

PLANNING COMMITTEE AGENDA - 10th February 2016

Applications of a non-delegated nature

UPDATES

<u>Item No.</u>	Description
1.	<p>15/01422/FULL - 1 Paultet Sampford Peverell Devon EX16 7TA Erection of 4 dwellings with garages and alterations to access (Revised Scheme) at Land at NGR 302666 114116 (West of Paultet), Turnpike, Sampford Peverell.</p> <p>Since the Committee on the 16th of December, reserved matters have been granted for three dwellings, application reference 15/01899/ARM following the previous outline permission 12/01213/OUT.</p> <p>Summary of additional objections:</p> <ul style="list-style-type: none">• After taking the decision to refuse the application at the December committee members were given little time to summarise their reasons and the loss of the conservation area was overlooked.• The loss of amenity of existing properties was focussed solely on 9 Turnpike, this ignores the impact on the properties in Paultet. It is unsustainable and misleading to focus on this property only in terms of overlooking.• The submitted plans do not accurately show the true extent of the conservatories at 12 and 13 Paultet.• The proximity of Plot 1 to 13 Paultet is 2 metres (Officer note: this measurement is incorrect, the garage of Plot 1 is 1metre from the proposed hedge and 3 metres from the site boundary)• Parked cars on the driveway of Plot 1 will be 11 metres from number 13 (Officer note: this measurement is incorrect and should be 13 metres at their closest)• The proposed garage on Plot 1 will overshadow much of the garden and cause loss of sunlight and amenity.• The driveway and car movements will cause considerable noise nuisance and loss of amenity.• The development will significantly affect outlook, light, sunlight and privacy of the occupiers of 12 and 13 Paultet.• The proximity of Plot 1 to number 13 is out of context with the surrounding pattern of residential development. Nowhere else has a building and driveway end on to a rear garden boundary in such close proximity to another dwelling. This is unacceptable, not commensurate with the quality of dwellings or neighbourhood character.• The outline permission had no buildings along the eastern boundary.• Development fails to meet the criteria in the Manual for Streets, and is not in accordance with Highways Standing Advice, and is therefore inadequate, the road width should be a minimum of 3 metres with 1 metre either side, and should have a passing place as it is longer than 25 metres. The visibility splays are also inadequate as the neighbouring driveways have features obscuring the view. Dangerous for reversing vehicles out of the driveway.

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- Concern over vehicular and pedestrian safety, and the lack of visibility at the junction, inadequate road width and no footpath or passing place. Should be limited to three dwellings under the outline permission.
- Outline application granted erroneously in terms of highway safety with an unsafe access width.
- Lack of designated area for bin collection, no satisfactory solution for dealing with waste disposal and recycling. Will have an adverse impact on the street scene, particularly due to the multiple containers now used, a fourth set of containers will add to the uncontrolled three sets of containers under the outline permission with a 33% increase.
- The distance from the collection point is up to 80 metres, will likely result in containers being transported by car, it is impractical to park cars at the end of the driveway and will add to safety concerns at the junction.
- Likelihood bins will be positioned unsafely on the highway and access over night and during the day exacerbating safety and visibility issues at the junction with the highway.
- This application is inappropriate in terms of scale, proximity, waste management, highway and pedestrian safety.
- Lack of concern for wildlife
- Executive bungalows are not small and affordable, misrepresented.
- Concerns the draft SUDs scheme does not address all of the issues on site, the soakaway to the rear of Plot 1 needs to be repositioned since the garage has moved on the plans, and will likely be even closer to the site boundary.
- The soakaway overspill levels should be positioned lower than the base of the adjacent gardens so drainage is directed elsewhere in high rainfall events.
- The building regulations referred to by the drainage engineer have now been superseded. The new CIRIA report 753 sets details of infiltration testing and design calculations. It is stated: The tests for the site appeared to be within argued boreholes, borehole tests are a last resort when construction pits is not possible, and such tests should be interpreted more cautiously, due to the lower water volume added to the ground. It is rare that sufficient tests are carried out on a site to allow statistical analysis. The worst case infiltration capacity value should be used, unless sound justification for doing otherwise is demonstrated. The design calculations use average values only and do not apply worst case. Applying worst case ensures a greater margin of safety than is presently provided and reduces over spilling in high rainfall events.
- The ground water level has not been recorded or estimated, the base of the soakaways needs to be at least 1 metre above the highest possible water table level in the underlying strata. There are wells in the village and other hydrological information publically available online form which estimates could be reasonably made.
- No information on siltation or future maintenance needs. Given the lack of future access due to soakaways located in back gardens this should be provided.
- Current drainage arrangements insufficiently evaluated.

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	<p>Drainage responses from Chris Yalden AWP Engineer shown in relation to the concerns raised by objectors:</p> <ul style="list-style-type: none">▪ Concerns the draft SUDs scheme does not address all of the issues on site, the soakaway to the rear of Plot 1 needs to be repositioned since the garage has moved on the plans, and will likely be even closer to the site boundary. There is ample space within the rear garden of Plot 01 to accommodate a relocated soakaway which suits the latest site layout▪ The soakaway overspill levels should be positioned lower than the base of the adjacent gardens so drainage is directed elsewhere in high rainfall events. The soakaways are design to accommodate rainfall from all storm events up to the 100 year critical return period with 30% allowance for climate change. They do not have overflows.▪ The building regulations referred to by the drainage engineer have now been superseded. The new CIRIA report 753 sets details of infiltration testing and design calculations. It is stated: The tests for the site appeared to be within argued boreholes, borehole tests are a last resort when construction pits is not possible, and such tests should be interpreted more cautiously, due to the lower water volume added to the ground. It is rare that sufficient tests are carried out on a site to allow statistical analysis. The worst case infiltration capacity value should be used, unless sound justification for doing otherwise is demonstrated. The design calculations use average values only and do not apply worst case. Applying worst case ensures a greater margin of safety than is presently provided and reduces over spilling in high rainfall events. The application of soakaway testing in accordance with the guidance set by Building Regulations Part H was agreed with Richard Rainbow, DCC's Flood and Coastal Risk Engineer (who leads their Flood Risk Management team). It was considered that this method of testing was appropriate for a small scale development such as this. The use of average values is set out within the guidance document.▪ The ground water level has not been recorded or estimated, the base of the soakaways needs to be at least 1 metre above the highest possible water table level in the underlying strata. There are wells in the village and other hydrological information publically available online form which estimates could be reasonably made. By review of the BGS Borehole Scans, local records identify groundwater depths between 4-10m deep. Our soakaways are only 0.6m deep with minimal cover so are unlikely to be affected by groundwater. If there are residual concerns regarding groundwater then presumably this can be covered by a suitable condition?▪ No information on siltation or future maintenance needs. Given the lack of future access due to soakaways located in back gardens this should be provided. We have applied a Factor of Safety of 3 for each soakaway which provides an oversized system to compensate for any losses in performance. At the detailed design stage there are measures available to prevent siltation of soakaways and ease of maintenance.
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If there are residual concerns relating to future maintenance of the soakaways then a condition could be prepared which requires an O&M schedule to be offered to each future homeowner.

- Current drainage arrangements insufficiently evaluated.
The strategy has been undertaken in accordance with the requirements set by DCC. Their technical experts are satisfied that the strategy sufficiently demonstrates the scheme can be delivered. The strategy does not present the final design of the scheme and further investigations or supplementary information can be provided in due course, if and as necessary. Fundamentally, if the scheme is considered unsuitable for infiltration then a storm discharge to the public sewerage network has already been permitted by South West Water.

Highways update:

Summary of an additional letter of objection regarding Highway concerns:

1 – Visibility splays at the junction of the new private driveway and Poullet
The applicant's plans are faulty and do not show existing hedges and the position of private driveways where cars are always parked. These do obstruct the view within the visibility splay outlined for slow moving vehicles in the Manual for Streets and other relevant documents.

2 – Standing Advice

The development is not in accordance with Standing Advice, which sets out

Paragraph 3.10.1 says "Private drives may serve up to three dwellings ... private drives serving more than 3 dwellings **are not acceptable**".

Paragraph 3.10.7 says that "... where the private drive serves three dwellings, a **minimum width of 4.1 metres** should be provided between the highway boundary and the access to the first dwelling" and requires that "**1m wide edge clearance strips should be provided on both sides** of the access drive".

It also requires that "Intervisible **passing bays should be provided** for drives longer than 25 m".

The application falls short of this criteria, and is not acceptable for four dwellings. How does the proposed design of the access road allow for disabled access?

Summary of the response from Ian Sorenson, Highways Development Management Officer:

The original application for three dwellings advised Standing Advice applied, subsequently the site was revisited, it was concluded that "while the visibility to the east is not ideal, I could not sustain a reason for refusal" based upon the existing traffic generations and the increase in traffic that the development would attract. The principle of development has been established by the granting of planning permission. In terms of the current application, the Highway Authority has responded and view each site on its own merits and work in line with Manual for Streets and The National Planning Policy Framework, our Highway Design

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	<p>guide is just that a guide.</p> <p>With regard to the access from Paulett into the site the observed speed of vehicles was upto10mph and Manual for streets accepts visibility splays of 9 m and 11m adjusted for bonnet length. Generally these will be taken from a point 2.4m back along the centre line of the access and extend to the near carriageway edge. It also allow for a reduction to 2.0m from the carriageway edge in certain circumstances. The Cul-de-Sac of Paulett would fall within these criteria. The existing footway is 1.8m in width and 2.4m back the visibility distance are just met, at 2.0m back they are exceeded.</p> <p>The Proximity of the neighbouring drives are not within the splays and any vehicles overhanging the footway, and overhanging vegetation is not a planning consideration as these are subject to other legislation. The overhanging vehicles would be considered an obstruction of the public Highway and can be prosecuted by the police should they be considered a safety issue, likewise under the highways act the Highway Authority can compel the adjoining land owners to cut back their vegetation so it does not overhangs the Public highway and should this not be complied with by the land owner, the Highway Authority can undertake the works and recharge the owner accordingly.</p> <p>The principle and visibility splays of the access have already been accepted as part of the already consented development under 12/01213/OUT. Additionally under the National Planning Policy Framework, the impacts of the development should be considered for its severity and the uplift from an already consented application of only 7 additional movements per day with the configuration proposed could not be considered as severe. The Highway Authority could not sustain a reason for refusal, nor would it be reasonable given this site already has consent.</p> <p>With regard to the number of dwellings off a private drive, under manual for streets this is no longer a strict criteria and the overall package must be considered. It is however common practice to accept more from a single lane access drive particularly onto quiet, roads with slow speeds.</p> <p>Strict adherence to design guide dimensions are no longer considered appropriate. The additional distance of the access drive from the desired guide of 25m to the 30m distance given the slow speeds and low frequency of movement would not be a material consideration. The width of the drive and verges are also acceptable given the relaxation from a prescriptive adherence to the guidance, and as a shared surface style route is also acceptable for disabled access from a highway perspective. I have visited the site on several occasions and the design and layout have been a matter of pre application advice.</p>
2.	15/01613/FULL - Variation of Condition 1 of Planning Permission 12/01376/MFUL to read the solar PV facility shall cease to generate electricity in or before 30th June 2043 at Lightsource S P V 52 Ltd, Solar Farm at NGR 296542 118012 (Palfreys Barton), Cove.
3.	15/01612/FULL - Variation of condition (1) of planning permission 12/01306/MFUL the solar pv facility shall cease to generate electricity on or before 28th March 2043 at Solar Farm at NGR 274160 105292, Ellicombe Farm, Morchard Road.

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4.	15/01622/FULL - Erection of an agricultural worker's dwelling and an agricultural livestock building at Land at NGR 316711 110152 (Ten Oaks Farm), Clayhidon, Devon.
5.	<p>15/01672/FULL - Removal of Condition 3 (holiday occupancy condition) of Planning Permission 05/01218/FULL at The Barn, Pugham Farm, Westleigh.</p> <p>Further information via email from applicant:</p> <p>Regarding the relevance of disclosing the 'Stock register', Committee members may find the following information helpful.</p> <p>Paragraph 11 of the inspector's decision letter:</p> <p><i>"More significantly, in the case of a temporary dwelling, the key element of the functional test is not the amount of labour required but whether it is essential for a worker to be readily available at most times day and night".</i></p> <p>The inspector, having thoroughly examined the need concluded, <i>"I accept it is necessary for a worker to be on hand day and night".</i></p> <p>Thus, it is not the quantity of stock at any one time, but the 'need' that is decisive.</p> <p>Quantity and how long the stock are kept on site varies e.g. at present only a few stock have been moved off site, as the majority of farmers do not want to take them because they cannot put them out to graze owing to waterlogged pasture. Other factors, as with any business, are commercial market conditions. This was acknowledged by the Inspector at the time of the site visit when the stock were 6 months old (Paragraph 10).</p>

Enforcement

<u>Item No.</u>	Description
1.	11/00034/CLU Langford Park Newton St Cyres