

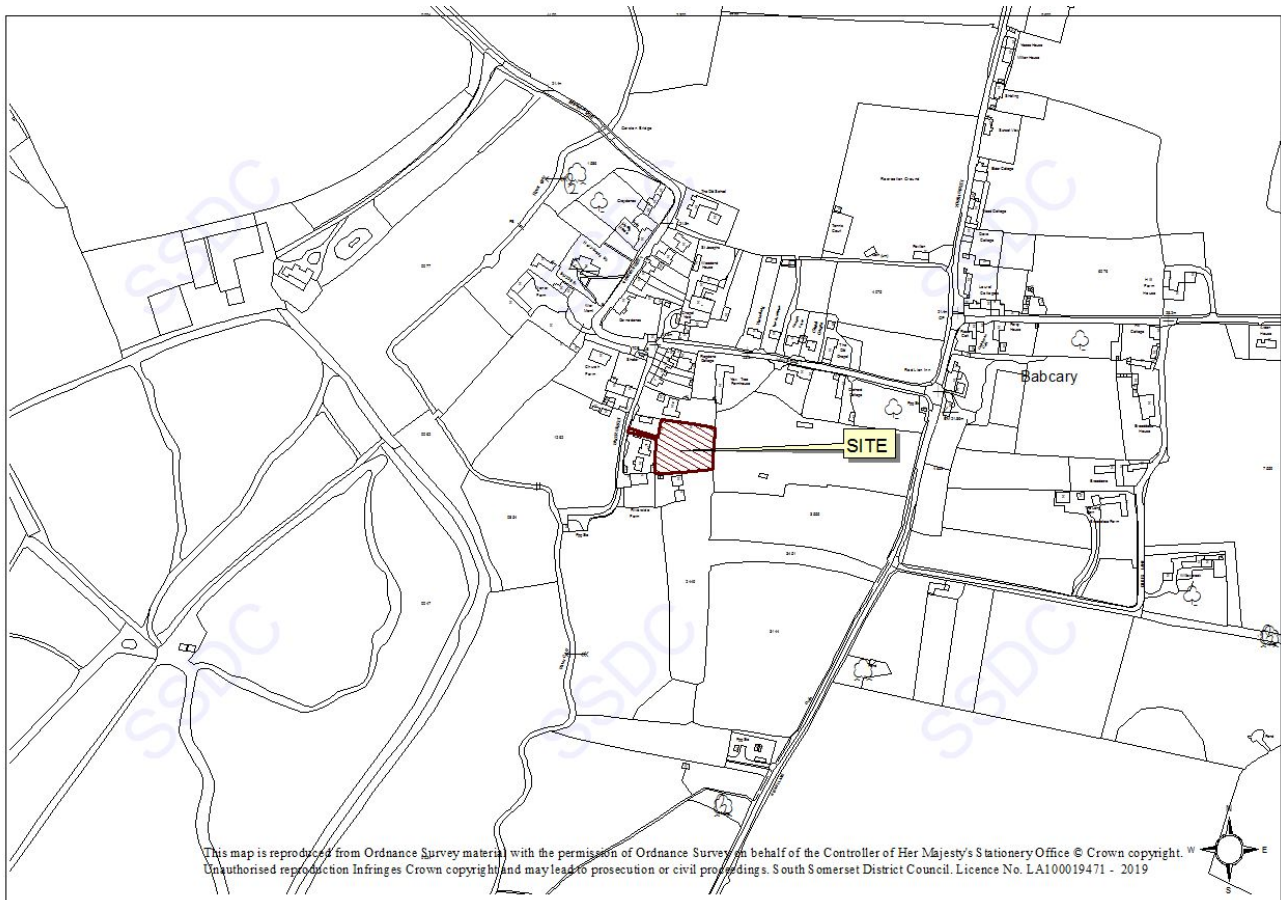
Officer Report On Planning Application: 18/02433/REM

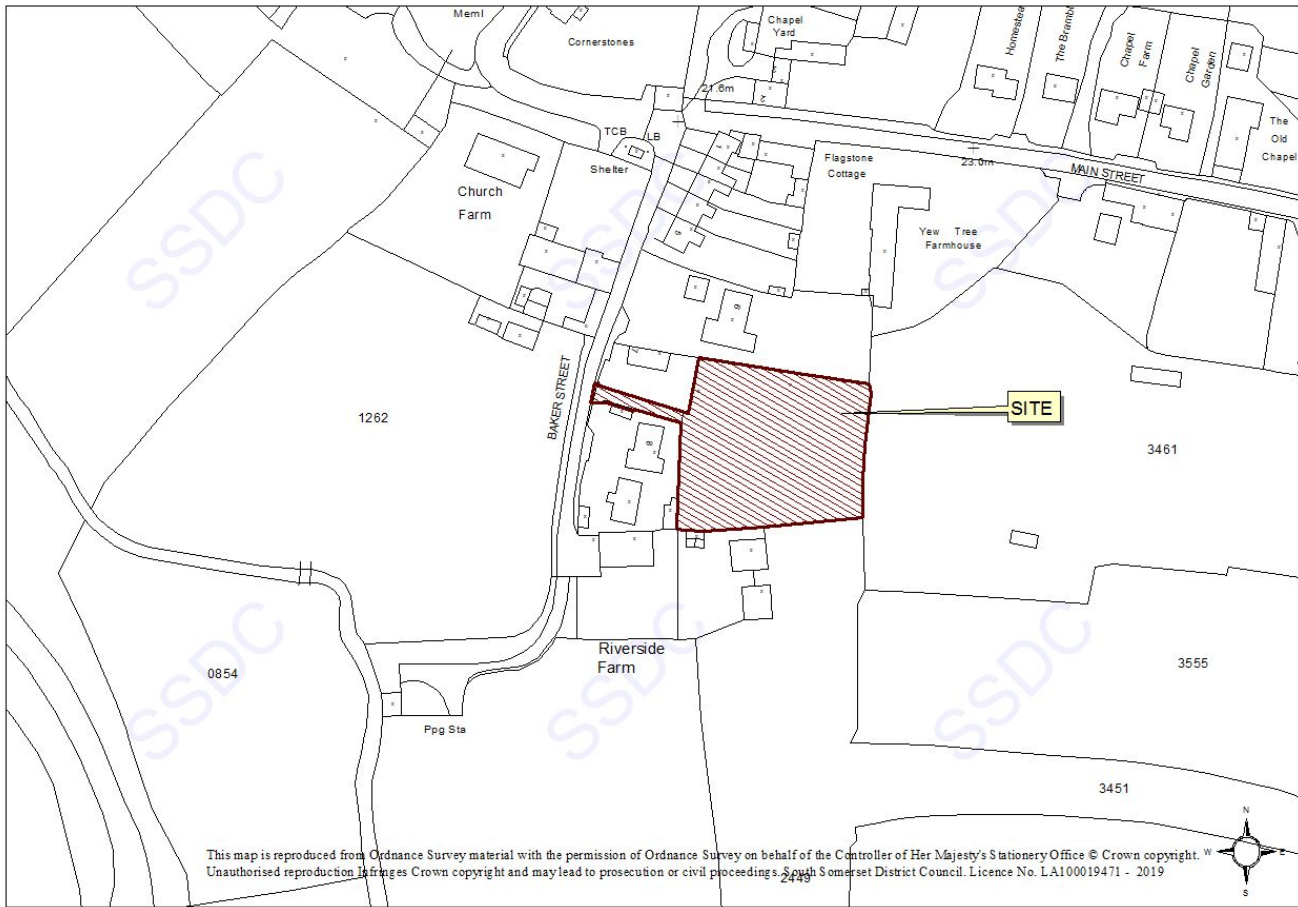
Proposal :	Reserved Matters for the erection of 2 No. dwellings.
Site Address:	Land At Baker Street Babcary
Parish:	Babcary
CARY Ward (SSDC Member)	Cllr Kevin Messenger Cllr Henry Hobhouse
Recommending Case Officer:	Alex Skidmore
Target date :	13th November 2018
Applicant :	Mr Luke Jeffery
Agent: (no agent if blank)	Mr Tim Downes Little Orchard Station Road Ansford Castle Cary BA7 7PD
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL

The application has been referred to Area East Committee at the request of the Ward Members and with the agreement of the Deputy Area Chair to enable the local concerns to be considered further.

SITE DESCRIPTION AND PROPOSAL





Outline consent, with all matters reserved, was granted last year for the erection of two detached, two-storey dwellings on this site. The current application is seeking to agree the outstanding reserved matters, including those concerning access, scale, layout, appearance and landscaping, in relation to this scheme.

The application site forms a relatively small paddock currently laid to pasture that is located to the rear of 7-8 Baker Street. The existing access is a narrow track that provides vehicles to Baker Street. There is mature hedgerow and trees planting along the east boundary and part of the north and south boundaries. A public right of way (footpath L2/31) runs along the access track and passes through the application site along the west boundary.

HISTORY

17/00593/OUT: Outline application for two, two-storey dwellings with all matters reserved. Refused, but subsequently allowed at appeal.

16/04066/OUT: Outline application for two, two-storey dwellings with all matters reserved. Refused.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, and 12 of the NPPF indicate it is a matter of law that applications are 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).

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

SD1 - Sustainable Development

SS2 - Rural Settlements

TA1 - Low Carbon Travel

TA5 - Transport Impact of New Development

TA6 - Parking Standards

EQ1 - Addressing Climate Change in South Somerset

EQ2 - General Development

EQ4 - Biodiversity

National Planning Policy Framework

Part 2 - Achieving sustainable development

Part 5 - Delivering a sufficient supply of homes

Part 8 - Promoting healthy and safe communities

Part 9 - Promoting sustainable transport

Part 11 - Making effective use of land

Part 12 - Achieving well-designed places

Part 14 - Meeting the challenge of climate change, flooding and coastal change

Part 15 - Conserving and enhancing the natural environment

CONSULTATIONS

Babcary Parish Council: Object.

Comments in respect of amended plans - No information was provided as to why the houses should be moved nearer the rear of the plot or any indication as to how far they were to be moved.

Initial comments - The design has grown from two three-bedroom houses to two four-bedroom houses, this is detrimental to the housing needs and mix of the village. We need more small affordable houses and definitely do not need more large detached houses if we are to maintain a thriving community of young and older people.

We welcome the commitment to provide a storm drain to prevent any rainwater runoff into Baker Street (which floods regularly) but have no means of ascertaining if this provision is adequate, we urge SSDC Building Control to monitor this carefully to ensure full and effective compliance. The adjoining houses have not been flooded in living memory but the gap between the flood levels and residents ground floors is very small, where will the storm drain run in this low lying and flat landscape?

On every stage of this planning application we have pointed out the error in the plans, the development does not own a splay shown at the point of access into Baker Street. Without this splay it will be difficult to get cars in and out of the narrow driveway never mind larger construction site traffic.

County Highways: Referred to their standing advice.

SSDC Highway Consultant: The traffic impact of the proposed dwelling on the local highway network would not be significant. As this is a full application more details need to be submitted in respect of the means of access - specifically the extent of visibility splays at the proposed point of access in both directions need to be shown commensurate with vehicle speeds (it would be useful if the agent could show the extent of the publicly maintained highway in the vicinity of the access), also the surface of the access needs to be properly consolidated and surfaced for the first 6m, drainage measures need to be shown to ensure surface water does not discharge onto the public highway, etc. Other on-site matters

such as parking and turning appear acceptable.

SCC Rights of Way: Later verbal comments - Clarified that their concerns related to where the public right of way passed close to the rear boundary of 8 and 8A Baker Street in regards to the obstruction, they further stated that the exact position of the public right of way was not exactly known.

Initial comments - Object until such time as amended plans are made available to demonstrate that the proposal will not cause an obstruction to path L 2/31. Further noted that the applicant will need to be satisfied that they have an all-purpose vehicular right to the property along path L 2/31. If they are unable to and permission is granted then the LPA could potentially be encouraging criminal activity through permitting driving on a public path without lawful authority. The proposed surfacing and any associated infrastructure on path L 2/31 will require authorisation from SCC Rights of Way Group.

Ecology: No objections. Noted that the information submitted in respect of condition 5 on the outline consent is acceptable and that this condition could therefore be discharged.

REPRESENTATIONS

Written representations have been received from four local households raising the following objections and concerns to the proposed development:

- Object to cars being driven up and down a very narrow public right of way, endangering users.
- Object to further trees being planted immediately the other side of my fence (6 Baker Street) as this could lead to possible problems being caused by their roots and in time blocking light to my living room and dining room. My insurance company is to contact the applicant to arrange the removal of the sycamore tree which I believe is causing subsidence issues to my property (incidentally this tree is incorrectly recorded as an ash tree on the plans).
- The increase size in houses will no doubt lead to more cars up and down this narrow track and footpath.
- The area of "dense vegetation" on the other side of my fence is in fact an area of brambles, nettles and dead elder which is an eyesore and I hope will be cleared and landscaped.
- I object as I did to the previous one. Nothing has changed, Baker Street still floods, the lane and footpath are both difficult to access, the only difference is your proposed houses are no bigger and totally unsuitable for a small village like Babcary.
- The planned houses will dwarf our small cottage (7 Baker Street) and the neighbouring bungalows (6 and 8).
- Will these new properties add to the existing flooding problems in Baker Street? Any time we have substantial rain the lane floods (at least 2-3 times a year) during which time no normal car can get out of the road and it is deep enough for a canoe to be paddled up the road.

CONSIDERATIONS

The principle of the erection of two dwellings on this site has already been established through the grant of outline consent. The current application is seeking to agree the detailed matters of scale, siting, access, appearance and landscaping.

The application site forms a small paddock that sits behind a row of properties that sit alongside Baker Street, and is accessed via a narrow track that passes between 7 and 8 Baker Street. There is a public right of way (footpath L 2/31) that passes along the access track through the site alongside the west boundary which abuts 8 Baker Street, before passing on to a neighbouring land.

The houses are both two-storey and orientated to face towards the rear of the properties that sit alongside Baker Street. During the course of the application the position of the houses have been moved

further back into the site to that initially proposed in response to neighbour amenity concerns raised by the planning officer. The houses are now positioned more than 20m from the rear boundaries of the neighbouring properties, with the southern dwelling sited approximately 27m from the main rear elevation of 8A Baker Street and the northern plot approximately 28m from the side (east facing) elevation of 7 Baker Street. It is considered that subject to appropriate high level boundary treatment along the dividing boundary line that such distances will ensure that the privacy of these neighbouring properties are suitably respected.

Access to the site is along the existing track which passes between 7 and 8A Baker Street, this track is relatively narrow and the boundary treatment along it fairly open allowing views into these neighbouring properties. However, a public right of way (footpath L 2/31) passes along this access and so privacy levels in this regard are low, it is considered that the use of the track as an access to serve the new properties will not result in any demonstrable increased privacy concerns.

The design of the properties, in particular the lack of first floor windows within the side elevations, will ensure that the two new properties will have an acceptable relationship with each other and will not result in any demonstrable overlooking / privacy concerns to neighbouring properties to the north and south.

The scale and position of the houses are such that they should not result in any significant loss of light or overbearing concerns to neighbouring properties.

The layout and design of the scheme respects the local vernacular and is considered to be in keeping with the character of the local of the local area.

As noted earlier in this report, a public footpath passes along the access drive into the site before passing alongside the rear boundary of 8A Baker Street and existing on to neighbouring land in the southwest corner of the site. SCC Rights of Way objected to this scheme as they were concerned that the proposal may cause an obstruction to this this public right of way where it passes close to the rear boundaries of 8 and 8A Baker Street, although they also noted that the exact position of the right of way was not clear from their records. SCC provided a map detailing the definitive route of the public right of way and which shows it passing close to this boundary before it exits the site within the southwest corner on to neighbouring land. It would seem reasonable to take this map as the route / position of the public right of way in the absence of any other more definitive information. To allow some flexibility in this regard however a 2 metre strip has been provided to ensure that this route is still available for walkers and which is wide enough to also ensure the proposed beech hedge can be maintained so that it does not encroach into this space. It is considered that this layout is appropriate and proportionate in meeting the needs of the public right of way, however, should it be found at a later time that the right of way does not strictly follow this route then there is flexibility in the nature of the boundary treatment to allow its route to be reconfigured.

The access is narrow however it was clear at outline stage that this was the only means of access to serve the site and act as the vehicular access for the proposed dwellings. In allowing the appeal the Inspector accepted that this was a safe and suitable means of access to serve this development, it would not be reasonable or appropriate to revisit the principle of using this as an access for the development. Visibility at the point where the access egresses on to Baker Street is restricted in the northerly direction, the applicant does not have any control over this splay, or the southerly splay, as such this arrangement cannot be improved from that existing. Baker Street however is a very lightly trafficked no through lane serving just a handful of properties, as such the limited visibility is not considered to represent a severe highway safety hazard. The level of parking and turning being provided is generous and more than meets that required by the HA's parking strategy. On this basis the proposed access, parking and turning is considered to be acceptable.

Whilst the application site is within flood zone 1 and so at low risk of flooding, Baker Street at the point

of the access, is within flood zone 3 and is known to flood with reasonable frequency, it is therefore important that the development does not exacerbate this through increased runoff. The applicant is proposing to install a storm water drainage tank to ensure that runoff is managed appropriately during rain events, it would also be expected that they adopt sustainable drainage techniques such as soakaways where ever possible. A condition requiring further drainage details is recommended to ensure that this matter is dealt with appropriately and the development does not lead to increased rainwater runoff.

The applicant has also provided details to address condition 5 (badger survey / mitigation) of the outline consent. The Council's Ecologist has reviewed these details and confirmed that they are satisfactory and that this condition can therefore be discharged on this basis.

In all other respects the proposal is considered to be acceptable and to meet the requirements of LP policies SD1, TA5, TA6, EQ1 and EQ2, the application is therefore recommended for approval.

RECOMMENDATION

Grant consent for the following reasons:

This detailed scheme, by reason of its scale, layout, design and materials, respects the character and setting of the conservation area without resulting in any demonstrable harm to visual amenity, residential amenity, highway safety, flooding or other environmental concern and therefore accords with the aims and objectives of policies SD1, TA5, TA6, EQ1 and EQ2 of the South Somerset Local Plan and the provisions of the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

01. The development hereby approved shall be as shown on approved plans drawings numbered 1295/001 (Location Plan), 1295/003 (Combined Plans) and 1295/002 Rev B (Site Plan).

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

02. No works shall be carried out above damp course level for the dwellings hereby permitted unless particulars of the following have been submitted to and approved in writing by the Local Planning Authority;

- a) materials (including the provision of samples where appropriate) to be used for all external walls and roofs;
- b) full details of the new natural stonework walls, including the materials, coursing, bonding, mortar profile, colour and texture, to be provided in the form of a sample panel to be made available on site;
- c) details of the design, materials and external finish for all external doors, windows, boarding and openings, including detailed sectional drawings, lintels and entrance gates;
- d) details of all roof eaves, verges and abutments, including detailed section drawings, and all new guttering, down pipes and other rainwater goods, and external plumbing;
- e) details of the surface material for the parking and turning area.

Reason: In the interest of visual amenity to accord with policy EQ2 of the South Somerset Local Plan.

03. Prior to the first occupation of the dwellings hereby permitted details of all new and retained boundary treatment shall be submitted to and agreed in writing by the local planning authority. The development shall be carried out in complete accordance with the agreed boundary treatment

details and shall be maintained in that fashion thereafter at all times, unless otherwise agreed by the local planning authority.

Reason: To safeguard neighbour amenity and in the interest of visual amenity to accord with policy EQ2 of the South Somerset Local Plan.

04. The internal ground floor levels of the dwellings hereby permitted shall accord with the details set out on drawing number 1295/002 Rev B, unless otherwise agreed in writing by the local planning authority.

Reason: In the interest of residential and visual amenity to accord with policy EQ2 of the South Somerset Local Plan.

05. The development hereby permitted shall not be commenced unless there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. All planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of any of the dwellings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the landscaping scheme, 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 interest of visual amenity to accord with policy EQ2 of the South Somerset Local Plan.

06. The development hereby permitted shall not be commenced unless surface water drainage details to serve the development and to prevent the discharge of surface water onto the highway, have been submitted to and approved in writing by the local planning authority. Such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use and shall thereafter be permanently retained and maintained.

Reason: In the interest of highway safety and to ensure the site is adequately drained in order to prevent the increased risk of flooding elsewhere accordance with policies TA5 and EQ1 of the South Somerset Local Plan and the requirements of the National Planning Policy Framework.

07. The access, parking and turning areas detailed on the approved plans shall be kept clear of obstruction at all times and shall not be used other than for the purpose of access, parking and turning of domestic vehicles in connection with the development hereby permitted.

Reason: In the interest of highway safety to accord with Policies TA5 and TA6 of the South Somerset Local Plan.

08. Any entrance gates shall be hung to open inwards and shall be set back a minimum of 5 metres from the carriageway edge.

Reason: In the interest of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

09. A charging point for electric vehicles of at least 16 amps shall be provided within the curtilage of each of the dwellings hereby permitted prior to first occupation.

Reason: To facilitate and encourage low carbon means of transport in the interests of addressing climate change, in accordance with policies TA1 and EQ1 of the South Somerset Local Plan.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), there shall be no new openings formed above ground floor level within the north and south elevations of the dwellings hereby permitted without the prior express grant of planning permission.

Reason: In the interest of residential amenity to accord with Policy EQ2 of the South Somerset Local Plan.
