I do not believe it would provide any significant improvement to visibility between vehicles emerging from the access to other vehicles travelling on the public highway. The main concern is that vehicles emerging from the site have to pull out a significant distance before drivers are able to see in both directions, and I do not believe that drivers on the public highway have the sufficient stopping sight distance to an emerging vehicle - hence the need for appropriate visibility splays in line with the visibility criteria set out in Manual for Streets.

Therefore, I do not believe the improvements proposed go far enough to alter my view on the development proposal which would lead to an increase in use of the access.'

As such, the Highways Consultant does not consider that the scheme provides safe access for all people and therefore advises that the scheme should be refused on highways grounds.

Historic England: Note that the building proposed for demolition are most likely to be of C20 construction and that their demolition will not be detrimental to the understanding of the Old Courthouse or its setting. They comment that the setting of both the existing dwelling and the nearby King Ina's Palace need to be taken into consideration.

They advise that their pre-application advice acknowledged that the principle of a modern single storey development on this site appeared acceptable and note that the supporting information provided with the application confirms that the new dwelling will have minimal impact on the setting of the Old Court House due to its single storey design and position within the plot. They consider that the visual impact of the proposed dwelling will be minimal.

They are however concerned about the lack of consideration that has given to the potential impact of the development on the setting of the Grade II* King Ina's Palace. They are relatively confident that any views of the proposed building would be seen against a background of modern residential development, and therefore be minimal. However, given that they have been unable to conduct a site visit they request that South Somerset District Council verifies that these views have been appropriately assessed and that their conclusion is accurate.

Historic England recommends that the issue regarding the setting of King Ina's Palace is addressed and that the application be determined in accordance with national and local policy guidance, and on the basis of the Council's expert conservation advice.

Conservation Officer (SSDC): Considered that providing there is substantial tree cover between the site and King Ina's Palace then the impact of the new dwelling upon the setting of the Palace would be low.

In terms of the setting of No.50, the Conservation Officer considers that the existing tall boundary wall to its garden is severely intrusive and of an unsympathetic colour and finish which is not beneficial to the setting of the house. He considers that this proposal provides for enhancement potential to be gained by improving the appearance of the wall.

With regard to the proposed access and removal of the outbuilding, the Conservation Officer is content with the proposals.

The Conservation Officer believes that the proposed dwelling is well designed and quite appropriate for the site as it will hide the unattractive rear boundary wall whilst having a suitably subdued appearance. Overall, he considers that the proposal will be an enhancement and an improvement to the setting of the heritage assets. He recommends control over any development in the newly formed garden area in order to preserve its character.

In terms of the widening of the access, the Conservation Officer confirms that he has no objections to the alterations and considers that the enlargement of the dated entrance will not have any detrimental impact upon historic assets. He has requested details of the proposed lintel through the imposition of a condition.

Senior Historic Environment Officer: 'As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.'

Environment Agency: Note that part of the site falls within Flood Zone 3 (FZ3) but the building will be on the highest part of the site outside of FZ3. They do not therefore object to the application but advise that the applicant should not develop or change the ground level of the land within FZ3.

REPRESENTATIONS

None received.

CONSIDERATIONS

Background and Principle of Development

This site lies outside of but directly adjacent to the development of South Petherton. It is considered that the permissive approach (as advised) by Policy SS5 and the implications of the lack of a five year housing land supply mean that the principle of residential development can be supported. South Petherton is a large village containing a variety of shops, services, facilities, and employment opportunities. Given that the site is within the centre of the village and adjacent to the development area of South Petherton, the site is considered to be a sustainable location for residential development.

Setting of Listed Buildings and Conservation Area

The application proposes a modern design for the dwelling on this site and this is felt to be an appropriate response to the constraints of the site. As the building is single storey with a flat roof, it will have only a very limited visual impact. The site is well screened and even with the sloping nature of the site it is not felt that the new dwelling will appear intrusive within the wider landscape or conservation area.

The proposed materials are considered to be suitable mix that will further ensure that the dwelling has a subdued appearance in relation to both the setting of the listed buildings and the conservation area.

In the circumstances, it is not considered that the proposal will result in harm to the surrounding

heritage assets and as such the proposal is in accordance with policy EQ3 and the statutory duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact on Residential Amenity

The site is considered to be well chosen in terms of its relationship with neighbouring dwellings and due to its orientation will not result in any significant overlooking of any neighbouring gardens.

Due to its single storey design, it is not considered that the new dwelling will cause any loss of light to residential properties. The proposed building will be slightly lower than the existing wall and only a small amount of the building will be visible from the upper floors of the adjoining dwellings in Coach Court.

The proposal is therefore considered to be in accordance with Policy EQ2 of the Local Plan.

Affordable Housing

Policy HG4 of the Local Plan requires a contribution towards affordable housing. This takes the form of a commuted sum equivalent to 5% of the floor area of the development, at rates identified in the Local Plan. The total relevant floor area of the development is 127 sq. m, and the contribution would be £5080. The contribution is to be secured by Agreement, which would need to be signed prior to grant of permission. The applicant is agreeable to this requirement.

Highway Safety and Parking

The Highway Authority has advised that Standing Advice is applicable in this instance. The Council's Highways Consultant has therefore examined the application and has expressed concerns about the proposal due to the increase in the use of the existing access which is considered to be substandard and does not include acceptable pedestrian/vehicular inter-visibility splays. Whilst improvements have been made through the enlargement of the existing access the Highways Consultant remains concerned about the visibility.

Therefore, the Consultant whilst recognising that the development will only result in a small number of movements per day, believes that the current access deficiencies (even with the widening of the access) mean that the proposal would compromise highway safety and lead to potential vehicular/pedestrian conflicts. He does not consider that the proposal provides a safe access and the development should therefore be refused as being contrary to policy TA5 and advice contained within the NPPF.

EIA Regulations

Not relevant.

Conclusion

This is considered to be a suitable site for an additional dwelling being located directly adjacent to the development area of South Petherton. Its form, scale and design ensure that it will form an appropriate development that respects the setting of the nearby listed buildings and will enhance the character and appearance of the conservation area.

However, there is clear concern about the use of the existing substandard access and therefore the proposal cannot be supported due to its adverse impact upon highway safety.

Whilst in all other respects the development is considered to be acceptable, the issue of highway safety cannot be dismissed. As such, the recommendation has to be to refuse the

application on the grounds of its adverse impact upon high safety due to the potential for vehicular/pedestrian conflicts.

S.106 AGREEMENT

A commuted sum of £5,082 would need to be secured by Agreement as a commuted sum towards affordable housing provision, in terms of Policy HG4 of the Local Plan, the Agreement to be signed before any grant of permission.

RECOMMENDATION

Refuse

FOR THE FOLLOWING REASON:

01. The development would lead to an increase in vehicles entering and exiting the site through an access (even with the improvements proposed) which is considered to be substandard due to its restricted visibility. Increased use of the vehicular access will lead to potential vehicular/pedestrian conflicts that could compromise highway safety. As such, the proposal is detrimental to highway safety, and is therefore contrary to policy TA5 of the South Somerset Local Plan (2006-2028) and the aims and objectives of National Planning Policy Framework 2012.

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.
