

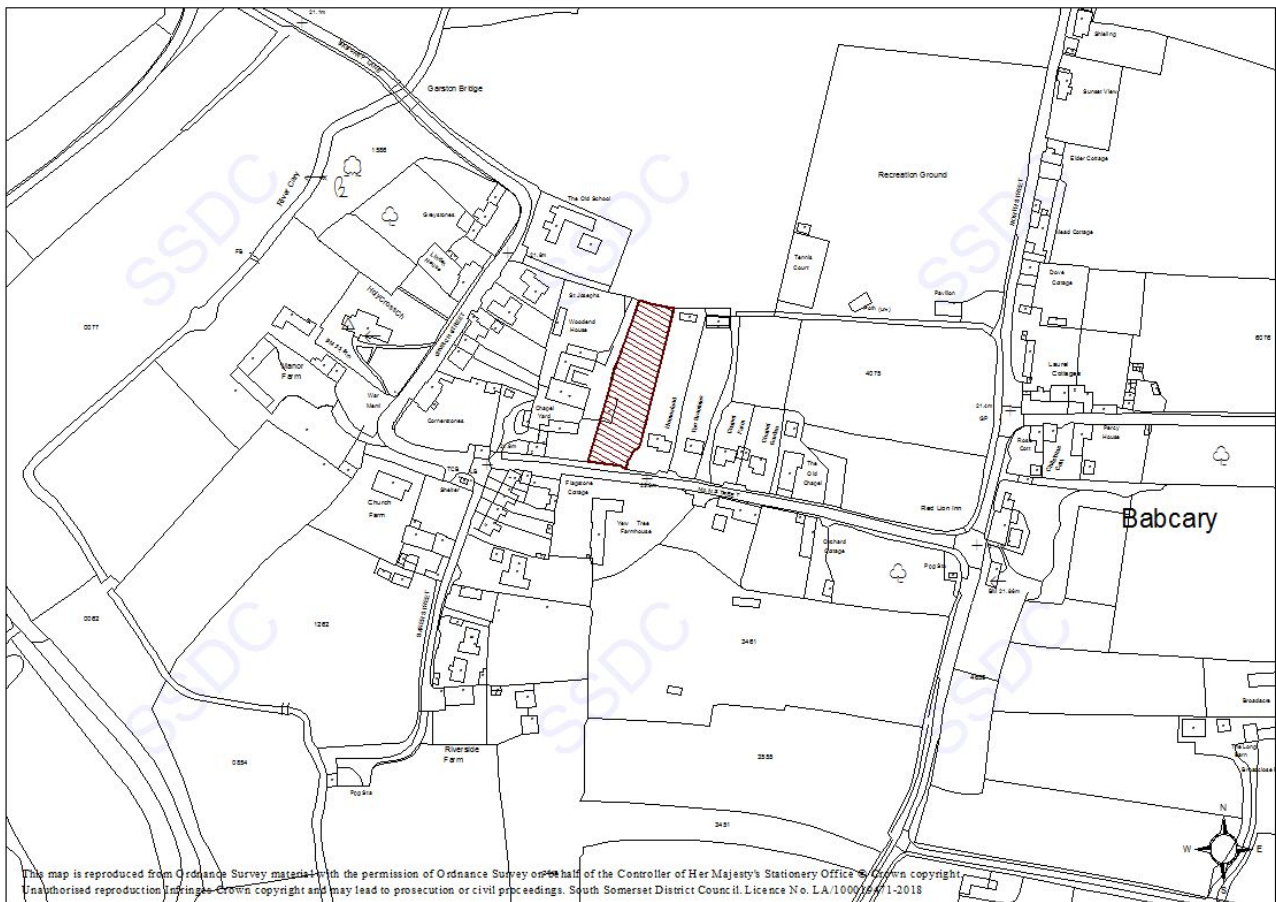
Officer Report On Planning Application: 18/01883/FUL

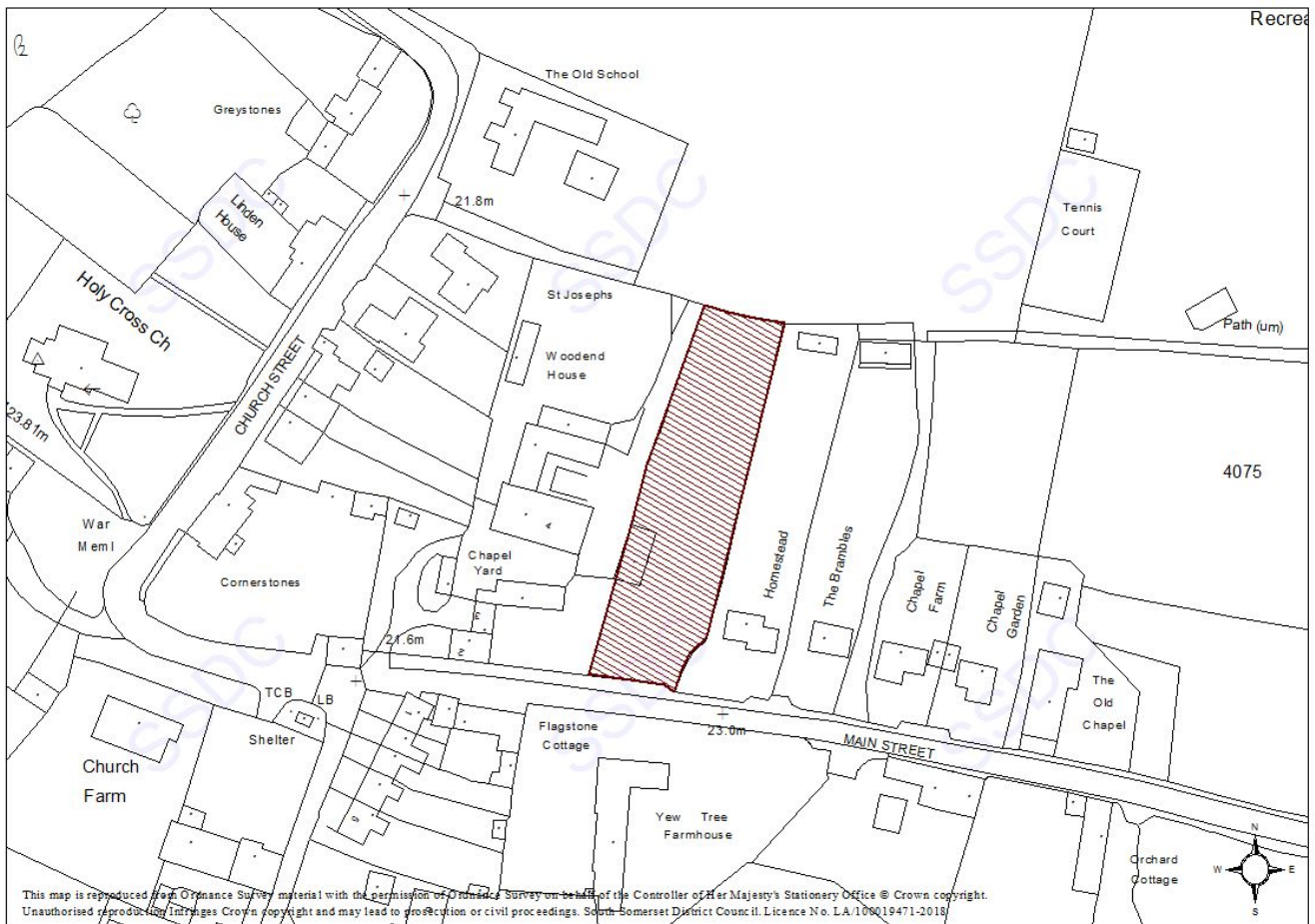
Proposal :	The Erection of 5 No dwellings and formation of new vehicular access
Site Address:	Chapel Yard Workshops Main Street Babcary
Parish:	Babcary
CARY Ward (SSDC Member)	Cllr Nick Weeks Cllr H Hobhouse
Recommending Case Officer:	Richard Hawkey Tel: 01935 462578 Email: richard.hawkey@southsomerset.gov.uk
Target date :	9th August 2018
Applicant :	Mr Peter White
Agent: (no agent if blank)	Wright Consult LLP Bay Tree Cooks Lane West Cranmore Somerset BA4 4RH
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL

This application is referred to committee at the request of the Ward Member as agreed by the Vice Chair. This will allow the committee to consider the implications of Policy SS2 against local representations.

SITE DESCRIPTION AND PROPOSAL





The proposal seeks consent for the erection of 5 No. dwellings and formation of a new vehicular access on land at Chapel Yard Workshops, Main Street, Bab Cary.

This level application site is located on the north side of Main Street on an area of currently vacant land within the rural settlement of Bab Cary. It is bordered on three side by existing residential development with land to the north being undeveloped countryside. The site is directly opposite Yew Tree Farmhouse which is a Grade II listed building.

The proposal will see the construction of three two storey terraced dwellings along the frontage of the site with a further two detached bungalows set further back. The existing access road into the site will be slightly extended and a turning and car parking area created. Each plot will have its own cycle parking area and refuse / recycling area.

HISTORY

There is no planning history relating specifically to the application site itself however The adjoining site an extensive history from 2014 back to 2011. The most relevant are detailed below:

14/05270NMA	Change to surface materials
14/04989/DOC	Discharge of conditions 3 (materials) and 4 (external finishes)
14/03900/FUL	Re-build stable building to be one 2 bed dwelling
14/00922/S73A	Application to amend condition 2 of consent 11/04528/FUL
13/00190/S73	Application to vary condition 2 of planning consent 11/04528/FUL

11/04528/FUL Conversion of barns to form 7 dwellings and construction of vehicular access

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF (July 2018) state that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

The policies of most relevance to the proposal are:

Policies of the South Somerset Local Plan (2006-2028)

Policy SD1 - Sustainable Development
Policy SS1 - Settlement Strategy
PolicySS2 - Development in Rural Settlements
Policy EQ2 - General Development
Policy EQ3 - Historic Environment
Policy TA5 - Transport Impact of New Development
Policy TA6 - Parking Standards

National Planning Policy Framework

Chapter 2 - Achieving Sustainable Development
Chapter 5 - Delivering a Sufficient Supply of Housing
Chapter 12 - Achieving Well Designed Places
Chapter 15 - Conserving and Enhancing The Natural Environment
Chapter 16 - Conserving and Enhancing The Historic Environment

CONSULTATIONS

Babcary Parish Council - "The parish council considered this application for five new houses in Chapel Yard and we object for the following reasons:

Greenfield site:

First and foremost this site is wrongly described in the application as "brownfield". This is simply wrong. This half of the Chapel Yard site has always been greenfield and has been treated separately all along as a consequence. We have all the myriad planning applications for this site back to 1996 and it is clearly shown as greenfield on SSDC's own plans. The existing development was only permitted on the footprint of the redundant outbuildings and this half left alone due to it's greenfield status.

As a basic principle we should not be building on green field unless there is some overriding need. There is none here. Babcary has dozens of greenfield spaces between houses that, if this application were granted, would be open to developers; but this is simply not sustainable. There is a pub, a church and a playing field but nothing else. No shops, no jobs and no meaningful public transport. This plan adds 14 parking spaces which clearly indicates the additional traffic load from people who would need to work and shop elsewhere. This would be a very dangerous precedent. On this basis alone the application should be rejected.

Other considerations:

- These are not "Affordable" or "starter" homes. With an estimated sale price of
- £300 - 350K these properties would be of no help to the children of Babcary families who have been forced to leave the village because they cannot afford house prices here either to buy or

rent. On the contrary they would, in all probability, be snapped up as weekender's cottages. This plan does not address the specific housing needs of this community.

- The developer cites SS2 - Development in Rural Settlements..... This plan does not meet any of these criteria and as such there can be no justification for building over a greenfield site.
- Although modest in scale on the current plan we have concerns from past experience on this site that the developer will extend the planning brief during the building process and we will end up with somewhat larger and therefore more expensive units.
- There is no adequate public transport for this development....The short lived village shop at the Red Lion has just closed. Traffic levels and speed are already a problem and this will make it worse.
- The site is full square in front of the listed building and listed wall of Yew Tree Farm
- SSDC's own planners have described the nature of the built development of this village as one with widely dispersed houses with green spaces in between. This is one such green space. It adds to the character, appearance and charm of the centre of the village and could easily be used as a paddock or occasional grazing. It is neither unsightly or unusable."

In response to amended plans the Parish Council made the following additional comments: "The Parish Council has considered the revised plans and we have no objection to the changes. We don't have any objections to the specifics of the design as such but we do continue to object to the overall proposal as outlined in our previous submission..."

SCC Rights of Way Officer: "We have no objections to the proposal..."

SSDC Conservation Officer: "I am broadly in support of this application subject to details of finishes and materials which need to be sympathetic and of high quality to be in keeping with the setting of the listed building and the adjacent development. This is particularly important for the road facing front of the site. The spacing of the houses and finish of the west elevation has been addressed by the submission of amended plans. I am pleased to see that local blue lias stone for the walls and reclaimed clay double roman tile roofs have been specified for the row at the front..."

The Conservation Officer has requested details of materials for the following elements:

- Means of enclosure
- Surfacing: finish of footpaths, paving / surface finishes between houses and kerbing
- Buildings: lintels, windows, rainwater goods and porches.

SCC Highways: In response to the originally submitted plans raised no objection to the proposal subject to appropriate conditions being imposed.

In response to revised plans being received the Highway Authority did not raise an objection to the proposal subject to conditions.

SSDC Highways Consultant: "Refer to SCC comments."

South West Heritage Trust: - "As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections..."

Environmental Protection Unit : - No comments received

SSDC Open Spaces Officer : - No comments received

SSDC Leisure Policy Co-Ordinator : - No comments received

REPRESENTATIONS

Four letters of support have been received from the occupiers of nearby residents in which the following comments were made:

- I fully support this application. Chapel Yard has been a mess in the centre of the village for far too long and this is a scheme of quality in keeping with the local townscape
- The mix of unit sizes will provide much needed smaller new homes into the village
- The applicant has already demonstrated the development skills and positive intention with the eastern side of the site / phase 1 is a huge improvement on what was there before
- The site is not of any appreciable utility and has become overgrown with weeds
- The proposed dwellings on plots 1,2 and 3 would be consistent with properties at present adjoining that part of Main Street and Baker Street. Plots 4 and 5 would be largely shielded from public view
- This would not signal an extension of the village boundary rather it would be a sympathetic infill
- The application achieves high quality development and promotes local distinctiveness in line with Policy EQ2
- The development would be undertaken by a local firm rooted in the local community
- One letter which made general observation about the availability of plans was received.

CONSIDERATIONS

Principle of Development

The application site is located within the small rural settlement of Babcary and under policy SS2 of the adopted local plan this settlement would be considered as part of the countryside. In order for the principle of residential development to be considered acceptable such proposals would need to meet the criteria set out by SS2. One of which would be to meet an identified housing need, particularly affordable housing. The proposal is contrary to that part of the policy however as SSSDC cannot currently demonstrate a five year supply of housing land, elements of that policy must be considered out of date. As such, it is considered that the LPA cannot rely on this aspect of Policy SS2 in regard to what the development must provide (i.e. meeting an identified housing need). As such only limited weight can be applied to this adverse impact in the planning balance.

Policy SS2 also requires development to be commensurate with the scale and character of the settlement and increase the sustainability in general. This proposal is for five new dwellings with the properties fronting Main Street having been specifically designed to reflect local characteristics. Whilst this proposal would fill in an existing green gap currently existing in the line of development along the north side of Main Street it is not considered that this would be of detriment to the character of the village. The small number of dwellings proposed would mean that it would be commensurate with the scale of the settlement. On this basis the proposal would satisfactorily reflect this aspect of policy SS2.

Policy SS2 requires that proposals for housing development should only be permitted in rural settlements that have access to two or more key services as detailed by the local plan. As the settlement of Babcary has a Pub and a church (both of which are listed by the policy as key services) it is considered that this criteria of the policy is also met.

Although concern has been raised regarding the site being greenfield land this is not a consideration in establishing whether the principle of development would be acceptable under the local plan. The primary consideration is whether the proposed development would accord with the principles of sustainable development and also be suitable for the settlement and the specific position in which it is to be located.

Visual Amenity

The proposed terrace of three dwellings fronting Main Street are to be set back from line of the highway by approximately 13m and this set back would be a similar distance to the adjoining dwellings to the east and west. There is a mixture of dwelling types in the locality of the site with those to the east being two storey and those immediately to the west adjacent to the application site being single storey.

The design, particularly of the dwellings fronting Main Street, has been done in such a way as to be sensitive to the location and the proposed external materials are similarly sensitively chosen. This is of particular importance given that the site is directly opposite Grade II listed Yew Tree Farmhouse with its distinctive front boundary wall. The Conservation Officer is supportive of the proposal and its impact on the setting of the listed building although aspects to do with specific finishes and details has been requested. This may satisfactorily be dealt with by the use of a suitably worded condition. On this basis it is not considered that the proposed dwellings would be out of character with the general locality nor visually obtrusive in the street scene.

The two bungalows proposed on the north part of the site will be secluded from the street scene due to their location behind the three terraced properties. The design and finishes proposed for these dwellings is considered acceptable.

It is considered that the impact of this proposal on the character of the area and the setting of the nearby listed building is acceptable and in compliance with policies EQ2 and EQ3 of the adopted local plan.

Residential Amenity

The dwellings proposed are located on the site in such a way as to not result in over looking either to the other dwellings on the site or to those dwellings adjoining the proposed site. They are also positioned so as to not be over dominant to adjoining dwellings nor result in any over shadowing.

Each dwelling has been provided with a suitable amount of private amenity space in keeping with the size of the dwelling proposed for each plot. As the rear gardens for the terraced properties are north facing a larger front south facing garden areas have been provided.

The existing boundary stone wall along the south boundary of the site adjoining main Road will be retained and is proposed to be supplemented by the planting of a hedge behind it. This will help to soften the development within its setting as well as giving the residents of the terraced properties addition privacy without the use of unattractive fencing. The suitable landscaping of the site may be satisfactorily be controlled by the use of appropriate conditions.

To protect the amenity of the location permitted development rights should be removed for all of the five proposed plots for extensions to the dwellings (including dormer windows), the construction of outbuildings or additional means of enclosure.

The proposal is therefore considered to have no significant impact on residential amenity and is in compliance with Policy EQ2 of the adopted local plan.

Highways

The Highway Authority have considered the proposals and have found them acceptable in terms of highway safety. Furthermore two car parking spaces are to be provided for each dwelling together with an additional 4 visitor parking spaces. This is in alignment with the optimum standards recommended by Somerset County Councils Parking Strategy.

On this basis, subject to suitable conditions being applied which are outlined in the Highway Authority consultation response, the proposal is in compliance with policies TA5 and TA6 of the adopted local plan.

Contributions:

Policies HG3 and HG4 of the adopted South Somerset Local Plan requires either on site provision of affordable housing (schemes of 6 or more units) or a financial contribution towards the provision of affordable housing elsewhere in the district.

In May 2016 the Court of Appeal made a decision (SoS CLG vs West Berks / Reading) that clarifies that Local Authorities should not be seeking contributions from schemes of 10 units or less.

It is considered that whilst policies HG3 and HG4 are valid, the most recent legal ruling must be given significant weight and therefore we are not seeking an affordable housing obligation from this development.

We will also not be seeking any contributions towards Sport, Arts and Leisure (Policy SS6 as the same principle applies).

The proposed development is however subject to the Community Infrastructure Levy. It must be for the developer to establish, at the appropriate juncture, whether any exemptions or relief applies.

Conclusion

The proposed development would represent a sustainable form of development in keeping with the character and scale of the rural settlement of Bab Cary and would help to meet housing need and support local services by the addition of five new dwellings. The new dwellings are also considered acceptable in this location by reason of their size, scale, materials proposed and that it causes no demonstrable harm to residential amenity or highway safety. It is in accordance with policies SD1, SS1, EQ2, EQ3, TA5, and TA6 of the South Somerset Local Plan and the aims and provisions of the NPPF.

RECOMMENDATION

Approve for the following reason:

01. The proposed development would represent a sustainable form of development in keeping with the character and scale of the rural settlement of Bab Cary and would help to meet housing need and support local services by the addition of five new dwellings. The new dwellings are also considered acceptable in this location by reason of their size, scale, materials proposed and that it causes no demonstrable harm to residential amenity or highway safety. It is in accordance with policies SD1, SS1, EQ2, EQ3, TA5, and TA6 of the South Somerset Local Plan and the aims and provisions of the NPPF.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved plans: S5758/100A and S5758/101A received 21st August 2018 and S5758/102 received 14th June 2018.

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

03. No work shall be carried out on site until details of the following have been submitted to and approved in writing by the Local Planning Authority: all means of enclosure (fencing, walls / gates); all proposed surfacing (finish of the footpaths and including kerbing materials); materials to be used on the external faces of the dwellings hereby approved (to include lintels, window framing materials, rainwater goods and porches). The development shall thereafter be undertaken in accordance with the approved details unless written consent to any variation is provided by the Local Planning Authority.

Reason: In the interests of visual amenity and in accordance with Policies EQ2 and EQ3 of the adopted South Somerset Local Plan (2006 - 2028).

04. A scheme of landscaping for the development hereby approved shall be submitted to and approved by the Local Planning Authority. This should include details of all plants and shrubs to be used as well as the details of the proposed species and size at time of planting of proposed hedging plants and trees. The proposed landscaping of the site shall be carried out in accordance with approved details unless any variation to this is agreed in writing by the local planning authority. The details of planting shall be carried out in the first planting / seeding season following the occupation of the building or the completion of development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan.

05. The areas allocated for car parking and turning on the site plan S5758/100A received 21st August 2018, shall be fully provided before the dwellings hereby permitted are first occupied and shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles.

Reason: In the interests of highway safety and in accordance with Policy TA6 of the adopted South Somerset Local Plan (2006 - 2028).

06. The development hereby permitted shall not be brought into use until that part of the service road that provides access to it has been constructed in accordance with approved plan S5758/100A received 21st August 2018.

Reason: In the interests of highway safety and in accordance with Policy TA5 of the adopted South Somerset Local Plan (2006 - 2028).

07. In the interests of sustainable development, none of the dwellings hereby permitted shall be occupied until a footpath connection has been constructed within the development site to link to Public Right of Way L2/34 in accordance with approved plan S5758/100A received 21st August 2018.

Reason: In the interests of sustainable development and in accordance with Policy TA5 of the adopted South Somerset Local Plan (2006 - 2028).

08. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent Order amending or revoking and re-enacting that Order), there shall be no extensions to the dwellings (including dormer windows) on Plots 1 to 5 as shown on

approved drawing S5758/100A received 21st August 2018 unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.

Reason: To maintain the character and amenity of the locality and in accordance with Policy EQ2 and EQ3 of the adopted South Somerset Local Plan (2006 - 2028).

09. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent Order amending or revoking and re-enacting that Order), there shall be no further building, structure or other enclosure constructed or placed on Plots 1 to 5 as shown on approved drawing S5758/100A received 21st August 2018 unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.

Reason: To maintain the character and amenity of the locality and in accordance with Policy EQ2 and EQ3 of the adopted South Somerset Local Plan (2006 - 2028).
