

49/09/0001

Gadd Homes Ltd

**ERECTION OF 2 DWELLINGS AT 16 NORTH STREET, WIVELISCOMBE
(RESUBMISSION OF 49/07/0073)**

308066.127948

Full Planning Permission

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PROPOSAL

Permission is sought for the erection of No. 2 four bedroom detached dwellings, and associated garaging, to be sited to the north and south of the No. 16 North Street. The proposal also includes the provision of a double garage which would serve both No. 16 and Plot 2. The application site comprising Plot 2 would result in the loss of three lock up garages which would be demolished. The proposed dwellings would be two storeys and of a similar footprint to the existing property No. 16. The proposed materials would be facing brickwork to the ground floor, with off-white through-colour render to the first floor under a tiled roof. Access to the site is proposed via Market Place. A financial appraisal accompanies the application.

SITE DESCRIPTION AND HISTORY

The application site is set well back from North Street and relates, in its context, more to the development in Market Place. The site consists of a linear strip of land incorporating lock up garages and hardstanding, and part of the curtilage, to the north and south, of No. 16 North Street. The site is located within the settlement limits of Wiveliscombe, and lies adjacent to the designated Conservation Area. The site is well related to the facilities and services of Wiveliscombe – designated within the Taunton Deane Local Plan as a Rural Centre.

The following planning history is relevant to the submitted application. Planning permission was refused, planning reference 49/2003/015, for the provision of a single four bedroom detached house to the north of No. 16. The application proposed a new highway access to Market Place. The application was refused on highway safety grounds as the proposal failed to incorporate the necessary visibility splays.

Planning permission was more recently refused, planning reference 49/2007/073 and 49/2008/027, for the erection of two detached four bedroom houses and associated garages (similar to that for which permission is now sought). Permission was refused on the grounds of low housing density resulting in an inefficient use of land. Moreover Policy H9 of the Taunton Deane Local Plan requires, in rural areas, outside of Taunton and Wellington, which are of sufficient size referred to within criterion B, as being sites capable of accommodating three or more dwellings that provision for affordable housing shall be made. Without such provision both previous applications were subsequently refused.

Post decision discussions have taken place between officers' and the developer. The developer asserted that any increase in density requiring the provision of affordable

housing or off site contributions would make the scheme unviable. The developer was required to submit a rigorous viability appraisal for scrutiny. The financial appraisal was assessed by the Council's estate valuer prior to the submission of this application.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

PARISH COUNCIL – Object to the application on the grounds that parking for the existing houses will be adversely affected and access to the site could become blocked.

HISTORIC ENVIRONMENT SERVICE – The site lies within an Area of High Archaeological Potential as defined by Local Plan Policy (Taunton Deane EN23). English Heritage's Extensive Urban Survey places the southern part of the proposal within the town's medieval core and the northern part within the suburb of Golden Hill, which is thought to have been planned and laid out as early as the late medieval period. It is therefore likely that medieval remains will be impacted by the current proposals, but at present the application contains insufficient information regarding these remains.

For this reason it is recommended that the applicant be asked to provide further information on any archaeological remains on the site prior to the determination of this application. This is likely to require a field evaluation.

(Verbal agreement with the County Archaeologist that a condition can be imposed as this requirement was not flagged up on two previous applications).

HOUSING ENABLING MANAGER – No observations to make.

NATURE CONSERVATION OFFICER – The garages to be demolished are not outwardly typical for bat roosts – however, this cannot be ruled out. There are known bat roosts in Wiveliscombe and with anecdotal information on bats in the area it is possible that bats use the garages. I therefore recommend that we do require a wildlife survey. Other species that could be affected are breeding birds and possibly reptiles e.g. slow worms (proximity of established gardens).

I would expect to see recommendations made for enhancement of the site for wildlife (PPS9) e.g. bat boxes in appropriate locations.

CONSERVATION OFFICER – No objection.

DRAINAGE OFFICER – No observations.

HIGHWAY AUTHORITY – Previous comments apply.

This is a resubmission following the refusal of 49/2007/073. The previous issue regarding the ownership of the land the site has now been addressed and is within the Applicant's control.

For the purpose of this application I will reiterate my previous comments. The proposal

is located within the development limit of Wiveliscombe and is in close proximity to services, facilities and a public car park and I have no objection in principle to the proposal.

Market Street is an unclassified highway and a no-through road. I am aware there has been considerable concern raised by local residents in respect of this proposal regarding a number of issues. It is considered that the proposed parking is adequate to serve the existing dwelling and proposed development and in line with the Somerset Parking Strategy. The proposal derives access onto an unclassified highway and whilst turning is desirable I would not insist upon it in this location given the class of highway.

People do not have the right to park on the public highway although the Highway Authority accepts that this does happen, however if adequate parking provision is being provided to serve new development that is in-line with guidance and policy it would be unreasonable to recommend refusal. Market Street was constructed to a suitable adoptable standard and the level of parking allocated to the existing development in Market Street was previously accepted by the Local Planning Authority.

If this provision is now proving to be insufficient, the Highway Authority does not consider this adequate justification to recommend refusal of a development that meets today's parking requirements.

The Highway Officer set out detailed points that need to be addressed prior to proposing appropriate conditions.

Further comments received from the Highway Authority, dated 18th February 2009.

It would appear that whilst the blue line extends to the public highway the red line does not. In the event of permission being granted and suitable conditions imposed, the red line should extend to the public highway.

It would also appear that the issues that have been raised previously by the Highway Authority still have not been addressed and those are set out below.

- Any garage erected shall be at least 6.0m from the highway boundary; this will enable vehicles to park and the garage doors to be opened without vehicles overhanging the public highway. This arrangement should also take into account any boundary gates that may be erected that will open over the driveway area particularly when a vehicle is parked on the driveway. The gates will also need to be set back as not obstruct any required visibility splay.
- A forward visibility splay 22.0m (no obstruction greater than 600mm) should also be provided through the bend, this will need to be clearly shown on any submitted plan.
- At each point of new access with the public highway, there shall be no obstruction to visibility greater than 900mm above adjoining road forward of a line drawn 2.0m back and parallel to the nearside carriageway edge over the entire site frontage.

Amended plans sought.

LANDSCAPE OFFICER – Previous comments apply equally - Subject to suitable planting it should be possible to integrate the proposals into the local street scene.

WESSEX WATER – According to our records, there is a public foul sewer crossing the site. Wessex Water normally requires a minimum, three-metre, easement width on either side of its apparatus, for the purposes of maintenance and repair. Diversion or protection works may need to be agreed.

The developer has proposed to dispose of surface water to mains sewer. As there are no existing public/separate surface water sewers in the vicinity of the site, it is advised that the developer investigate alternative methods for the satisfactory disposal of surface water from the site (e.g. soakaways). Surface water should not be discharged to the foul sewer.

The development is located within a foul sewered area and mains waters supply. Connection can be agreed at the design stage.

Representations

12 LETTERS OF OBJECTION have been received. Summary of Objections: - A recurring theme has been residents strong objection and concerns to the existing lack of parking provision which would be exacerbated as a result of the development; restricted width of the highway results in congestion and limits the availability of parking and access for delivery vehicles and refuse lorry; speed of vehicle users in close proximity to family housing; inadequate access; lack of visibility; is pedestrian and vehicular access to be maintained to North Street?; Current turning area too small and thus vehicles will be forced to reverse down the hill around a blind bend; disruption during construction; in March 2003, reference 49/2003/015, permission was refused for a single dwelling by the Highway Authority due to the proposed access being sited on a bend – current proposal is still close to the bend; rear wall of garages to be demolished not surveyed or mitigation proposed during its demolition/repair; no mitigation measures for removal of asbestos from garage roofing; no wildlife survey submitted - in particular for bats; development type should be affordable homes; overdevelopment; No. 16 will be left with little amenity land; inappropriate use of land; out of character; map inaccurate states Market Street should be Market Place; no revisions to previous refusal; loss of value; loss of light / overshadowing; overlooking and loss of privacy; site where the houses are to be built rises considerably which means the house on plot 1 will overshadow the existing bungalows; No. 1 Market Place will have its light taken away; new dwelling would tower over the existing buildings (alternatively build a bungalow); third application pointing out valid objections and developer has ignored the problems of the residents; garden adjoins public house garden – conflict of use; due to changes in levels and scale of property the development would adversely affect residential amenities of adjoining residents; plans do not reflect the existing situation omits dwellings No. 8, 9 and 10; land ownership boundary shown on plan is incorrect and therefore encroaches on my property – conflict with right of way and prevention of access to property/garage and parking; as a registered childminder part of the requirements is to provide a safe outside activity area, concern at the risk from plot 2 being sited in such close proximity to my property and access, also concern during construction work; suggest developer is leaving an area to the north of No. 16 North St to provide access for future development in Spring Gardens; why not redevelop the

orchard site, also under the same ownership, to the west, and develop both sites to their full potential (plus potentially include land forming part of North Street Garage).

PLANNING POLICIES

Regional Planning Guidance for the South West (RPG 10)

VIS 1 – Expressing the Vision

VIS2 – Principles for Future Development

SS 2 - Regional Development Strategy

SS 3 - The Sub-Regional Strategy

SS 7 - Meeting Local Needs

TRAN 1 - Reducing the Need to Travel

EN23 - TDBCLP - Areas of High Archaeological Potential,

PPS1 - Delivering Sustainable Development,

PPS3 - Housing,

PPS7 - Sustainable Development in Rural Areas,

PPG13 - Transport,

RPG10 - Regional Planning Guidance for the South West,

STR5 - Development in Rural Centres and Villages,

S&ENPP33 - S&ENP - Provision for Housing,

S&ENPP35 - S&ENP - Affordable Housing,

S&ENPP48 - S&ENP - Access and Parking,

S1 - TDBCLP - General Requirements,

S2 - TDBCLP - Design,

H9 - TDBCLP - Affordable Housing within General Market Housing,

M4 - TDBCLP - Residential Parking Provision,

DETERMINING ISSUES AND CONSIDERATIONS

The principal planning issues in this case are residential density and affordable housing, design and layout, impact on living conditions of neighbours and highways.

Density

With respect to density Planning Policy Statement 3 (para 47) states that “Local Planning Authorities may wish to set out a range of densities across the plan area rather than one broad density range although 30 dwellings per hectare net should be used as a national indicative minimum to guide policy development and decision making, until local density policies are in place. Where local planning authorities wish to plan for, or agree to, densities below this minimum, this will need to be justified, having regard to paragraph 46.”

Paragraph 46 refers to provision of a housing strategy having regard to such matters as need, infrastructure, services, accessibility, site characteristics and good design.

The site area is 0.058 hectares and provides a density of approximately 34 dwellings per hectare. It has previously been considered that due to the pattern of development and its location close to the town centre that the site could accommodate a higher level of density. It is accepted that there are some local potential constraints (topography, highway visibility and separation from neighbours) that might make higher densities

inappropriate here. However, government guidance in the form of PPS3 seeks to promote the efficient use of land. The two previous applications have been refused on such basis.

This leads on to the issue of affordable housing provision. The Borough Council is strongly committed to the provision of affordable housing as a corporate priority. The Local Plan policies reflect this commitment by seeking to meet as much of the housing need as feasible through the planning role. Policy H9 requires, in rural areas, outside of Taunton and Wellington, which are of sufficient size, referred to within criterion B as being sites capable of accommodating three or more dwellings. It is therefore important to be assessing whether the size of the plot could accommodate more efficient use of the land. As previously referred to it has previously been considered that the scheme did not make the most efficient use of the land. The application has been submitted with the red line divided, drawn around the two plots, however the site is linked by land under the ownership of the applicant and it is considered in light of the previous refusal the site must be treated in its entirety.

The developer and the Council's estate valuer have been in discussions following the previous refusal to discuss the viability of the scheme and agree what information was required in order to compare alternative schemes for the site. An alternative comparison of six units on the site was provided. The Council's estate value has expressed the view that he would endorse the view that it is not financially viable to develop the site with anything other than two detached dwellings, with there being no requirement to make a contribution towards affordable housing.

In light of the above, and in order to see development come forward, it is accepted that it would be unreasonable to withhold planning permission in order to seek an increase in density which would necessitate affordable housing provision on the basis that to do so would render the development unviable. The views of the Council's estate valuer have been given substantial weight in informing the decision-making process.

Design

The character of the housing in this area is of a varied mixture of ages, design styles and materials with chalet bungalows, terraced properties and staggered two and a half storey dwellings in the locality. The proposed dwellings take a rather simple form with a split level of materials to draw upon the existing properties on the east of Market Place. Nevertheless, it is considered the proposed appearance in the context of the locality would not adversely affect the appearance of the street scene.

Amenity

The concerns of local residents in respect of privacy and loss of amenity are noted. However, it is considered that given the proposed siting of the dwellings and the existing separation distances between elevations the proposal would not give rise to any undue loss of privacy, outlook, or daylight or appear out of character with the wider residential layout of the area as to warrant a refusal.

Highways

There has been a considerable strength of objection from local residents on highway safety grounds and parking issues associated with Market Place. However, the

Highway Authority, who are aware of the local issues raised, do not raise an objection in principle to the development or its impact upon residents in respect of highway related issues, subject to appropriate visibility splays being provided.

To conclude, careful consideration has been given to the nature of the site, amenities of local residents and the character and appearance of the area. The development of this site within settlement limits is promoted by national guidance and the development plan commensurate with environmental considerations. Officers have taken on board the viability of the scheme, in light of the financial appraisal, and it is therefore considered that the proposed development has addressed the previous reason for refusal and as such it is recommended that permission be granted.

RECOMMENDATION AND REASON(S)

Subject to the receipt of clarification from the applicant to address the contents of the planning officer's letter dated 25th February 2009 and the submission of amended plans to satisfy the requirements of the Highway Authority and the imposition of highway related conditions together with the submission of a wildlife report and any further views of the Council's Nature Conservation Officer - The DEVELOPMENT MANAGEMENT MANAGER & CHAIR be authorised to grant PERMISSION subject to the following conditions.

Recommended Decision: Conditional Approval

The proposal, for residential development, is located within defined settlement limits where the principle of new housing is considered acceptable and the development would not have a detrimental impact upon visual or residential amenity and is therefore considered acceptable. Therefore, the scheme accords with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), and M4 (Residential Parking Provision).

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. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the existing building in accordance with Policy S2 of the Taunton Deane Local Plan.

3.
 - (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.

4. Before any part of the development hereby permitted is commenced, a scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied.

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 Deposit Policy S2.

5. No development shall commence until details of the proposed means of surface water disposal have been submitted to, and approved by, the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the site is satisfactorily drained in accordance with PPS1 – Delivering Sustainable Development and Planning Policy 25 – Development and Flood Risk.

6. Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (“the 1995 Order”) (or any order revoking and re-enacting the 1995 Order) (with or without modification), no window/dormer windows, other than those shown on the plan(s) hereby approved, shall be installed in the north west elevation of the development hereby permitted without the further grant of planning permission.

Reason: To protect the amenities of adjoining residents in accordance with Policy S1(E) of the Taunton Deane Local Plan.

7. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the agreed scheme or some other scheme that may otherwise be agreed in writing by the Local Planning Authority.

Reason: To ensure the preservation of archaeological remains in accordance with Policy 11 of the Somerset and Exmoor National Park Joint Structure Plan Review, Policy EN23 of the Taunton Deane Local Plan and advice contained in Planning Policy Guidance note 16.

Notes for compliance

1.

Condition 5 of this planning permission requires the submission of proposals for a scheme of surface water drainage. The details which form part of the submission, refer to surface water being disposed to the main sewer. Wessex Water state that there is no existing public/separate surface water sewers within the vicinity of the site. Surface water should not be discharged to the foul sewer. The developer is there required to investigate alternative methods for the disposal of surface water. The Local Planning Authority would expect to see the provision of sustainable urban drainage system (SUDS) utilised to deal with surface water drainage.

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). SUDS are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible. SUDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands. SUDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge, and improving water quality and amenity.

Further information on SUDS can be found in Planning Policy Statement PPS 25.

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

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