

REPORT OF THE HEAD OF PLANNING AND REGENERATION

15/01422/FULL ERECTION OF FOUR DWELLINGS WITH GARAGES AND ALTERATIONS TO ACCESS (REVISED SCHEME) AT LAND AT NGR 302666 114116 (WEST OF PAULLET), TURNPIKE, SAMPFORD PEVERELL

Description of Development:

This application is for the erection of four bungalows, including one affordable dwelling, with garages, associated parking (three spaces per dwelling) and alterations to the access. The site is located at Land at NGR 302666 114116 (West of Paullet), Turnpike, Sampford Peverell. The site is to be accessed from the cul-de-sac known as 'Paullet' where vehicular access has been retained between two dwellings.

This site is located within the settlement limit of Sampford Peverell. This application is a revised scheme following the withdrawal of an earlier application for four two storey dwellings. The site has outline consent for three bungalows, permitted under application reference number 12/01213/OUT in February 2013, there is a live reserved matters application for following the granting of this outline consent, reference number 15/01899/ARM. This reserved matters application was submitted.

The site comprises of agricultural land to the west of existing housing development. The north western corner of the site lies within the Sampford Peverell Conservation Area.

REASON FOR REPORT:

At the Planning Committee meeting on 16 December 2015, Members resolved that they were minded to refuse the application and deferred it for a further report setting out the implications of the suggested reasons for refusal.

Relationship to Corporate Plan:

Housing and Better Homes – The Corporate Plan sets out that there is a continued demand for the provision of sufficient decent housing for local residents, workers, and for those unable to afford market prices. There is a long term vision of ensuring housing needs of our residents are met through the provision of affordable home and good quality housing in both the public and private sector.

The Environment – The Corporate Plan highlights that the quality of Mid Devon's environment is matched by the richness of its cultural heritage, including Conservation Areas. With an increasing population the challenge is to meet the social and economic needs of the residents while maintaining the high quality of the natural and built environment and responding to the threat of climate change.

Financial Implications:

The applicant may make an application for costs on any appeal against the Council and such costs claims are made by demonstrating that there has been unreasonable behaviour. The Council must be in a position to substantiate each its reason for refusal.

Legal Implications:

None

Risk Assessment:

If Committee decide to refuse the application for reasons that cannot be sustained at appeal there is a risk of a successful appeal costs claim against the Council for reasons of unreasonable behaviour.

REASONS FOR REFUSAL AND IMPLICATIONS:

Members resolved that they were minded to refuse the application and therefore wished to defer the decision to allow for a report to be received setting out the implications for the proposed reasons for refusal based on the following issues:

- The impact of Plots 1 and 2 on the amenity of existing property due to overlooking issues
- The proposed access and the impact of additional vehicular movements upon highway safety as a result of the proposed 4 dwellings.
- The impact upon visual amenity of refuse arrangements arising from 4 dwellings
- Insufficient drainage arrangements

Suggested wording for reasons for refusal

1. In the opinion of the Local Planning Authority, due to the proximity, orientation and significant difference in the ground levels between the site and the adjacent property number 9 Turnpike, plots 1 and 2 are considered to have an unacceptably adverse overbearing effect on the amenity of this neighbouring property, contrary to Policy DM2 of the Local Plan Part 3 (Development Management policies).
2. In the opinion of the Local Planning Authority, the proposed access arrangements do not result in the creation of a safe and accessible place, the proposal does not enhance road safety and the proposed access is considered to be unsatisfactory for users accessing the proposed site and the highway users of Paulet, contrary to Policy COR9 of the Mid Devon Core Strategy and Policy DM2 of the Local Plan Part 3 (Development Management policies).
3. In the opinion of the Local Planning Authority, the proposed scheme does not provide adequate bin collection and storage arrangements. There is no provision for designated bin storage areas within the curtilage of the dwellings, and the collection of bins from the public highway within Paulet is not satisfactory, in that it is at distance from the dwellings, will have a detrimental affect upon the amenities of the area and may cause impediment to the highway and access to the dwellings. Such impacts would be greater due to the number of dwellings and hence cumulative input of refuse bins as a result of this application.

The bin storage arrangements ad collection not represent design that is of a high quality, demonstrating a clear understanding of the characteristics of the site and the surrounding area, and are considered to have a detrimental impact on the visual amenity of the area. The proposed bin storage arrangements will not support the creation of a visually attractive place that is well integrated with surrounding buildings

and streets, nor will the arrangements allow the development to positively contribute to the local character of Paultet. The bin storage arrangements are considered to be contrary to policies COR2 of the Mid Devon Core Strategy, DM2, DM4 and DM14 of the Local Plan Part 3 (Development Management policies).

4. In the opinion of the Local Planning Authority, the proposed drainage scheme does not adequately demonstrate that a sustainable drainage system is sufficient to effectively manage surface water drainage resulting from the proposed development, in order to ensure the development does not increase the flood risk of properties contrary to Policies COR11 of the Mid Devon Core Strategy and DM2 of the Local Plan Part 3 (Development Management policies)

Implications: reason for refusal 1

Your officers identified in their report to Planning Committee on the 16 December 2015 that in assessing the amenity impacts on the existing properties they weighed up the separation distances between the properties, as well as the single storey nature of the proposed dwellings and the proposed fencing and landscaping arrangements.

Members were particularly concerned about the impact of Plot 1 and 2 on the dwelling at number 9 Turnpike, particularly due to the difference in ground levels and the orientation of the dwelling on Plot 1. At its closest; the dwelling at plot 1 is 10 metres from the application site boundary; the dwelling at Plot 2 is 7 metres from the site boundary at its closest point. Plots 1 and 2 are at their closest approximately 20 metres from the north western elevation of 9 Turnpike, measured from the closest wall of the dwellings on Plot 1 and 2. There are no windows on the north western elevation of 9 Turnpike and so there can be no potential for window to window overlooking between the properties. Members may wish to refer back to the site sections drawing number 2206-PL-03 for additional guidance on the site level differences between Plot 1 and number 9 Turnpike.

Due to the positioning of number 9 Turnpike within its plot, the main garden area serving the dwelling is to the east and south of the property, with the property located to the north east of its plot, broadly bounding the application site. The positioning of number 9 Turnpike limits the possible overlooking of the private amenity space from within the site. There are three windows on the western elevation of number 9 Turnpike, these face the garden area of Plot 2, the dwelling on Plot 2 is located to the north west of number 9 Turnpike. Due to the sloping nature of the site to the south, number 9 Turnpike is set lower than the site, the overlooking and overbearing impact of the proposed dwellings and the proposed 1.8m timber close boarded fence boundary treatment must be considered. The ground level at the site boundary to the north of 9 Turnpike is approximately 3.5 metres below the ridge height of number 9 Turnpike. The ground level at the site boundary to the west of 9 Turnpike is approximately 4.5 metres below the ridge height of number 9 Turnpike. The top of the proposed fence boundary treatment would be approximately 1.7 metres lower than the ridge height of the northern boundary of 9 Turnpike and 2.7 metres lower than the ridge height of the western boundary of number 9 Turnpike. The ridge height of Plot 1 is approximately 2.67 metres higher than the ridge height of number 9 Turnpike. The ridge height of Plot 2 is approximately 1.5 metres higher than the ridge height of number 9 Turnpike. Members will need to consider whether the levels difference will result in an acceptable overbearing impact of the new development upon the occupiers of 9 Turnpike.

Your officers concluded that although there will be some impact on number 9 Turnpike, on balance when weighing up the separation distances set out above, and the considerations set out by your officers report to Planning Committee on the 16 December 2015, that this

impact would not be unacceptable and would be mitigated by the proposed fencing and landscaping, including any potential overlooking from garden areas.

Members need to consider whether the impact of Plots 1 and 2 on the dwelling at number 9 Turnpike will result in an unacceptable loss of privacy and be detrimental to the living conditions of the occupiers of number 9 Turnpike so as to render the proposed development unacceptable.

Implications: reason for refusal 2

The Highway Authority has not objected to the application. The consultation response set out that the Highway Authority are happy to accept the proposed development served from a private drive from a cul-de-sac road where the speed of traffic is slow and the visibility splays from the existing access are in accordance with Manual for Streets and drawing 2206-PI-02.

The Highway Authority consider the access to be acceptable to serve four dwellings, subject to conditions concerning the surfacing and drainage of the access drive, and sufficient parking and turning space to serve the dwellings; such conditions were recommended in your officers report to Planning Committee on the 16 December 2015.

Your Officers report to Planning Committee on the 16 December 2015 set out to members that there is an existing outline consent for three dwellings on the site. Members were concerned about the cumulative impact of an additional dwelling and the resultant traffic movements. In considering the acceptability of otherwise of the access arrangements, Members need to consider the impact of a single additional dwelling only. It will need to demonstrate why the additional traffic associated with this one extra dwelling is unacceptable. This extra traffic is estimated to equate to approximately 7-8 additional traffic movements per day.

In addition, Members, will need to demonstrate that this additional traffic will result in a severe impact as the NPPF advises: 'Development should only be prevented or refused on transport grounds where the residential cumulative impacts of development are severe'.

Members should be mindful that there are no outstanding objections from any Statutory Consultees, and that the Highway Authority has raised no objections to the proposed access arrangements to serve the four proposed dwellings.

Implications: reason for refusal 3

Your officers recognise that the proposed bin storage and collection arrangements are not ideal; the arrangements do not meet the recent Mid Devon Waste Storage Guidance, and the distance for carrying bins from the proposed dwellings to the highway is not in accordance with the Building Regulations 2010 Drainage and waste disposal H document, which states that storage areas for waste containers should be sited so that householders are not usually required to carry refuse a distance exceeding 30 metres.

It is proposed that all bins will be collected from the closest point on the public highway in Paultet. This would also be the case under the existing outline permission for 3 dwellings. Your officers report to Planning Committee on the 16 December 2015 set out that the Council's Waste and Transport Manager advised it is not possible to collect the bins from anywhere within the proposed site and that bins would be collected from the highway in Paultet. Your officers have considered the proposed arrangements and the site, and consider there is sufficient space within the dwelling curtilages for bins to be stored outside of collection time, and that despite the distance to the highway which is in excess of 30 metres, due to the relatively level and appropriately surfaced nature of the proposed site,

occupiers of the proposed dwellings will be reasonably able to take their bins to the public highway for collection. This arrangement has previously been accepted for 3 dwellings granted under 12/01213/OUT.

Members were concerned specifically with the visual amenity impacts of the bin collection arrangements. Members are advised that the arrangements for bin collection would be the same under the existing outline application; therefore Members need to carefully consider the impact of the one additional dwelling on the bin collection arrangements only. Your officers advise that if Members wish to refuse this application on this ground, that the reason for refusal should include the inadequacy of the bin collection arrangements as set out above, as well as the visual amenity impacts. Any such refusal will need to demonstrate why the impact of refuse arrangements for the one additional property under this permission is unacceptable compared with the same arrangement granted for 3 dwellings.

Implications: reason for refusal 4

The updates to your officers report to Planning Committee on the 16 December 2015 included details of the drainage proposals for the site. The additional information set out that soakaway testing has taken place in accordance with Building Regulations Part H, and the results of this testing was provided.

The applicants instructed Engineering Consultants to undertake the work, it has been stated by the Engineer that test results confirm that the underlying soils are suitable for soakaways. A preliminary drainage layout plan was submitted identifying the location of five proposed soakaways within the site; and the drainage strategy has been designed to deal with a 1 in 100 year event plus climate change (an additional 30% allowance). The Plan proposes the use of cellular storage soakaways to dispose of runoff generated by the site. Your officers consider that it has been demonstrated that surface water may be discharged adequately to ground within the application site area.

Your officers report to Planning Committee on the 16 December 2015 recommended a condition requiring further specific details of the sustainable urban drainage scheme, including details of its management and maintenance, requiring its permanent retention and ensuring it is provided prior to the occupation of any of the dwellings.

Members are advised to consider the information submitted and whether the recommended condition on your Officers report to Planning Committee on the 16 December 2015 is adequate to ensure sufficient and satisfactory drainage arrangements. An application should not be refused if the issue of concern can be adequately dealt with by condition.

SUMMARY

Officers have suggested wording of reasons for refusal in connection with areas of concern justified by Members. Should members wish to refuse the application on reasons 2 or 3 clear justification will be needed on why traffic movements, access arrangements and refuse store/collection is unacceptable for 4 dwellings, but considered acceptable for 3 dwellings due to the granting of outline permission 12/01213/OUT with the same arrangements. There is no Highway Authority objection.

In respect of condition 4, Members would need to demonstrate the unacceptability and detrimental impact of proposed drainage arrangements and that it is not possible to mitigate these concerns by conditioning the provision of scheme details, management and maintenance arrangements.

Finally, Members expressed concern at the relationship of plots 1 and 2 with the existing dwelling 9 Turnpike. Details have been provided of the relationship between the properties in terms of height difference, distance of orientation. It is for Members to consider whether this is so detrimental upon the amenities of 9 Turnpike as to warrant refusal. Officers are of the view that there will be some detrimental impact upon this property, but that it is not so great as to justify a refusal. Members may draw a different conclusion.

Contact for any more information

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Background Papers

Supporting documents of 15/01422/FULL

File Reference

15/01422/FULL

Circulation of the Report

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