

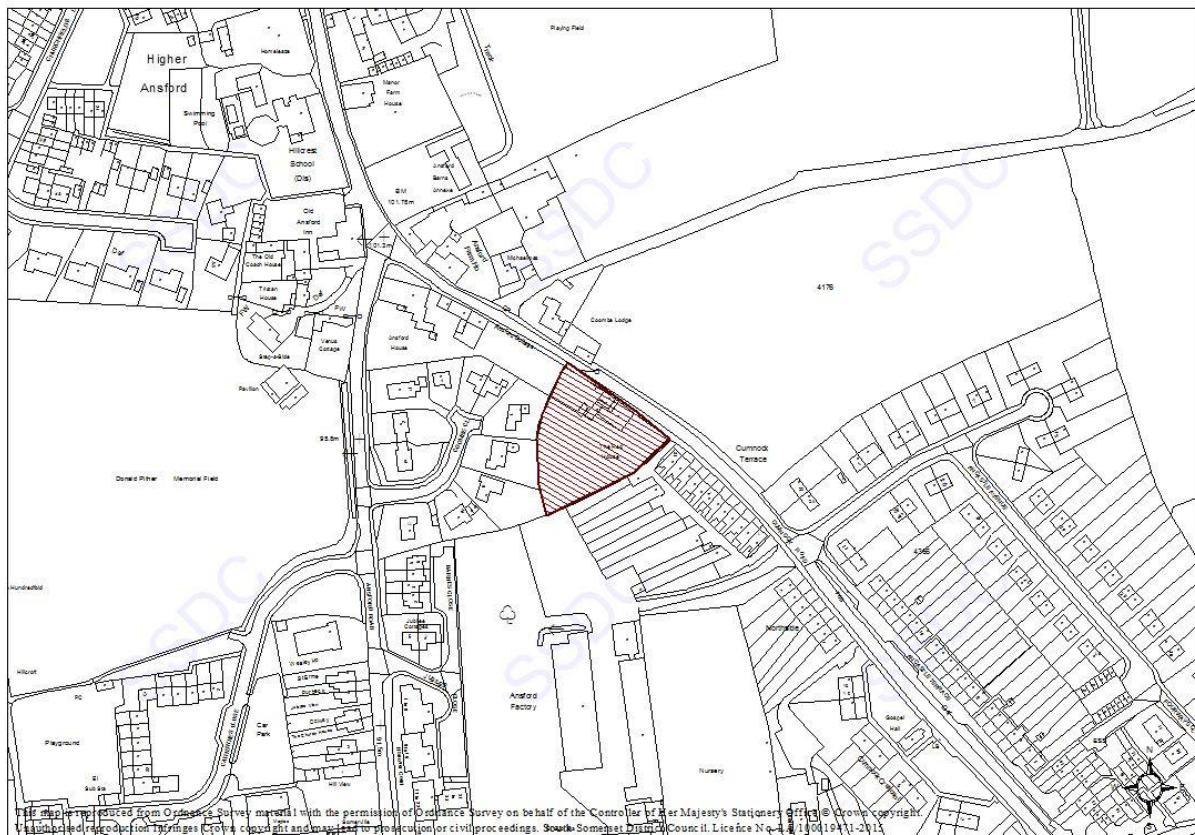
## AREA EAST COMMITTEE

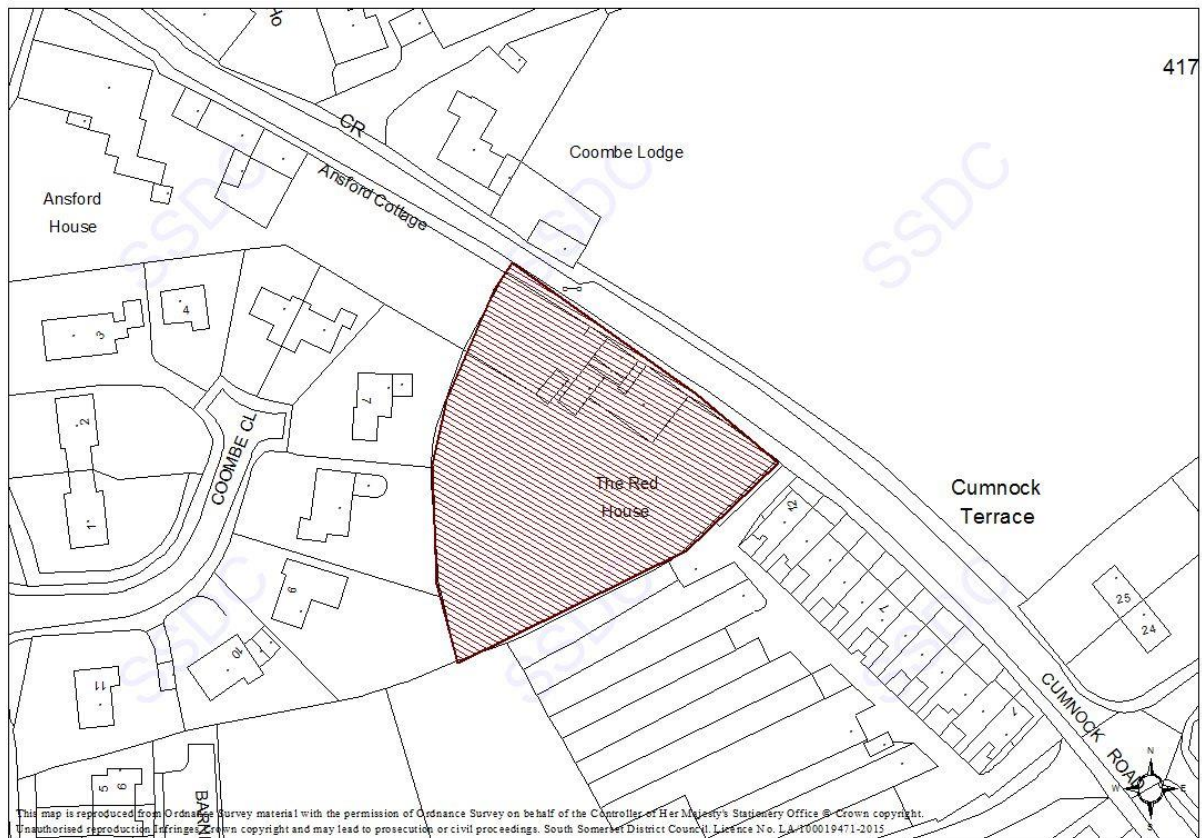
### Officer Report On Planning Application: 15/04029/FUL

<b>Proposal :</b>	Demolition of Part Wall, Outbuilding and Gable End, refurbishment of The Red House, erection of three further dwellings and alterations to vehicular access (GR:364305/132712)
<b>Site Address:</b>	The Red House Cumnock Road Ansford
<b>Parish:</b>	Castle Cary
<b>CARY Ward (SSDC Member)</b>	Cllr Nick Weeks Cllr Henry Hobhouse
<b>Recommending Case Officer:</b>	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
<b>Target date :</b>	2nd November 2015
<b>Applicant :</b>	Mr John Boulter
<b>Agent: (no agent if blank)</b>	Mr Henry Edwards Boon Brown Architects Motivo Bluebell Road Alvington Yeovil Somerset BA20 2FG
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

The application is referred to the committee, at the request of the ward member and with the agreement of the area vice-chair, in order to allow the local concerns to be fully debated in a public forum.

#### SITE DESCRIPTION AND PROPOSAL





This application seeks full permission for the refurbishment of an existing dwelling and for the erection of three detached dwellings within its curtilage. The site consists of a two storey detached house, finished in brick, with clay tiles and boarded up windows. The house and garden are currently derelict. The site is located with the Ansford/Castle Cary development area and within a conservation area as defined by the local plan. The site is close to various residential properties, including a Grade II listed terrace, and open countryside.

Plans show the erection of three two storey detached dwellings, all to be finished in natural stone under slate roofs. All three would be served by private driveways off a new road into the site, with two having integral garages and the third having a detached garage of brick construction. The existing dwelling will be altered through areas of demolition and rebuilding. The existing dwelling will also be served by a private driveway off the new road and a new integral garage. The proposed road will derive access from the public highway through an altered version of the existing access.

## HISTORY

11/02566/FUL - Demolition of part wall and outbuilding, conversion of The Red House into 2 dwellings, erection of 2 further dwellings and alterations to vehicular access (revised scheme 11/00091/FUL) - Application permitted with conditions 04/06/2013

11/02567/CON - Demolition of part wall and outbuilding within a conservation area - Application permitted with conditions 04/06/2013

11/00091/FUL - Demolition of part wall and outbuilding, conversion of The Red House into 2 dwellings, erection of 5 further dwellings and alterations to vehicular access - Application withdrawn 17/03/2011

11/00092/CON - Demolition of part of wall and outbuilding within a conservation area - Application withdrawn 17/03/2011

99/00155/OUT - The erection of a dwellinghouse - Application permitted with conditions 16/04/1999

99/00156/FUL - The conversion of dwelling into 4 flats (renewal) - Application permitted with conditions 19/04/1999

96/00139/OUT - Erection of a dwellinghouse (outline renewal) - Application permitted with conditions 25/03/1996

94/00018/FUL - Conversion of dwelling into 4 flats (renewal) - Application permitted with conditions 31/03/1994

90/00019/OUT - The demolition of outbuilding and the erection of a two storey dwellinghouse (outline renewal) - Application permitted with conditions 24/04/1990

891009 - Conversion of dwellinghouse into four flats - Conditionally approved 07/07/1989

871420 - Outline: The demolition of outbuildings and the erection of a dwellinghouse - Conditionally approved 31/07/1987

## **POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF 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).

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

Policy SD1 - Sustainable Development

Policy SS1 - Settlement Strategy

Policy SS5 - Delivering New Housing Growth

Policy EQ2 - General Development

Policy EQ3 - Historic Environment

Policy EQ4 - Biodiversity

Policy TA5 - Transport Impact of New Development

Policy TA6 - Parking Standards

Policy HG4 - Provision of Affordable Housing: Sites of 1-5 Dwellings

### **National Planning Policy Framework**

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

Chapter 12 - Conserving and Enhancing the Historic Environment

## **CONSULTATIONS**

**Castle Cary Town Council** - Initially resolved to support the application with the following comments:

- Highways should confirm a safe exit can be established on to the main road.
- The Red House should, where possible, retain its original features and character.
- Councillors would like to see a footpath through the back of the site to allow people to walk into the town.

On the receipt of amendments and additional information the councillors voted to reject the amendments. They stated that the increase in size of the houses on plots 2 and 3 and the changes to the design were not in keeping with the character of the other buildings on site. They were also concerned that the idea of negotiating a footpath from the corner of the site to provide pedestrian access to the town centre has been rejected by the developer with no reason given. They state there is emphasis in their emerging neighbourhood plan on the importance of footpaths and cycle paths to allow pedestrians and cyclists to access the town centre quickly and easily without having to use a car.

**Ansford Parish Council** - Notes that four homes appears to be an appropriate number for the site. They note that the development appears to be sympathetic to the local area in both design and scale. They raise a concern with regard to the access onto Cumnock road due to the proximity of the traffic lights. They state that highways will need to take into account the amendments to the traffic light phasing proposed with the nearby Nurseries site.

**County Highway Authority** - They note that the principle of the access was accepted by the Highway Authority as part of the previous planning permission 11/02566/FUL, and as such it would be unreasonable to raise an objection to this proposal. They do note that works to nearby traffic lights are planned soon and if the works are completed prior to the proposal being developed the applicant would need to tie into the signals, using a S278 agreement with the Highway Authority.

They note that the proposed layout is inadequate, due to carriageway width and lack of a turning head, for formal adoption, but that it is adequate to comply with Manual for Streets. They therefore note that the internal layout will be subject to the Advance Payment Code (APC).

They note that the applicant would be expected to provide a minimum of 3 spaces per residential unit to comply with the Somerset County Council's Parking Strategy.

They raise no objections to the scheme and recommend conditions to control:

- That the access is built in accordance with the submitted plans
- That the access is not brought into use until drop kerbs have been installed
- That appropriate pedestrian visibility splays are incorporated
- The method of surface water disposal
- That each dwelling is serviced by a properly consolidated and surfaced footpath and carriageway prior to occupation
- Details of a drainage scheme for the site
- That appropriate parking and turning is retained in perpetuity
- The appropriate visibility splays are incorporated
- That any damage to the highway is remedied by the developer
- Details of the means access are secured
- The submission of a construction management plan.

**SSDC Ecology** - Notes that the submitted survey concluded bats weren't roosting at the property but that it retains potential to become occupied by bats and possible bird nesting was also noted. He recommends an informative that endorses the consultant's recommendations in Section 4 of the submitted report.

He notes the presence of a badger sett in the corner of the site. He states that he is satisfied with the letter from EPS Ecology Ltd regarding badger mitigation measures already undertaken and assessment of development impacts. He recommends any consent notice includes an informative regarding badger mitigation.

**SCC Archaeology** - No objections

**SSDC Conservation Officer** - States that he has no problem with the principle of the scheme. He initially raised a concern with the proposal to retain non-functional windows to the front elevation. On the receipt of amended plans showing the windows bricked up he was satisfied. He also raised some concerns in regard to layout and boundary treatment. On the receipt of amended plans he confirmed that he had no objections. He suggests the use of a phasing scheme to ensure The Red House is not left while the other three properties are built and sold off. He suggests conditions to control:

- Conservation of the existing building
- Materials for the new-build dwellings
- Doors, windows, and openings
- Window recessing
- Eaves and rainwater goods for the new-build dwellings
- External services on the new build units

## **REPRESENTATIONS**

Two letters of objection were received from the occupiers of neighbouring properties. Objections were received on the following grounds:

- The proposed new-builds will reduce light to the objector's house and garden.
- The badger mitigation has pushed the sett into neighbouring gardens, causing damage.
- Bungalows would be more appropriate as they are rare in Castle Cary, and bungalow occupiers generally have less vehicles thereby reducing stress on a difficult access.
- Concern about the density of people and cars.

## **CONSIDERATIONS**

### **History and Principle of Development**

The site is located within the development area of Castle Cary as defined by the local plan. Policy SS1 defines Castle Cary as a Local Market Town where provision will be made for housing, employment, shopping and other services that increase their self-containment. Furthermore the site already benefits from an extant permission to redevelop with a net gain of three units, as per the current application. As such, the principle of residential development in this location is considered to be acceptable and established, and to accord with the policies of the local plan and the aims and objectives of the NPPF.

### **Highways**

Local concern has been raised in regard to the proposed access arrangements, in particular to the suitability of the access in light of the proposed development density. However, as noted by the highway authority, the proposed access is similar to that approved as part of the extant scheme and will be serving the same number of dwellings. As such, it would be unreasonable to raise an objection on highway safety grounds. The highway authority have suggested a number of conditions and informatives, most of which are considered to be reasonable and necessary.

### **Visual Amenity**

The site is within a conservation area and close to a grade II listed building. As such, the SSDC conservation officer was consulted as to the impact of the scheme on visual amenity. He initially raised some minor concerns with the scheme. However, on the receipt of amended plans, he confirmed that his concerns had been satisfactorily addressed. As such, the impact of the scheme on the character of the conservation area and the setting of the nearby listed building is considered to be acceptable. Subject to appropriate conditions, the standard of design and materials is considered to be acceptable. Therefore, notwithstanding the concerns of the town council, the proposal is considered to be of a satisfactory standard of design that would have no adverse impact on visual amenity in compliance with policies EQ2 and EQ3 of the local plan.

### **Residential Amenity**

A neighbour has raised a concern that the proposed dwellings would reduce light to their dwelling and garden. However, due to the size and position of the proposed dwellings, it is not considered that there would be any demonstrable harm to the residential amenity of adjoining occupiers by way of overshadowing. There will be no significant impact on neighbouring properties by way of overbearing or overlooking.

Therefore the proposal is considered to have no significant adverse impact on residential amenity in compliance with policy EQ2 of the local plan.

### **Ecology**

The SSDC Ecologist was consulted as to the impact of the scheme on protected species. He was satisfied that appropriate mitigation had taken place in relation to badgers, and recommended the use of

an informative in relation to badger mitigation on any permission. He noted the recommendations of the submitted ecology report in relations to bats and birds and suggested the use of informative endorsing them.

Local concerns have been raised regarding the impact of the badger mitigation, suggesting that it pushes an existing problem from the application site into neighbouring properties. However, the mitigation has already been carried out (in 2014) and was agreed as part of the extant scheme. The current scheme will offer the same level of protection to the protected species as the extant scheme. Furthermore, in terms of damage to their gardens, it will make the situation no worse than the extant scheme for neighbouring occupiers. As such, the issue raised by neighbouring occupiers in relation to badger mitigation would not be a material consideration that could justify withholding consent.

### **Contributions**

Policy HG4 requires a contribution to be paid towards the provision of affordable housing, in Castle Cary this is payable at a rate of £20 per square metre of internal floor space within the development. The applicant has indicated that they would be willing to enter into a s.106 agreement with the council to secure such a contribution.

### **Other Matters**

The town council have requested that the applicant considers forming a footpath from the rear of the site to allow easier pedestrian and cyclist access to the town centre. The applicant has considered the request but stated that it would not be possible due to the presence of the badger sett to the rear of the site, and the fact that they do not own the land that would be necessary to facilitate the request. The argument is considered to be reasonable and, whilst such a provision would clearly be desirable, its lack does not make the development unacceptable, especially given the extant permission on site.

A local concern has been raised that bungalows would be more appropriate as they are rare in Castle Cary, and generally occupiers have less vehicles, so less stress would be put on a difficult access. However, it is the scheme that has been submitted that must be assessed, and the lack of bungalows would not constitute a valid reason for refusal.

A general concern was raised about the density of development. However, the density is not unduly high, is not out of character with nearby properties, and is no higher than the extant scheme.

### **Conclusion**

Accordingly the proposal is considered to be acceptable in this location, and to cause no significant adverse impact on the character of the conservation area, the setting of the nearby listed building, highway safety, protected species, or residential amenity.

### **RECOMMENDATION**

That application reference 15/04029/FUL be approved subject to:-

- a) The prior completion of a section 106 agreement or unilateral undertaking (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to:-
  - 1) Secure a contribution of £20 per square metre of internal floor space towards the provision of affordable housing in the district.
- b) The following conditions:

### **Justification**

- 01. The site is within the development area of a market town and the principle of residential development is therefore considered acceptable. The residential development of the site would

respect the character of the conservation area with no demonstrable harm to the setting of the nearby listed building, highway safety, protected species, or residential amenity. The scheme will contribute appropriately to the provision of affordable housing within the district. As such the proposal complies with local plan policies SD1, SS1, SS5, TA5, TA6, HG4, EQ2, EQ3, and EQ4 and the aims and objectives 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: 3414/PL02B, 3414/PL04A, 3414/PL05A, 3414/PL06A, 3414/PL07, and 3414/PL09B received 02 October 2015, and 3414/PL03C received 22 October 2015.

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

03. No work shall be carried out to the Red House (unit 1) unless a detailed specification has been submitted to and approved in writing by the Local Planning Authority. This shall include all matters relating to the conservation of the existing building, such as repointing and repair / renewal of joinery, re-roofing, as well as the making good of the south and west elevations following demolition, any works of alterations including the introduction of services where they affect the external façade. Once agreed the work shall be carried out in strict accordance with the agreed details unless written agreement is given to any variation.

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

04. No work shall be carried out to construct units 2, 3 or 4 unless particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Such particulars will include the detailed finish (rough sawn, hand tooled, etc.). details of new masonry shall be supported by the provision of a sample panel to be made available on site. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

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

05. No work shall be carried out to fit any doors, windows, boarding or other external opening (including garage doors) unless details of the design, materials and external finish of these elements 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: In the interests of visual amenity in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan.

06. The windows comprised in the development hereby permitted shall be recessed in accordance with details to be submitted to and approved in writing with the Local Planning Authority before any windows are fitted.

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



07. No work shall be carried out to construct units 2, 3 or 4 unless design details of all roof eaves, verges and abutments, including detail drawings at a scale of 1:5, and all new cast metal guttering, down pipes, other rainwater goods, and external plumbing shall be submitted to and approved in writing by the Local Planning Authority. Such details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

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

08. No external fixtures or fittings including externally visible services shall be fitted to units 2, 3 or 4 unless details of such have been submitted to and agreed in writing by the Local Planning Authority. This shall include details of extract vents, boiler flues, soil pipe vents, external lighting and metre boxes. Once agreed the work shall be carried out in strict accordance with the agreed details unless written agreement is given to any variation.

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

09. The access hereby permitted shall not be brought into use until drop kerbs have been installed at the carriageway edge and a vehicle cross-over constructed across the footway fronting the site for the width of the access.

Reason: In the interests of highway safety and in accordance with policies TA5 and TA6 of the South Somerset Local Plan.

10. The proposed access (or drive) shall incorporate pedestrian visibility splays on both its sides to the rear of the existing footway based on co-ordinates of 2.0m x 2.0m. Such splays shall be fully provided before the access hereby permitted is first brought into use and shall thereafter be maintained at all times.

Reason: In the interests of highway safety and in accordance with policies TA5 and TA6 of the South Somerset Local Plan.

11. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: In the interests of highway safety and in accordance with policies TA5 and TA6 of the South Somerset Local Plan.

12. No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with policies TA5 and TA6 of the South Somerset Local Plan.

13. The areas allocated for parking and turning on the submitted plan, drawing number 3414/PL02 Rev B, shall kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety and in accordance with policies TA5 and TA6 of the South Somerset Local Plan.



14. At the proposed access there shall be no obstruction to visibility greater than 300mm above adjoining road level within the visibility splays shown on the submitted plan. Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.

Reason: In the interests of highway safety and in accordance with policies TA5 and TA6 of the South Somerset Local Plan.

15. No development shall take place until detailed plans have been submitted to and approved in writing by the Local Planning Authority (in conjunction with the local Highway Authority) relating to line, level and layout of the access road junction and its means of construction and surface water drainage. The approved access road junction shall be laid out constructed in accordance with the requirements of a Section 278 Agreement under the provisions of the Highway Act 1980.

Reason: In the interests of highway safety and in accordance with policies TA5 and TA6 of the South Somerset Local Plan.

16. No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

- Construction vehicle movements;
- Construction operation hours;
- Construction vehicular routes to and from site;
- Construction delivery hours;
- Expected number of construction vehicles per day;
- Car parking for contractors vehicles per day;
- Car parking for contractors;
- Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- A scheme to encourage the use of Public Transport amongst contractors; and
- Measures to avoid traffic congestion impacting upon the Strategic Road Network.

Reason: In the interests of highway safety and in accordance with policies TA5 and TA6 of the South Somerset Local Plan.]

17. The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which 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, turfing 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 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.

18. The development hereby permitted shall not be commenced until a programme showing the phasing of the development has been submitted to and approved by the Local Planning Authority. Following such approval and commencement of the development hereby permitted the works comprised in the development shall not be carried out otherwise than in complete accordance with such approved programme or such other phasing programme as the Local Planning Authority may in writing subsequently approve.

Reason: To ensure that the conservation area building known as The Red House is not left in a derelict or partially restored state in accordance with policy EQ3 of the South Somerset Local Plan.

**Informatives:**

01. The developer shall note that the works on or adjacent to the existing highway will need to be undertaken as part of a formal legal agreement with Somerset County Council. This should be commenced as soon as practicably possible, and the developer should contact Somerset County Council for information 0300 123 2224.
02. The developer in delivering the necessary highway works associated with the development hereby permitted is required to consult with all frontagers affected by said highway works as part of the delivery process. This should be undertaken as soon as reasonably practicable after the grant of planning consent and prior to the commencement of said highway works, especially if the design has evolved through the technical approval process. This is not the responsibility of the Highway Authority.
03. Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highway Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing to the Traffic and Transport Development Group, County Hall, Taunton or by telephoning 0300 123 2224. 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.

04. A badger sett is present on site and care will need to be taken to avoid disturbance or damage from construction operations which could contravene wildlife legislation. All site operatives will need to be made aware of appropriate exclusion zones based on site specific advice from an ecological consultant, and other precautionary measures to avoid harm such as covering open trenches overnight or positioning a plank to provide an escape ramp.
05. All contractors working on site should be aware of the recommendations contained within section 4 of the submitted bat survey completed by Crossman Associates and dated 14th July 2015. Contractors should be made aware of the legal necessity of complying with these recommendations.