

30/09/0032

MR & MRS K SANDERS

CHANGE OF USE AND CONVERSION OF GARAGE BLOCK TO HOLIDAY LETTING ACCOMMODATION, FORMATION OF NEW VEHICULAR ACCESS AND ERECTION OF ONE BAY GREEN OAK GARAGE BUILDINGS AT OAKWOOD COTTAGE, PITMINSTER AS AMENDED

Grid Reference: 322179.119337

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

RECOMMENDED CONDITION(S) (if applicable)

1. The development hereby permitted shall be begun within three years 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. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A0) DrNo 09/11/01 Rev A Layout, Floor and elevations plans as amended
(A3) DrNo 10/06/01 Revised Access Arrangements

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

3. Before any part of development hereby permitted is commenced, a scheme showing the area of hedgerow to be removed and the hedges to be retained shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include measures to protect the retained hedges and the roots of the hedge during construction.

Reason: To avoid potential harm to the root system of any hedge leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan Policy EN6.

4. (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.

- (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
- (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

- 5. Before the access is first brought into use there shall be no obstruction to visibility greater than 900mm above adjoining road level within the visibility splays shown on the submitted plan. Such visibility shall be fully provided and shall thereafter be maintained at all times.

Reason: To preserve sight lines at a junction and in the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and relevant guidance in PPG13.

- 6. Before the new access/garage is first brought into use, the access, parking and turning area as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) at all times in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

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

- 7. No entrance gates shall be erected at any time nor should the garage be enclosed with any type of door or other means of enclosure at any time.

Reason: To ensure adequate parking and turning can be retained to allow vehicles to leave in forward gear. In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

- 8. Before the new access/garage is first brought into use 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 have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy 49 of

the Somerset and Exmoor National Park Joint Structure Plan Review.

9. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order) the use of the garage hereby permitted shall be limited to the parking of domestic vehicles only for Oakwood Cottage, and shall not be used for further ancillary residential accommodation or other purpose whatsoever.

Reason: To ensure adequate parking and turning can be retained to allow vehicles to leave in forward gear. In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

10. The area allocated for access, parking and turning on the submitted plan shall be kept clear of obstruction at all times and shall not be used other than for access, parking and turning, in connection with the development hereby permitted.

Reason: To ensure adequate parking and turning can be retained to allow vehicles to leave in forward gear. In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

11. The holiday letting accommodation shall be occupied for holiday purposes only.

The holiday letting accommodation shall not be occupied as a person's sole or main residence.

The site operator or owner shall maintain an up to date register of the names of all owners/occupiers of individual holiday letting accommodation on the site and of their main home addresses, and the duration of their stay and shall make this information available at all reasonable time to the Local Planning Authority.

Reason: To prevent permanent occupation that would be contrary to countryside policies as set out in PPS7.

12. No development shall commence until details of the finished floor levels and flood resilience measures to be included in the buildings have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To reduce the impact of flooding to people and property in accordance with PPS25

13. No part of the development hereby permitted shall be occupied until a Flood Warning and Evacuation Plan for the site has been submitted to and agreed in writing by the Local Planning Authority.

Reason: To reduce the risk of flooding in accordance with PPS25.

Notes for compliance

1. Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager at Burton Place, Taunton, Tel No. 0845 345 9155. Application for such a permit should be made at least four weeks before access works are intended to commence.
2. Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing to Roger Tyson of the Transport Development Group, Environment Department, County Hall, Taunton, TA1 4DY, or by telephoning him on 01823 356011. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.
3. With regard to condition 12, the finished floor levels should be in accordance with the FRA, with raising of 350mm for the holiday let and 225mm for the garaging. The flood resilience measures in the FRA should be undertaken as part of the development.
4. With regard to condition 13, we would advise that the warning and evacuation plan allows for users to be evacuated prior to a flood event occurring where possible. Any evacuation proposals need to be formally consulted to TDBC's Contingency Planner, John Lewis. Furthermore, a boat may not be the most appropriate means of evacuation for the development: it does not consider safety risks and is unacceptable for recreational visitors to be responsible for the evacuation of the current occupiers of the site.

PROPOSAL

The proposal comprises the conversion of garage to holiday accommodation, the erection of a garage and the construction of a new vehicular access. The new garage will be constructed in timber and will be served by the new access. The holiday accommodation will be served by the existing access, parking and turning area.

Amended plans have been received which reduce the size of the garage and relocate it within the site, relocation of the access position to the west and the retention of more hedgerow.

SITE DESCRIPTION AND HISTORY

The site is located within the settlement of Pitminster. There is an existing hedgerow boundary to the rear of the property (site of proposed access). The property adjoins a nearby water source and as such the site lies within a flood zone. As the area has not been subject to a detailed study, the area is considered to fall within Flood Zone 3b, Functional Flood plain.

There is a planning history to this site the proposed development for an access:

Application 30/2006/026 was refused on highway visibility grounds and dismissed at appeal on the grounds that actual vehicle speeds were unknown on this stretch of road and therefore the length of the required visibility splays could not be calculated..

Application 30/2007/017 was refused in July 2007 on grounds of highway safety. The County Highways Authority did not object to this application (based on the visibility splays to be provided and the applicants submitted speed survey). The application was determined under the Parish Delegation Agreement.

Application 38/2007/034 was refused in December 2007 grounds that visibility splays of 2.4m x 23m to the east and 2.4m x 33m to the west could not be achieved. These visibility splays were derived from County Highways Authority speed recordings taken in September 2007.

Application 30/08/0038 was refused in September 2008 on grounds that visibility splays of 2.4m x 23m to the east and 2.4m x 33m to the west could not be achieved. The required visibility splays were derived from County Highways Authority speed recordings.

CONSULTATION AND REPRESENTATION RESPONSES

PITMINSTER PARISH COUNCIL: - Objects.

“Proposals have previously been submitted for the formation of an access within planning applications that were refused on highway grounds. Application 38/2007/034 was refused in December 2007, and in July 2007, reference 30/2007/017 and reference 30/2008/0032 in September 2008. Another similar proposal was refused in September 2006, reference 30/2006/026, this was also dismissed on appeal.

Permission when granted for first application stated that a separate access from the village road was not appropriate and would not be permitted.

Since the houses were constructed and in Councils view the road has got busier and consequently more dangerous on blind corners etc.

The closure of Corfe Hill to laden vehicles means that more heavy lorries etc pass through the village on what is in many places effectively a single track road.

The ongoing nonsense of trying to prove that the traffic is not going at a speed to cause trouble or that the splays now meet the required standards are all smoke screens.

There have been many accidents at the bridge in the past few years without any

additional hazards of cars/caravans/boats ingressing and egressing a new access.

Reference to allowed planning applications at other sites is irrelevant and all the topographical, speed and other surveys do not diminish the fact that this is already a dangerous stretch of road and this taken with the fact that the splays still do not meet the required standards means that we have to recommend refusal. It is also considered that to convert the garage into a holiday let property would be overdevelopment of the site where 2 linked houses were the maximum that was originally allowed.

The applicant has already been permitted to extend the garage block to include an office but there should not be any further development of that building or change of its function.

Note. The application has to be determined in its entirety as it is not possible to separate out the two parts of the application.

There has been no further communication from Highways since their letter of 16.10.2010. Therefore unless new information is received from Highways, the Parish Council recommend that permission be REFUSED for the following reason:

That the proposed access does not incorporate the necessary visibility splays, which are essential in the interests of highway safety. As a consequence, the proposed development would be contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review, Adopted Policies 2000 and S1 of the Taunton Deane Local Plan. “

COUNTY HIGHWAY AUTHORITY: - Object

Initial comments dated 21 January 2010 - Objection and recommend refusal on visibility splays; no adequate turning facilities to leave in forward gear; vehicles waiting on highway whilst gates are open, causing obstruction and hazard.

Letter dated 19 February 2010 – confirms previous comments.

Further letter dated 15 March 2010 – Highway issues still not addressed and same reasons for refusal recommended.

Full comments on amended plans received by LPA on 2 July 2010, letter dated 16 August 2010.

“As the Planning Officer will be aware there is a long and complex history to this site. As part of the planning application from when the cottages were granted consent, there was a condition imposed stating there should be no pedestrian or vehicular access to the southern ,Frontage of the site.

In light of the objection previously raised by the Highway Authority, a traffic speed survey has been undertaken. The results of the speed survey have led to the location of the point of access being altered, in addition the internal layout has been re-configured with the previous two bay cad shed being replaced by a single garage and wood store. These alterations are shown on drawing no. 10/06/01.

It is proposed for the new access, garage, wood store and parking turning area to

serve the existing property of Oakwood Cottage and for the existing vehicular access to serve as a means of access to the existing garage block which would be converted to a holiday let.

Whilst the Highway Authority are aware that the proposals includes the change of use of the existing garage to a holiday let, there is an element of concern that without the change

of use, the proposal would effectively result in an over provision of parking. As such strict timing conditions would need to be considered.

It should also be noted that this location is unsustainable in terms of transport policy and the Highway Authority would not support the provision of an independent unit of residential accommodation in this location.

In addition, whilst can be viewed that the holiday let may result in a lesser number of traffic movements than a residential use, there would be nothing to stop the occupiers of Oakwood Cottage from utilising the existing access in addition to the new access. This is especially a concern if the new access were to be implemented in advance of any conversion.

The 85th percentile speed of traffic dictates the visibility splay requirements appropriate in this location. Accepting the results of the survey, splays based on co-ordinates of 2.4m x 25m will be acceptable with no obstruction greater than 900mm. It should be noted however that visibility should be taken to the nearside carriageway edge. This is not the case in the north westerly direction and as such is unacceptable in terms of highway safety.

Mr Bellamy (of Hydrock Byways & Highways) refers to another case whereby the Highway Authority accepted a visibility splay 1m from the nearside carriageway, however each application is accessed on its own merits, and this is not acceptable in this location.

Given that the Applicant already has a means of access I do not consider it appropriate that the Highway Authority lowers their standard, to suit the needs of an individual who already has an approved means of access to the property.

Therefore a recommendation of refusal is still considered appropriate from the Highway Authority's viewpoint as I would not want two substandard points of access being utilised in respect of this property:

The proposed access does not incorporate the necessary visibility splays, which are essential in the interests of highway safety. As a consequence, the proposed development would be contrary to Policy 49 of the Somerset and Exmoor National Park Joints Structure Plan Review, Adopted Policies 2000 and S1 of the Taunton Deane Local Plan. “

LANDSCAPE OFFICER: - My main concern is loss of the roadside hedgerow and the construction of the garage. Both would have an impact on the rural character of the lane.

ENVIRONMENT AGENCY: - Originally objected due to lack of detailed Flood Risk Assessment and as identified in the Strategic Flood Risk Assessment (SFRA), the site lies within Flood Zone 3b, Functional Floodplain.

Further letter dated 24 March 2010. No objection in principle but required a new/updated Flood Risk assessment.

Comments on new/updated Flood Risk assessment submitted on 21 November:

- Recommend conditions for finished floor levels and flood resilience measures. Levels and measures as submitted FRA.
- Flood Warning and Evacuation Plan to be secured through planning condition

Representations

4 letters of objection received (further letters received from same objector).

- Dangerous having new access close to a tight bend on small country road.
- Lane is very narrow.
- Numerous collisions on or close to bridge.
- Speed Survey results could have been affected by hi-visibility jacket, someone holding radar gun, and type of road. More effective and reliable speed check would have been to have used pneumatic tube recording excessive speeds of drivers. Inspector quote from appeal APP/D3315/A/06/2024763 "I cannot be certain what effect the proposed increase in visibility along this stretch of road would have on traffic speeds".
- Visibility splay goes through bridge wall in land the applicants do not control.
- Use of holiday let will further increase traffic at this awkward spot; brings extra development that is excessive and spoiling to area.
- In original approval for property, stated application for driveway access onto road would not be sought/granted; also no pedestrian access.
- Proposed boardwalk would disturb hedge/planting and viewing platform would look into our garden.
- Disappointed to see hedgerow removed.
- Questions raised over some survey work submitted.
- Challenge to statement submitted by Hydrock Byways & Highways Ltd: survey not done in accordance with guidance TA22/81; no speed recordings from East; possibility of speed gun inaccuracies; 1m off-set from roadside edge not acceptable; vehicles from East have no forward vision of proposed site entrance; highway safety about not just about cars, also used by cyclists; visibility splays short of requirements; 85th percentile value of speed survey was rounded down.
- Visibility splays do not provide suitable stopping sight distance, as within Manual for Streets, Page 90, para 7.5.2.

PLANNING POLICIES

S1 - TDBCLP - General Requirements,

S2 - TDBCLP - Design,

EN6 - TDBCLP -Protection of Trees, Woodlands, Orchards & Hedgerows,

S&ENPP49 - S&ENP - Transport Requirements of New Development,

DETERMINING ISSUES AND CONSIDERATIONS

The main considerations are highway safety, flooding and impact on the character and appearance of the lane.

Access

To proposed new access will allow for access to the proposed garage and Oakwood Cottage, retaining the use of the existing access for the holiday accommodation. Within the site there is sufficient parking and turning to allow any vehicle to leave in forward gear.

Since the application was first submitted, the applicant has appointed a Highway Engineer to conduct a traffic speed survey. The results of the speed survey have led to the Highway Authority reducing their visibility splay requirements. Based on the newly submitted speed survey results, the County Highways Authority require visibility splays of visibility of 2.4m x 25m in either direction. The previous requirements were for a 33m splay to the west, but as this has now been reduced, the access can be moved further to the west and the 25m splay can be achieved to the east (towards the bridge). The County Highways Authority are now satisfied with visibility to the east.

However, it is not possible to fully provide a 25 metre splay to the carriageway edge to the west of the access. This is the basis of the County Highways Authority objection. They do not consider it appropriate to lower the standard when there is already a means of access to the property.

A 25m splay can be provided to a point of 60cm from the carriageway edge and the applicant's highway consultant suggests that traffic such as bicycles and motorcycles do not 'hug' the roadside edge and will be at a point that is more than 60 cm from the roadside edge and hedge. Therefore they will be able to be seen by anyone using the proposed access. Cars will also be able to be seen as they are wider than 60cm. Given the high hedges that abut the road, it is accepted that cyclists and motorcyclists would not ride in such close proximity to the hedge and therefore would not be prejudiced by the 60cm offset.

Although the access has been previously refused and dismissed at appeal. This application is different than the previous applications, as an updated traffic speed survey has been submitted, resulting in a reduced visibility splay requirement. This current proposal is considered to be acceptable in terms of highway safety and visibility.

Given the adequate parking and turning within the site and that a splay of 25m in each direction can be achieved, though not as suggested by the Highway Authority, the proposal is not considered detrimental to highway safety as to now warrant refusal.

Flooding

The initial concern raised by the Environment Agency regarding the sites location within a Functional Flood Plain (Flood Zone 3b) has been removed. The Existing dwelling and garage are now considered to be within Flood Zone 3a and no objection has been raised to this element, subject to a sequential and exception test and suitable flood mitigation measures. The access/turning and new garage are still considered to be within Flood Zone 3b, though no objection is now raised. The access will be constructed in a permeable surface and a new garage would normally be granted using standard advice for householder applications.

As requested by the Environment Agency a Flood Risk Assessment has also been submitted. The flood resilience measures proposed are considered acceptable and the Environment Agency has suggested conditions in granting approval.

The new access and garage are not considered to cause a significant loss of floodplain and are not considered cause an increased flood risk. The proposed holiday let will have flood mitigation measures applied, including an evacuation plan. Furthermore, users on the ground floor of the building have access to the first floor, which also has an external door leading to a raised decking area. As such, the proposals are not considered to increase flooding or cause harm to users of the building.

Holiday let

The building is suitable for conversion to small scale holiday accommodation, is partially screened by existing landscape and has adequate parking. Pitminster has a Public House and is in close to the Blackdown Hills, an Area of Outstanding Natural Beauty, and to Taunton Town Centre. Access to the holiday let will be from the existing access. A Flood Risk Assessment has been submitted with mitigation measures to protect the occupiers of the building.

Given the size of the building and close proximity to the main dwelling, it is unlikely to be suitable for separate living accommodation.

Garage

The proposed new building has been reduced in size, from a double garage to a single garage and wood store. This allows for greater movement within the site. The garage will be constructed in timber, which is considered acceptable in this rural location. Furthermore, some hedgerow will be retained to provide some screening into the site. As such, the garage is not considered to have a detrimental impact on the visual amenity of the area.

Landscape

The new access will involve the removal of a small section of hedgerow; though the new visibility splay can be achieved by cutting back/partial remove of the hedge. The area in front of the remaining hedgerow will be grass verge. The partial removal of the hedge, and creation of a grass verge, is not considered to harm the character of the area.

Since the comments of the Landscape Officer, the application has been amended. The amended plan retains more hedgerow, reduces the size of the garage and moves the garage away from the boundary edge.

The proposal is considered to offer visibility splays that would allow for the new access to function without harming highway safety. The access and garage are not considered to harm the character and appearance of the area. The proposal is therefore considered acceptable.

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

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