

JOINT AREA COMMITTEES IN SOUTH SOMERSET
Officer Report On Planning Application: 08/05142/FUL

Proposal :	The erection of 2 dwelling houses plus associated garaging and landscaping. (GR: 363470/127443).
Site Address:	Little Orchard Castle Cary Road North Cadbury
Parish:	North Cadbury
Ward : (SSDC Member)	CARY Mr H Hobhouse (Cllr) & Mr J Crossley (Cllr)
Division (SCC Member)	CARY Mr B Little (Cllr)
Recommending Case Officer:	Simon Fox Tel: (01935) 462509 Email: simon.fox@southsomerset.gov.uk
Target date :	29th January 2009
Applicant :	Mr And Mrs Close
Agent: (no agent if blank)	Mr Erik Winkler Boon Brown Architects (2717) Alvington Yeovil Somerset BA20 2FG
Application Type :	Minor Dwellings 1-9 site less than 1ha

Reason for Referral

In consultation with the Chairman this application has been referred to the Joint Area East Committee due to the comments received from the Parish Council and local residents. In addition one of the Ward Members has declared an interest.

Site Description And Proposal



The site is situated on the eastern side of Cary Road in the centre of North Cadbury. It is located within the development area and the western edge of the site forms the boundary of the adjoining Conservation Area.

Square in shape the site rises to elevate above the road behind a stone roadside wall. Dense vegetation on the top of the bank behind the wall forms a distinctive feature in the streetscene. No tree on the site is subject to a TPO. The plot currently accommodates a large detached 1960's reconstructed stone bungalow, named Little Orchard.

North Cadbury has varying architectural styles, the context to the site can be categorised thus; to the south are two 1960's reconstructed stone bungalows (Hylands and Quest Cottage, High Street); to the east off Cutty Lane are the reconstructed stone bungalows, The Orchard, Orchard End and Croindene; and to the north Ambleside, a curiously extended reconstructed stone bungalow, off Cary Road on similarly elevated land to Little Orchard. Opposite the site on Cary Road, to the west, is Cox's Close, a late 1990's development of reconstructed stone houses gathered in a cul-de-sac arrangement. Alongside Cox's Close and directly opposite the existing vehicular access to Little Orchard are the Grade II C17 listed properties, The Dairy House and Peacock Cottage.

The proposal seeks to retain the existing bungalow and adapt the existing entrance to provide access to two additional two-storey detached dwellings located close to the pavement edge behind the retained stone boundary wall. A four-bay garage would be located on the southern boundary to provide parking. The area for the dwellings and the respective gardens would be excavated from the bank with additional landscaping to replace that lost as a consequence of this. The prominent elevations of the dwellings are proposed in natural stone with the rear and less obvious elevations rendered, under double roman tile roofs.

The scheme was amended to remove Plot 1 from the original scheme, the 'two retained' dwellings proposed also retain their original annotations namely Plot 2 and Plot 3.

History

03/01014/FUL: The removal of existing porch and the conversion of loft together with provision of new internal staircase: Permitted with Conditions: 09/05/2003.

49556: Erection of a bungalow and private garage and formation of vehicular access: Permitted with Conditions: 02/02/1960

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decisions must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise,

Relevant Development Plan Documents

Regional Spatial Strategy

Vis 1 - Expressing the Vision

Vis 2 - Principles for Future Development

SS19 - Rural Areas

EN3 - The Historic Environment

EN4 - Quality in the Built Environment

TRAN1 - Reducing the Need to Travel

TRAN7 - The Rural Areas

Somerset and Exmoor National Park Joint Structure Plan (Adopted 2000)

STR1 - Sustainable Development

STR3 - Rural Centres and Villages

STR5 - Development in Rural Centres and Villages

Policy 9 - The Built Historic Environment

Policy 11 - Areas of High Archaeological Potential

Policy 49 - Transport Requirements of New Development

South Somerset Local Plan (Adopted April 2006)

ST2 - Villages

ST5 - General Principles of Development

ST6 - The Quality of Development

EH1 - Conservation Area

EH5 - Development Proposals Affecting the Setting of Listed Buildings

EH12 - Areas of High Archaeological Potential

EU4 - Water Services

Sustainable Community Strategy Goals

Goals 1, 3, 4, 7, 8, 9, 10, 11, 12

Planning Policy Statement 1: Delivering Sustainable Development

Planning Policy Statement 3: Housing

Planning Policy Statement 9: Biodiversity and Geological Conservation

Planning Policy Guidance Note 13: Transport

Planning Policy Guidance Note 15: Planning and the Historic Environment

Consultations

North Cadbury Parish Council - The Parish Council has submitted two lengthy responses to the application, recommending refusal in both instances.

The latest comments on the revised plans totalled four pages, it is not proposed to restate those comments word for word, as they are available on file, but provides a summary under the headings within the comments -

The Conservation Area - "In fact it is not the architecture which is the justification for the Conservation status, but the relationship of the architecture and the natural stone walls to the groups of trees of many different varieties in which the houses are set"

The Tree Screen - "Although now somewhat decayed and in need of attention one of the largest of these is the screen or 'stand' of trees on the Cary Road frontage (west boundary) of Little Orchard" "They form an essential part of the streetscene. If the trees were destroyed in order to allow for building development, no house or pair of houses could possibly provide the same degree of natural beauty (or Summer shade). The ambience of this part of the village would be fatally harmed". TPO's are supported and the Conservation Area should be extended.

The Retaining Wall - The wall should be afforded protection and may collapse during construction works. "If the trees are taken down, what would be left to justify Cary Road remaining within the Conservation Area".

Location of the proposed new houses - "The location of the houses does not conform to the existing pattern at all". "nor can it be seriously suggested that 'the proposal will have no detrimental impact upon the residential amenities of neighbouring properties'" Query why no Geological survey has taken place.

Proximity of the rear wall of the proposed garages to the boundary wall - Permission should not be granted for the garages in this location.

Materials and Design - "The design of the houses is totally lacking in any vernacular features".

Traffic Congestion - "We would ask that in the light of this information County Highways is asked to revisit this Application, and to consider whether the additional 4 cars which the Applicants are allowing for, together with visiting vehicles, can reasonably be accommodated in these difficult traffic conditions".

Carbon Footprint - "The carbon footprint of this proposed development would be horrendous".

Housing Need - This application makes no provision for affordable housing although the parish does not require any at this moment in time.

The application would ruin the Conservation Area, cause offence to two Listed Buildings and carve out a large section of our natural hillside, just in order to shoehorn in two utterly undistinguished little 'cottages' which will contribute nothing to the Cary Road streetscene.

County Highways - (on original plans) "I have had a site meeting with the architects for the scheme and am pleased to report that the access arrangements are satisfactory and I have no objections to this development; however, a number of conditions will be required to ensure that the access is provided in accordance with the submitted design and access statement".

(on revised plans) "I have been in discussion with my colleagues who deal with the section S38 and Advance Payments Code (APC) enquiries and have been looking again at the opinions which I raised in my following representations from the applicant's agent. Notwithstanding the comments below, I will still wish to ensure that the recommended conditions which I suggested previously are still included on any grant of planning permission.

Technically speaking, each property should have a frontage to an adopted highway; in this instance, even though a physical path is not provided from each dwelling to the highway, it does nevertheless have a frontage to the public highway. Therefore, I shall not raise any objections to permission being granted in respect of the details shown on the previously amended drawings which showed a continuous wall along the boundary of the properties with Castle Cary Road".

Conservation Officer - No objections raised. Conditions proposed to secure details of dwellings (materials, finishes etc).

Landscape Architect - (on revised plans) "I note the revised plan and am now satisfied that we have negotiated an arrangement that works. Consequently, please condition;
1) a detailed landscape proposal based upon the proposed site plan, and;
2) a tree protection plan to BS 5837 (2005) conserving that woody vegetation on site deemed worthy of retention (on which I assume Phil [Philip Poulton-SSDC Tree Officer] has advised)".

Tree Officer - (on revised plans) "Having viewed the plans, the indications of tree and shrub planting to enhance the revised proposal is promising though lacking detail.

The proposal would require the removal of a large number of existing trees. The majority of those trees, lack sufficient quality to be subject to a Tree Preservation Order or to constrain a development. However, there are some better quality individuals and the overall visual impact as a group is significant. In addition, the Council has an obligation to ensure that provision is made for the planting of new trees when granting a planning permission.

Given the numbers of tree removals that would be required to implement the proposal, it is my opinion that it is reasonable to expect a good quality, detailed tree planting and landscape scheme in support of the application. Preferably, this could be provided up front or alternatively, it could be conditioned to be agreed at a later date.

Indicative planting's that would receive a favourable response from myself would be opting for a traditional semi-formal approach to compliment the built form, suitable for the constraints on space. Several *Pyrus calleryana* 'Chanticleer' (ornamental, upright Pear: 14-16 bag-grown) could be installed along the frontage, avoiding planting opposite windows. *Magnolia grandiflora* (evergreen, self supporting and traditionally used against walls) could be used in relatively close proximity to soften the exposed gable ends whilst *Taxus baccata* (Yew) hedging could in-fill and define the front boundary. Further opportunities for shrubs, climbers on trellis, perennials etc exist".

Ecology - "In response to neighbour concerns, I have visited the site to assess the potential for trees to be used by roosting bats. On close inspection, it was apparent that the majority of the trees did not contain any holes or other features that could be used by roosting bats, this being due to the trees not being of sufficient age to have developed such features.

However there was one exception, which was a mature apple tree on the edge of the lawn, which did contain several holes and cavities which may be used by bats. There is only a low likelihood that the loss of this tree would have a significant impact on local bat populations and I therefore do not consider it to represent a constraint to the proposed development. However, I do recommend further examination of this tree by a licenced bat consultant and suggest this is required by condition. This should be undertaken prior to the removal or any works to the tree, with any recommendations made by the consultant for avoidance measures and/or mitigation to be implemented as part of the condition. It should also require a survey report (or email) to be submitted to the LPA. The trees and shrubs proposed for removal do have a moderate likelihood of being used by nesting birds. I therefore recommend a condition regarding timing of their removal".

County Archaeology - No archaeological implications.

Technical Services - Surface water disposal via soakaways.

Representations

This application was advertised via a site notice, press advert and letters to all adjoining neighbours.

The consultation period attracted a number of responses. A summary of comments on the revised plans include -

- The houses are too far forward not respecting the building line or settlement pattern.
- The scheme involves a large amount of excavation, retaining walls. How will this preserve the streetscene and not cause damage to neighbouring properties.
- The proposed planting is not adequate compensation.
- Development could still later follow at the rear of the site.
- The proposals have a detrimental impact upon the amenities of neighbouring properties by virtue of overlooking or overshadowing.
- The scheme will increase the likelihood of on street parking on Cary Road.
- The garages will undermine the boundary wall.
- The scheme would disrupt wildlife - birds/bats.

Considerations

***Principle**

The site is located within the development area and therefore the principle of development is acceptable subject to consideration of the detailed policies and other material considerations.

There would appear to be three main issues; the impact on the character and appearance of the area, the setting of the listed buildings and traffic and highways.

***Design, Impact on the Character and Appearance of the Area and Layout**

In terms of the conservation side to this application the relevant local plan policies are EH1: Conservation Areas and EH5: Development Proposals Affecting the Setting of Listed Buildings. Design matters are considered in relation to PPS1, and local plan policies ST5: General Principles of Development and ST6: The Quality of Development. It is important to recount that the site itself is outside the Conservation Area, however all development in a Conservation Area or outside the area, which would affect the settings or views in or out of the area will be required to preserve or enhance the character or appearance of the area.

It is considered this scheme conforms with the historical pattern of development and property boundaries, this is by relating to the road in a similar manner as the Listed Buildings and other older properties in North Cadbury as opposed to the car dominated building line evident in the 1970/1980's developments along Cary Road.

The scheme proposes the key elevations in local natural stone. This will conflict with the reconstructed stone of many of the houses and bungalows in the Conservation Area but will relate well to the Listed Buildings on the other side of the road. The roof pitch is also more traditional than most neighbouring properties. The use of appropriate materials and landscaping will enhance the positive contribution of the development in the streetscene and reinforce local distinctiveness. Plot 2 also provides a focal point opposite Coxs Close.

With relation to the proposed dwellings which are technically not directly sited opposite the Listed Buildings the key policy test is EH5 which states planning permission will not be permitted for development that would have an adverse affect on the setting of a listed building or its contribution to the local scene. In discussions with the Conservation Officer it is evident the scheme respects the setting of the listed buildings and is of a suitable design for the area.

In terms of the impact to the amenity of individual neighbours the principle source of concern, namely Plot 1, was omitted from the scheme. This does not imply that the Local Planning Authority supports and concurs with those concerns, as a formal recommendation was never necessary. Some concerns have been raised about the overshadowing effect of the two remaining frontage dwellings but this is primarily in association with No.1 Coxs Close and a small gable end-window. Given this window is north facing and is already overshadowed by vegetation, is small in size and that the properties are set away, it is not considered any demonstrable harm would result.

The impact of the proposed dwellings on the existing bungalow has been assessed. The submitted section drawings show that the distance of separation (17m), level of excavation, the installation of a boundary fence at 2m high and the layouts of the proposed houses locating landings and bathrooms predominately to the rear would afford privacy to all.

The scheme uses landscape design as an active element in the overall design; although requiring the loss of the existing planting there is no statutory power to insist upon its retention, given its relatively poor condition and the proposed planting seeks to provide structured manageable planting of suitable species to a village setting rather than that evident neighbouring leylandii. Indeed the planting could have been removed by the applicant's at any time, without consent which would inevitably removed a large proportion of the emotive objection considering the large weighting its removal has been given in objecting to the application by the Parish Council and local residents. Gladly this route has not been taken to date.

The scheme also involves some excavation of the site to achieve an appropriate level. This has raised concern locally. Whilst it is considered the end result will be acceptable when landscaping establishes the matter of the physical works to excavate are of concern. It has been reported by local residents that the ground may be solid rock and

that the work to achieve the proposed finished floor level may be unachievable or costly and potentially damaging to neighbouring property. The matter has been raised with the agent who has refused to undertake a geology survey prior to determination, however a condition requiring a survey and a method statement outlining how adjoining property would be protected (especially the listed buildings) would be acceptable. It is considered a pre-commencement condition will suffice, with the fallback position remaining that if the proposed finish floor level cannot be achieved then a fresh application would be required, with no guarantee that a higher finished floor level would be agreed.

*Traffic and Highways

The impact of the development on Cary Road has been another source of objection and concern for local residents and the Parish Council. The Highways Officer has no objections to the proposal. The scheme has omitted one unit (Unit 1) but concerns persist. There were also concerns that the front steps originally proposed would result in the new residents parking in the road. Those proposed steps have now been omitted partially from a conservation point of view to retain the continuous stonewall frontage, but also to pacify those submitted written concerns. Local Plan policy TP7 states the recommended parking standard in this case is two spaces per dwelling. The scheme complies with that policy and the existing dwelling is also afforded sufficient parking. There may be long-standing issues with roadside parking in the area, related to the school but this scheme provides the necessary off-road private parking provision. In discussions with the highways officer it is not considered that the present roadside parking causes a hazard to the increased number of users of the new access.

*Other

Wildlife - Following suggestions that bats had been seen in the area and assumptions that they were roosting in the trees proposed to be felled as part of this scheme, the Council's Ecologist was asked to comment on the expediency of formally requesting a wildlife survey prior to determination of the application. His comments are replicated in full within this report and as a result a survey has not been requested at this stage, but via a condition, in accordance with PPS9.

Recommendation

Grant permission for the following reason:

01. Garage doors...

Notwithstanding the comments of the Parish Council and local residents the proposal is of a form, design, materials and siting that represents an appropriate infill within the defined development area that is carefully designed to respect the streetscene and causes no demonstrable harm to residential amenity. It also preserves the character and appearance of the Conservation Area and setting of the adjacent Listed Buildings. The proposal is therefore in accordance with the advice and guidance contained within Planning Policy Statements 1, 3 and 9 and Planning Policy Guidance Notes 13 and 15; policies Vis1, Vis2 and EN3 of the Regional Spatial Strategy; policies STR1, STR3, STR5, 9, 11 and 49 of the Somerset and Exmoor National Park Joint Structure Plan (Adopted 2000); and policies ST2, ST5, ST6, EH1, EH5, EH12 and EU4 of the South Somerset Local Plan (Adopted April 2006).

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 not be carried out otherwise than in complete accordance with following submitted plans:
- 2717SK_11 Rev C - Proposed Site Layout
 - 2717SK_12 Rev A - Proposed Elevations Plot 2
 - 2717SK_13 Rev B - Proposed Elevations Plot 3
 - 2717SK_14 Rev A - Proposed Floor Plan Plot 3
 - 2717SK_15 Rev A - Proposed Floor Plan Plot 2
 - 2717SK_17 Rev B - Proposed Street Elevation
 - 2717SK_18 Rev B - Visibility Splay (Site Plan)
 - 2717SK_19 - Site Section
 - 2717SK_20 Rev A - Proposed Garage

Reason: For the avoidance of doubt to maintain the character of the area and safeguard residential amenity to accord with policies ST5, ST6 and EH1 of the South Somerset Local Plan (Adopted April 2006).

03. No works shall be carried out 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 external walls and roofs, chimneys, lintels and porches;
 - b) the design (including recess), material and external finish for all windows (traditional side hung balanced casements, with equal sized panes of glass) and doors;
 - c) details (locations, materials and finish) of all eaves/fascia board detailing, guttering, downpipes, other rainwater goods and all external plumbing;
 - d) particulars of all new boundary treatments; and
 - e) the surface treatment and material for the footpaths, driveway, parking and turning areas.

Reason: To safeguard the character and appearance of the area to accord with policies ST5, ST6 and EH1 of the South Somerset Local Plan (Adopted April 2006).

04. No works shall be carried out unless a sample panel of the local natural stonework, indicating colour, texture, coursing and bonding, and a sample of the render, indicating colour and texture, have been provided on site for inspection and agreed in writing by the Local Planning Authority. The agreed panels shall thereafter be retained on site for the duration of works.

Reason: To safeguard the character and appearance of the area to accord with policies ST5, ST6 and EH1 of the South Somerset Local Plan (Adopted April 2006).

05. No work shall be carried out on site unless details of the design, materials and external finish for all new doors and windows, plus design details of all roof eaves, verges and abutments have been submitted to and approved in writing by the Local Planning Authority. This will include detailed drawings including sections of at least 1:5. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: To safeguard the character and appearance of the area to accord with policies ST5, ST6 and EH1 of the South Somerset Local Plan (Adopted April 2006).

06. No works shall be carried out unless foul and surface water drainage details to serve the development, have been submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: To ensure the development is assured proper drainage to accord with policy EU4 of the South Somerset Local Plan (Adopted April 2006).

07. The finished floor levels of the dwellings hereby permitted shall be set as stated on the approved plans.

Reason: For the avoidance of doubt in the interests of visual amenity to accord with policies ST5, ST6, EH1 and EH5 of the South Somerset Local Plan (Adopted April 2006).

08. No works shall be carried out unless there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels; all planting, seeding, turving or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of ten 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: To safeguard the character and appearance of the area to accord with policies ST5, ST6, EH1 of the South Somerset Local Plan (Adopted April 2006).

09. No removal of vegetation that may be used by nesting birds (trees, shrubs, hedges, bramble, ivy or other climbing plants) nor works to or demolition of buildings or structures that may be used by nesting birds, shall be carried out between 1st March and 31st August inclusive in any year, unless previously checked by a competent person for the presence of nesting birds. If nests are encountered, the nests and eggs or birds, must not be disturbed until all young have left the nest.

Reason: To avoid disturbance to nesting birds thereby ensuring compliance with the Wildlife and Countryside Act 1981, as amended by the CROW Act 2000, and in accordance with Policy EC8 of the adopted South Somerset Local Plan (Adopted April 2006).

10. No works shall be carried out unless a geology report has been submitted to the Local Planning Authority. The report shall detail the ground conditions of the application site and include a method statement for the proposed excavation and the protection of neighbouring property particularly in the event of rock being found.

Reason: To ensure the proposed floor level can be achieved without harm to neighbouring property especially the adjoining listed buildings and in the interests of neighbouring amenity to accord with policy ST6 and EH5 of the South Somerset Local Plan (Adopted April 2006).

11. 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), no additional windows, including dormer windows, or other openings (including doors) shall be formed in the building, or other external alteration made without the prior express grant of planning permission.

Reason: In the interests of residential amenity and to preserve the amenity of neighbours to accord with policies ST5, ST6 and EH1 of the South Somerset Local Plan (Adopted April 2006).

12. 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), no fences, gates or walls shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road.

Reason: In the interests of preserving the streetscene to maintain the character of the conservation area to accord with policies ST5 and EH1 of the South Somerset Local Plan (Adopted April 2006).

13. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved by the Local Planning Authority prior to the development hereby permitted first being brought into use.

Reason: In the interests of highway safety to accord with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan (Adopted 2000).

14. The dwellings hereby permitted, shall not be occupied until the parking and turning spaces shown on the submitted plan, drawing no: 2717SK_18 RevB have been properly consolidated and surfaced to the satisfaction of the Local Planning Authority. Such turning spaces shall be kept clear of obstruction at all times.

Reason: In the interests of highway safety to accord with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan (Adopted 2000).

15. There shall be no obstruction to visibility greater than 900mm above the adjoining road level within the splay areas shown on drawing no: 2717SK_18 RevB at the junction of the improved driveway with Castle Cary Road. Such visibility splays shall be fully provided before works commence on the erection of any of the dwellings units hereby permitted and shall thereafter be maintained at all times.

Reason: In the interests of highway safety to accord with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan (Adopted 2000).

16. 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), the garages shall remain open fronted and not enclosed with doors.

Reason: To maintain an adequate turning and manoeuvring area which would be impaired by further obstruction which may be prejudicial to highway safety contrary to policy 49 of the Somerset and Exmoor National Park Joint Structure Plan (Adopted 2000).

Informatives:

01. Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained in writing from the Highway Authority. Application forms can be obtained by writing to Roger Tyson of the Transport Development Group, Environment Department, County Hall, Taunton, TA1 4DY or by telephoning him on 01823 356011. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services. The fee for a section 171 Licence is £250. This will entitle the developer to have his plans checked and specifications supplied. The works will also be inspected by the Superintendence team and will be signed off upon satisfactory completion.