

Officer Report On Planning Application: 15/05579/S73A

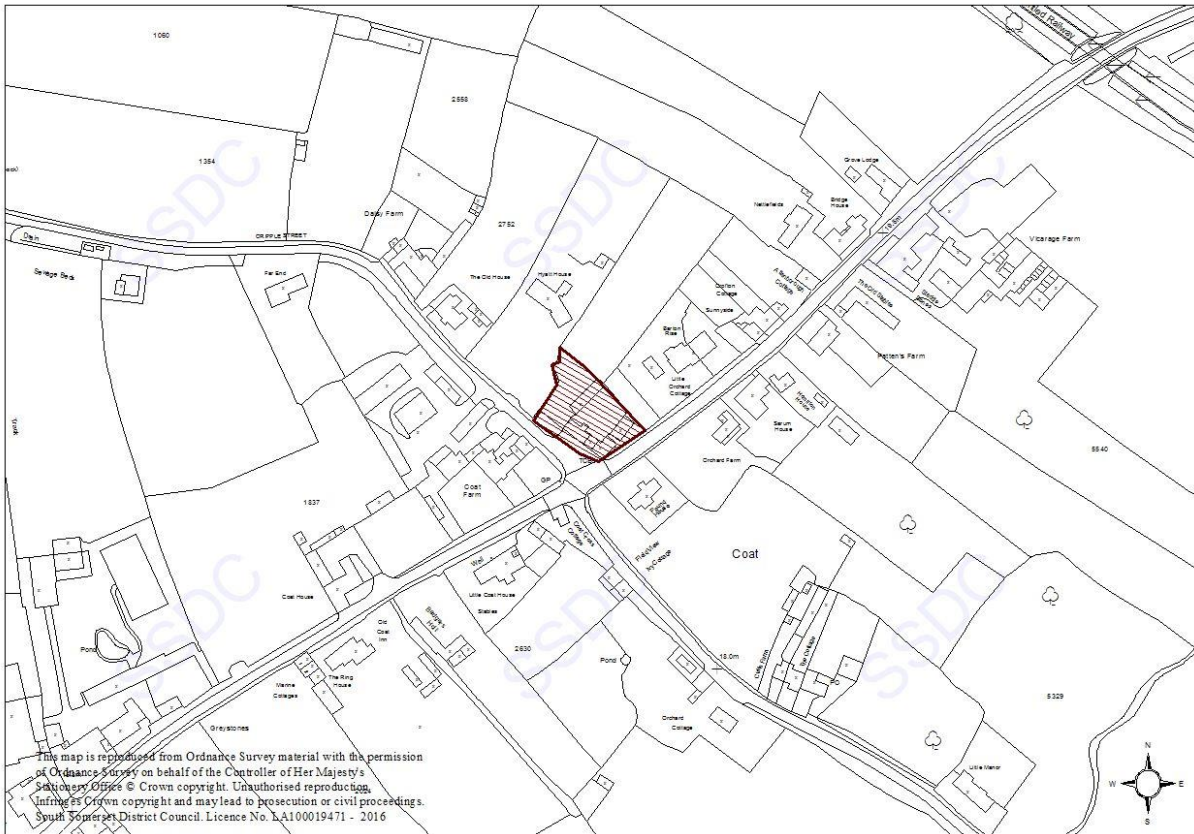
Proposal :	Application to vary condition 10 of planning approval 14/01088/FUL to vary approved drawings (GR:345322/120434)
Site Address:	Coat Barn, Highway Road, Martock.
Parish:	Martock
MARTOCK Ward (SSDC Member)	Cllr Neil Bloomfield Cllr Graham Middleton
Recommending Case Officer:	Nicholas Head Tel: (01935) 462167 Email: nick.head@southsomerset.gov.uk
Target date :	9th February 2016
Applicant :	Mr Mike Yates
Agent: (no agent if blank)	Mr Paul Day, Honeysuckle Cottage, Church Street, Kingsbury Episcopi, Martock TA12 6AU
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

The report is referred to Committee at the request of the Ward Members to facilitate a full discussion of the issues raised by local residents.

SITE DESCRIPTION AND PROPOSAL





The site is located within the small settlement of Coat, outside the defined development area, and within the conservation area. Coat is characterised by buildings having ham stone rubble and ashlar elevations under clay double roman roofs, pantiles and occasional welsh slate and thatch.

The barn had elevations of local stone under a clay tiled roof. To the rear of the site was a single storey open fronted range, at right angles to the main barn. All structures surrounded an open yard area.

Permission was granted (11/04110/FUL) for the conversion and extension of the barn to provide one dwelling. Part of the approved scheme included an amended street frontage with boundary walls along Cripple Street. Application was then made for the amendment of the approved scheme to change the access details and the frontage along Cripple Street. This scheme (13/03712/S73) was approved, and construction was commenced. During construction work, various parts of the structure collapsed and were removed, resulting in very little fabric remaining on site.

Application was then made and approved for a revised scheme permitting the re-erection of barns and completion of the scheme as originally contemplated, with some minor changes including changes to floor levels of part of the scheme (14/01088/FUL). During the course of construction, various minor changes were made to the development, including:

- the minor re-positioning of the pool/games room and the structure linking this building to the main dwellinghouse;
- the installation of an oil tank adjacent to the northern boundary of the site;
- the removal of the garage building and use of this area as a children's play area;
- amendment of the parking area and access drive;

- amended boundary treatments;
- minor changes to fenestration and doors.

HISTORY

14/03176/NMA	Application for a non-material amendment to planning approval 14/01088/FUL to substitute existing approved plans to amend gym to swimming pool - permitted
14/01088/FUL	Amended scheme of works to allow for reconstruction and change of use of barn together with associated building to form a single residential unit as previously granted planning permission under Decision Notice 13/03712/S73 - Retrospective - permitted with conditions
13/03712/S73	Section 73 application for the variation of conditions 2, 3 and 7 of planning approval 11/04110/FUL to allow revised access arrangements
13/03719/LBC	Proposed conversion of existing barn and the erection of associated building to form a single residential unit (Revised Scheme) - permitted with conditions Coat farmhouse was listed grade II on 19 April 1961.
11/04110/FUL	Proposed conversion of existing barn and the erection of associated building to form a single residential unit - permitted with conditions.
11/04111/LBC.	Conversion of existing barn and the erection of associated building to form a single residential unit - permitted with conditions.

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
TA5	Transport Impact of New Development
TA6	Parking Standards
EQ2	General Development
EQ3	Historic Environment

National Planning Policy Framework (March 2012):

6. Delivering a wide choice of high quality homes
7. Requiring good design
12. Conserving and enhancing the historic environment

National Planning Practice Guidance - Department of Communities and Local Government, 2014.

Policy-related Material Considerations

Somerset County Council Parking Strategy, March 2012 and September 2013.
Somerset County Council Highways Standing Advice, June 2013.

South Somerset Sustainable Community Strategy (2008-2026)

CONSULTATIONS

Parish Council: No objection is raised. *Concerns were raised that numerous substantial amendments had been made without permission and that SSDC had been made aware of this at the time. It was felt that intervention and enforcement should be applied in a timely way.*

Highways Authority: Standing Advice applies.

Highways Consultant: Prefer access arrangement as previously proposed.

REPRESENTATIONS

Letters of objection have been received from five local residents, raising the following main points:

- the absence of a boundary wall will harm neighbouring amenity;
- the house is used for holiday lettings for large groups of people, creating noise and other disturbance;
- a play area for children has been created;
- a change of use is alleged - to a commercial holiday lettings business;
- this is reflected by changes to the interior layout of accommodation in the building;
- the car parking area has been reduced, and there is inadequate parking.

CONSIDERATIONS

The site has been developed largely in accordance with the approved scheme (as amended) represented in the planning permission 14/01088/FUL. Retrospective permission is sought for various minor changes to the layout and detailing including:

- the minor re-positioning of the pool/games room and the structure linking this building to the main dwellinghouse;
- the installation of an oil tank adjacent to the northern boundary of the site;
- the removal of the garage building and use of this area as a children's play area;
- amendment of the parking area and access drive;
- amended boundary treatments;
- minor changes to fenestration and doors.

Visual Impact

The changes to the original layout and design are minor and do not have a significant impact on the visual impact of the development:

- The position of the pool/games room, and the linking section running north-south, has

been changed by approx 800mm towards the north-west. This building has an overall length in excess of 16m, and this shift makes not significant impact on the appearance of the overall scheme, not being visible from any public vantage point.

- The oil tank is located in an open part of the site between the north-eastern boundary and the pool room. Again, this is not in a publicly visible position, and there is no harmful impact on the setting.
- The changes to surface treatment (including parking, driveway and play area) are visible from the access. These do not have a harmful impact on the setting.
- The boundary treatment fronting onto Highway Road has been changed from a stone wall to a laurel hedge (which has been installed). It is considered that the hedge is visually acceptable in the context.
- The changes to windows and doors are all internal to the scheme and do not have any impact on the public appearance of the development.

The minor changes that have been made are not considered to be harmful to the character and appearance of the setting.

Impact on Residential Amenity

The changes make no material change to the standard of amenity enjoyed by neighbouring residents. The re-positioning of the building is minor, and it is moved slightly away from the street frontage (Highway Road) which, if anything, improves the visual impact from the adjoining property.

Parking and Highway Safety

The original permission made a different provision for parking, although 4 on-site bays were provided. The developer has chosen not to implement the garage building (which was not required to be provided in the original permission); the other internal garage was removed to accommodate the indoor pool area. The current layout provides off-street parking for 4 vehicles in a different, outdoor configuration, which is considered adequate and workable.

The access has been altered from the originally permitted scheme. The newly-built kerblines on Cripple Street ensures excellent visibility towards the south-east. As previously, however, visibility is limited towards the north-west. Whilst the previous scheme is 'preferred' by SSDC's Highway Consultant, it is not considered reasonable or necessary, given the low level of traffic and width of Cripple Street to insist on a reversion to that layout. Although not strictly compliant with the County's Standing Advice, it is considered that an adequate standard of highway safety is represented by the amended scheme.

Build-out of Green Area on Highway Edge

The Highway Authority has raised a concern about appropriate licences, etc., being granted for the works. This is not a planning consideration, but the matter is being attended to. The new kerb line and green lawned area between the building and the carriageway is considered to represent a visual enhancement. It is proposed that this be retained free of planting or other obstructions for highway safety and visual amenity purposes.

Concerns Raised by Neighbouring Residents

The principal issue raised in all the representations is that a material change of use of the premises has taken place.

Allegations of a material change of use (away from a single dwellinghouse towards a multi

functional events venue) have been investigated over a period of about a year. At the time of writing there have been no formal noise or other nuisance complaints received by the Council's EPU team. The outcome of the investigations has been that, as a matter of fact an degree, taking into account all the impacts of the development, a change of use has thus far not taken place. The development represents a single dwellinghouse within the C3 Use Class. The Authority will continue to monitor the operation of the development, and enforcement action could be considered in the event of additional evidence, including evidence of a statutory nuisance.

However, this is not relevant to the current application, which seeks minor changes to the design and layout of a single dwellinghouse, and the way in which it relates to nearby dwellinghouses.

Amenity concerns have been raised by near neighbours. A well-demarcated boundary, including a close-boarded 1.8m timber fence and a 1m-thick Leylandii hedge, exists between the site and the property to the north-east. It is also noted that the neighbouring dwellinghouse has two large buildings - a swimming pool building and an office - between the boundary and the dwellinghouse. The dwellinghouse is located more than 20m from the pool room building, and its outdoor living space and garden are similarly remote from the site. The issue of erection of a further wall is raised, as shown on the original layout plans. Such a wall would be set at a lower level than the existing boundary fence, and approx. 3m away from it. Even if such a wall were to be 2m in height, it would contribute little by way of screening, either visually or for noise reduction, in relation to the neighbouring dwelling (Barton Rise) and its main garden area, which are more than 20m away. Under the circumstances, it is not considered that such additional screening is justified or necessary between two residential properties. This is particularly so as there is good existing screening, and the development is set well away from the boundary in any event. It is therefore not considered necessary to require the construction of a further wall within the applicant's land.

The replacement of a wall with a mature laurel hedge has been mentioned above. It is considered to provide adequate boundary definition and screening, as well as representing an attractive enhancement to the street scene along Highway Road. There is not considered to be any justification for requiring that this boundary be demarcated by a solid wall rather than this hedge.

A children's play area is an acceptable part of the use of a residential curtilage. It has been situated at the furthest point to the north-west of the site, and is more than 35m from the neighbouring dwellinghouse. It is not considered that this represents inherent harm to residential amenity that would warrant refusal of the application.

Conditions

A S73 application provides a replacement permission for an approved scheme. Conditions of the earlier permission, 14/01088/FUL, have only been retained where relevant or necessary. Now that the scheme is complete it is possible to assess the exact needs in terms of landscaping, boundaries etc. In particular:

- It is not considered that any further landscaping provision is required. However, it is considered important to ensure that the green area along Cripple Street, which is within the highway land, should be kept free of any structures or planting in the interests of amenity and highway safety.
- It is also considered important that the new hedge on the Highway Road frontage should be permanently retained and maintained.
- Given local concerns, it is considered necessary to include a condition removing PD rights

for outbuildings and structures within the curtilage.

- Given the change to the access layout, the visibility splay condition is no longer needed (visibility is covered by the condition relating to the open green area mentioned above).

Conclusion

The minor material changes that have occurred during implementation of this development are considered to respect the character and appearance of the setting, and cause no demonstrable harm to residential amenity. The application is recommended for approval subject to revised conditions.

RECOMMENDATION

Grant permission.

01. The proposed minor material changes to the approved scheme respect the character and appearance of the setting and cause no demonstrable harm to residential amenity or highway safety in accordance with the aims of the NPPF and Policies TA5, TA6, EQ2 and EQ3 of the South Somerset Local Plan.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be carried out in accordance with the following approved plans: the drawings ref. 6400, serial numbers 300A, 301, 302, 304, 305 and 306.

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

02. The laurel hedge shown on the submitted plan number 6400-300A shall be permanently retained and maintained.

Reason: In the interests of visual amenity and to accord with Policy EQ2 of the South Somerset Local Plan.

03. The lawned frontage between the new kerb line on Cripple Street and the development shown on the submitted plan number 6400-300A shall be maintained permanently as a lawned area and kept free of any structures, trees and shrubs.

Reason: In the interests of visual amenity and highway safety and to accord with Policies EQ2 and TA5 of the South Somerset Local Plan.

04. The sound insulation scheme approved in discharging Condition 4 of Planning Permission 11/04110/FUL (approved in the email letter from this Authority dated 11 October 2013 under the reference 13/03929/DOC) shall be permanently retained and maintained, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of neighbour amenity further to Policy EQ2 of the South Somerset Local Plan.

05. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (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 buildings without the prior express grant of planning permission.

Reason: In the interests of character and appearance of the conservation area, and in the case of the gym building to support the accompanying sound insulation condition, further to Policies EQ2 and EQ3 of the South Somerset Local Plan.

06. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions, garages, outbuildings or any other structures shall be erected on the site without the prior express grant of planning permission.

Reason: In the interests of character and appearance of the conservation area, and residential amenity, further to Policies EQ2 and EQ3 of the South Somerset Local Plan.

07. The parking and turning areas shown on the submitted plan ref. 6400-300A shall be kept clear of obstruction at all times and shall not be used other than for parking and turning of vehicles, as demarcated, in connection with the development hereby permitted.

Reason: In the interests of highway safety and to accord with Policy ST5 of the South Somerset Local Plan.

Informatives:

01. The applicant's attention is drawn to the comments of the Highway Authority in their email letter of 20 January 2016, in which it is stressed that no works should be carried out on highway land without the correct legal agreements and/or licences being in place. Contact should be made with the County Council at 01823 359516 to address this issue.
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