

ERECTION OF A TERRACE OF HOUSING COMPRISING OF SIX TWO BEDROOM HOUSES, TWO ONE BEDROOM FLATS AND THIRTEEN CAR PARKING SPACES AT THE SITE OF THE FORMER WHITE HART INN, KNAPP LANE, NORTH CURRY (RE-SUBMISSION OF 24/08/0021)

331812.125279

Full Planning Permission

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PROPOSAL

It is proposed to erect 8 dwellings comprising 6 no. two bedroom houses and 2 no. one bedroom flats contained within a two-storey terrace on the site of the demolished White Hart Public House. 13 parking spaces are shown provided partially on the existing parking area at the western end of the site which is to be extended towards the southern boundary. Rear access is shown along the south boundary from the gardens of all dwellings to the parking area.

The proposal includes the realignment of the southern kerb along Knapp Lane to provide a consistent road width of 5m wide (at present the narrowest point is 4.35m) with a new footway partially provided in the existing carriageway.

This is an identical design to a previous application (24/08/0021) which was refused and dismissed on appeal on the grounds of lack of provision of affordable housing.

This application has been submitted with a financial appraisal based on three different estate agent valuations and a quantity surveyor's development cost assessment. This has allowed for the proposed development to be assessed through the use of the 'Three Dragons Toolkit' to establish development costs, profit margins, development income and residual land values. This information can then be used to inform a decision on whether the proposed development can provide for affordable housing.

The applicant has not proposed to provide an affordable housing on this site although a Unilateral Undertaking has been submitted to secure £18,894 financial contribution towards outdoor recreational facilities and children's play provision.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SOMERSET COUNTY COUNCIL - TRANSPORT DEVELOPMENT GROUP - no objections subject to conditions

NORTH CURRY PARISH COUNCIL – object

- It is an overdevelopment in a small area,
- There is a privacy issue over the proposed development for some residents of the Town Farm and neighbouring properties.

- It is felt that certain design features of those houses are incompatible with what is currently in the village, e.g. the design is unimaginative with all four houses in the central terrace being identical; the recycling bins would have to be sited in the front of the properties as there is no available space for them behind the properties, thereby causing damage to the street scene.
- Concern over access onto the highway close to a blind bend

Finally, the Parish Council wished it to be stressed to TDBC that TDBC should uphold its requirements for appropriate levels for low cost housing.

HERITAGE AND LANDSCAPE OFFICER – comment:

"The proposed retaining wall next to the car parking area is likely to damage the roots. To avoid significant root damage a method statement for the wall construction and the root remediation should be provided. The health of the trees should be monitored annually after construction and any necessary tree management works undertaken."

LEISURE DEVELOPMENT MANAGER - no objection subject to contribution of £18,894 for outdoor recreation and children's play.

HOUSING ENABLING MANAGER – comment:

'The need for affordable housing in this Parish remains. Therefore I support my earlier request for two social rented houses plus a commuted sum of £43,139.20'

CONSERVATION OFFICERS – comment:

1. Comment re the historic interest of the existing building as per previous application.
2. Fenestration and detailing improved to previous scheme.
3. Whilst UPVC windows and doors not considered refusable in this location, detailing will be important. Essential that specific details submitted and approved and thereafter maintained (e.g. plots 7 & 8 need to have vertically sliding sash is not top hung).
4. Good to see chimneys incorporated, sad that these are not functional.
5. Palette of materials appropriate -- condition submission of sample Slate (natural) clay tile (double roman), ridge tiles, coping stones and cills.
6. Condition sample panel of render and brickwork to be erected on site for approval.
7. Conditions submission of details re venting of roofs, so as to avoid unsightly modern "mushrooms" etc.
8. Conditions submission of specific details of doorcases to plots 8, (to ensure proportional are appropriate), likewise voussoirs to Plots 1 & 2.
9. Condition no bell casts formed in render over window heads to plots 7 & 8.
10. Condition windows to be recessed minimum of 900mm from face of wall

*SOMERSET COUNTY COUNCIL - DEVELOPMENT CONTROL
ARCHAEOLOGIST* - no objections

DRAINAGE ENGINEER – surface water soakaways should be constructed in accordance with the Building Research Digest 365

PARRETT INTERNAL DRAINAGE BOARD - comment

The site is outside the Board's area of jurisdiction and therefore not adjacent to any Board asset or "viewed rhynes" however potentially the surface water run off from the proposals could discharge into the Board's area. The applicant's agent has indicated within the submitted details that surface water run-off will be disposed of by use of soakaways. The proposed layout limits the area available to locate any soakaways and whilst the Board is unaware of any particular problems at this location the use of soakaways should be established by successful porosity tests results and careful design to locate the soakaways as not to affect the existing or proposed dwellings.

The principal requirements for surface water drainage from developments are set out in PPS 25 annex F and are understood to be '*a material consideration*'. As stated above the Board knows of no known difficulties or flooding issues however the Board would suggest the use of sustainable drainage techniques to mitigate the proposed development's impact on the receiving drainage system or formal a connection to the public sewerage network is made if appropriate which is in line with your Council's policy EN29.

If the relevant committee of the Local Planning Authority were of a mind to approve the application the Board would ask that a drainage condition regarding provision of surface water drainage prior to any works commencing would be included on the decision notice.

The design of the surface water drainage system will need to address the long-term maintenance requirements and I would suggest that a maintenance strategy and regime be required to be approved by the planning authority to ensure the proposals are sustainable and maintainable.

Representations

31 LETTERS OF OBJECTION

- The terrace design is unimaginative and not in keeping with the area.
- More vehicles entering and leaving the site next to a bend would affect road safety.
- The proposed development is too dense.
- Waste/recycling bins on view are not desirable in a conservation area.
- The previous pub was demolished resulting in the loss of a village facility
- The existing pub should be restored.
- Insufficient parking will be provided on site.
- Not enough affordable housing is being proposed.
- The dwellings will be higher than the pub they will replace
- Loss of privacy from overlooking
- Loss of outlook
- The developer bought a successful pub and the price reflected that. If the development figures do not stack up then it is through lack of research and the fact that the market has slowed up is the developers own problem (not TDBC's or the local communities)
- There should only be 2 dwellings on this site.
- This application has not overcome the objections of the previous Planning Inspector.
- Concerns that the latest application is a 'case of attrition' and will be approved

2 LETTERS OF SUPPORT

- The proposed development is in keeping with the area
- It would encourage young families to come to the village making existing facilities more viable.
- The closure of the pub has made the other pub in the village more viable

PLANNING POLICIES

PPS1 - Delivering Sustainable Development,
PPS3 - Housing,
PPG13 - Transport,
RPG10 - Regional Planning Guidance for the South West,
STR1 - Sustainable Development,
STR3 - Rural Centres and Villages,
S&ENPP33 - S&ENP - Provision for Housing,
S&ENPP35 - S&ENP - Affordable Housing,
S&ENPP39 - S&ENP - Transport and Development,
S&ENPP48 - S&ENP - Access and Parking,
S&ENPP49 - S&ENP - Transport Requirements of New Development,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
H9 - TDBCLP - Affordable Housing within General Market Housing,
EC15 - TDBCLP - Associated Settlements/Rural Centres/Villages,
M4 - TDBCLP - Residential Parking Provision,
C4 - TDBCLP - Standards of Provision of Recreational Open Space,

DETERMINING ISSUES AND CONSIDERATIONS

This is the third application on this site with the previous two applications being dismissed on appeal. The first was dismissed on the grounds that the proposal would have an adverse effect on the character and appearance of the area and that it did not make adequate provision for affordable housing.

The second application included a revised design and the proposal was refused (and subsequently dismissed on appeal) on the grounds of non-provision of affordable housing.

This application proposes the same design and layout as previous and based on the considerations of that previous application and the single reason for refusal, this current application is essentially a single issue application where the provision (or non-provision) of affordable housing has to be considered.

When determining the previous application at appeal, the Inspector stated that:

“The White Hart Inn has been demolished. Following the conclusion in *Iddenden v SSE and Hants CC 20 (June 1972) 1 WLR 1433*, the use of the land as a public house has been extinguished by its demolition. It follows that the value of the land is now largely contingent on the grant of planning permission.

The proposal is for 8 dwellings with no affordable housing. Local Plan Policy H9 seeks the provision of affordable dwellings outside Taunton or Wellington

where the site is of a sufficient size and value for the incorporation of affordable housing to be feasible. The appellant has argued that, given the current situation with the national economy, and the building sector in particular, the proposal would no longer be viable if it is required to include the provision of affordable housing. Two alternative valuations have been submitted to support this claim.

I note that the appellant purchased the site for £450,000 and incurred additional demolition costs. These costs have been incorporated into the viability calculations. However, as set out above, the use of the site has now been extinguished. Consequently there is now no established use from which to derive a value for the site, which is likely to be considerably reduced.

Following demolition, I am not persuaded that the purchase price used in the appellant's calculations is still representative of its value. If a lower figure is taken for the site value then the proposal appears far more viable and, in my assessment, would be likely to be able to support the provision of affordable housing. I therefore find that the absence of affordable housing provision is contrary to Policy H9."

With the previous use demolished and no alternative planning consent for the site it is very difficult to establish an existing use value. It has been argued as part of the post submission negotiations that the price paid for a site is the existing use value as it was bought with the intention of redevelopment. It is considered that this argument is flawed as it would be possible for a developer to pay any amount for a site and then argue that it wouldn't be possible to provide any affordable housing (or other planning contribution) on the grounds that it would make the scheme unviable. It is considered by the case officer that prior to purchasing a site, a developer should establish what all of the potential development costs are and then decide whether to make an offer for the site and what that offer should be.

The Three Dragons Toolkit is a computer based development appraisal tool which follows the above consideration and calculates residual land values rather than inputting them into the appraisal. This is known as a residual development appraisal approach. It includes developer and contractor returns (profit margins) as a development cost and is the basis for the recommendation.

As the existing use has been extinguished it is considered necessary to look at alternative uses to establish residuals that can be compared with each other to establish whether this proposal can be accepted without any affordable housing. A hypothetical scheme of two larger dwellings on this site has been input into the Three Dragons Toolkit and it established that the residual for such a scheme is very similar to that of the proposed eight smaller dwellings.

Such a scheme for two dwellings would not provide for any affordable housing and the open space and leisure contributions would be significantly reduced. It is therefore concluded that this provides a basis for an alternative use value and when compared to the current scheme, does not provide as many planning benefits as the proposal.

It must be noted that the development appraisals that have been carried out are based on the current housing market which is subject to change. It is considered that one of the principal reasons why this proposal cannot be provided for any affordable housing is

the current housing market. It is therefore proposed that permission be granted with a shortened time limit for implementation to ensure that the proposal could be reassessed should the housing market change in the future and the development has not been carried out.

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposal is considered not to have a detrimental impact upon visual or residential amenity and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design). Due to the state of the current housing market and possible alternative developments on the site it is acknowledged that the current proposal will not provide any affordable housing. Therefore a shorter implementation period is required in order to allow the viability to be reassessed should the development not come forward in the short term. Accordingly it is considered that the proposal complies with the requirements of policy H9 of the Taunton Deane Local Plan

RECOMMENDED CONDITION(S) (if applicable)

1. The development hereby permitted shall be begun within one year of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. Prior to development commencing on site, details of the construction of the retaining wall under the canopy of the existing tree shall be submitted to and approved in writing by the local planning authority. These details shall include a method statement for any root remediation and future monitoring on the health and maintenance of the trees. The development shall thereafter be carried out in accordance with the agreed details.

Reason: To ensure that the existing trees on the site are adequately protected and to preserve the character and appearance of the area in accordance with the provisions of Policy S1 of the Taunton Deane Local Plan

3. No development shall commence until a detailed surface water drainage strategy, including details to prevent the discharge of surface water onto the highway, has been submitted to and agreed in writing by the Local Planning Authority. The agreed strategy shall be implemented prior to the occupation of the first dwelling and shall thereafter be maintained as such.

Reason: To ensure that adequate infrastructure exists for the disposal of surface water, in the interests of preventing off site flooding and highway safety, in accordance with Policy S1 of the Taunton Deane Local Plan, Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and advice in Planning Policy Statement 25.

4. Details, including samples of the brick, slate, clay tile, ridge tile, coping stones and cills shall be submitted to and approved in writing by the Local Planning Authority prior to wall construction commencing.

Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies 81(D) and 82(A).
5. The windows to plots 7 and 8 shall be of a vertical sliding sash design only.

Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies 81(D) and 82(A).
6. A sample panel of the brick and render shall be erected on site and agreed in writing by the Local Planning Authority prior to commencement of wall construction and thereafter carried out as agreed.

Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies 81(D) and 82(A).
7. Details of venting of the roof areas shall be submitted to and approved in writing by the Local Planning Authority prior to roof construction and thereafter shall be carried out as agreed.

Reason: To ensure details appropriate to the character of the area in accordance with Taunton Deane Local Plan policies 81 (General Requirements) and 82 (Design).
8. Specific details of the design materials and appearance of the doorcase to Plot 7 and voussoirs to Plots 1 and 2 shall be submitted to and approved in writing by the Local Planning Authority and thereafter carried out as agreed.

Reason: To ensure details appropriate to the character of the area in accordance with Taunton Deane Local Plan policies S1 (General Requirements) and S2 (Design).
9. The windows shall be recessed a minimum of 90mm from the face of the wall unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure details appropriate to the character of the area in accordance with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design).
10. No bell casts shall be formed in render over window heads to Plots 7 and 8.

Reason: To ensure details appropriate to the character of the area in accordance with Taunton Deane Local Plan policies S1 (General Requirements) and S2 (Design).
11. The pathway illustrated on drawing 0728/11B shall be provided prior to occupation of any unit.

Reason: In the interest of highway safety, in accordance with Somerset &

Exmoor National Park Joint Structure Plan Review Policy 49.

12. All existing trees on site shall be protected in accordance with BS583:2005 Trees in relation to construction.

Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Local Plan Policy EN8.

13. The access hereby permitted shall not be brought into use until drop kerbs have been installed at the carriageway edge and a vehicle crossover constructed across the footway fronting the site for the width of the access.

Reason: In the interest of highway safety, in accordance with Somerset & Exmoor National Park Joint Structure Plan Review Policy 49.

14. Before the dwellings and flats hereby permitted are first occupied a properly consolidated and surfaced access shall be constructed (not loose stone or gravel), details of which shall have been submitted to and approved by the Local Planning Authority

Reason: In the interest of highway safety, in accordance with Somerset & Exmoor National Park Joint Structure Plan Review Policy 49.

15. The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interest of highway safety, in accordance with Somerset & Exmoor National Park Joint Structure Plan Review Policy 49.

Notes for compliance

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.

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