

SECTION 2 – ITEM 9

Application No:	19/P/2635/FUL	Target date:	18.12.2019
Case officer:	Judith Porter	Extended date:	26.02.2020
Parish/Ward:	Banwell Banwell and Winscombe	Ward Councillors:	Councillor Karin Haverson Councillor Ann Harley
Applicant:	Andrew Wilson Partnership & Opex One Ltd		
Proposal:	Erection of 2 No. two-storey dwellings including access and parking.		
Site address:	Land to the rear of The Ship Hotel, West Street, Banwell		

REFERRED BY COUNCILLOR HARLEY

Summary of recommendation

It is recommended that the application be **APPROVED** subject to conditions. The full recommendation is set out at the end of this report. Any issues that arise at the site inspection will be dealt with at the Committee meeting.

Background

This application was deferred at the meeting on 22 January 2020 for a committee site inspection. The site inspection was on Monday 17 February.

There has been a succession of applications and appeals at this site. The latest appeal was dismissed but only for one reason: loss of privacy to neighbouring properties. This application seeks to resolve this issue. A copy of the appeal decision is attached at the end of this report for information.

The Site

This application relates to an irregular shaped parcel of land covering approximately 0.17 hectares. The site is located on an elevated position to the south west of, and significantly higher than, existing buildings and properties fronting onto West Street. To the south of the site, on higher ground and behind 2 to 3m high brick and natural stone retaining walls, there is a dwelling known as The Lawns. To the west of the site are the rear gardens of dwellings fronting School Close. To the east is a car park for The Ship (now converted to flats), which is a Grade II listed building. Vehicular access to the site is shared with the existing access for the flats in the converted listed building onto High Street.

The Application

Full permission is sought for:

- the erection of two 4-bed detached two-storey dwellings

- a new vehicular access from the existing car park to the rear of The Ship

Relevant Planning History

Year	Reference	Proposal	Decision
2019	18/P/3681/FUL	Erection of 2 dwellings, access and parking	Refused + Appeal dismissed
2015	14/P/2440/F	Erection of three detached dwellings, access and parking	Refused*
2009	09/P/1067/F	Erection of 3no live/work dwellings and associated parking	Refused**
2007	07/p/3031/F	Erection of 4 live work units	Refused *** Appeal dismissed
2006	06/P/1874/LB	Demolition of part of the boundary wall	Approved
2006	06/P/1875/F	Erection of four detached dwellings	Refused
2006	06/P/0740/F	Erection of four detached dwellings	Withdrawn
2006	06/P/0741/CA	Application for Conservation Area consent for part demolition of existing boundary walls to form vehicular access	Withdrawn
1999	99/1384	Change of use from public house to offices	Approved

+ due to impact on living conditions

* due to impact on living conditions, inadequate parking/ turning, impact on protected species and concern for stability of boundary walls

** due to ground stability concerns not being properly addressed

*** due to impact on one neighbour and issues of wildlife and ground stability

Policy Framework

The site is affected by the following constraints:

- Within the Banwell Conservation Area
- Inside the settlement boundary for Banwell
- Within setting of The Ship Grade II listed building

The Development Plan

The following policies are particularly relevant to this proposal:

Policy Ref Policy heading

CS2	Delivering sustainable design and construction
CS3	Environmental impacts and flood risk management
CS4	Nature Conservation
CS5	Landscape and the historic environment
CS10	Transport and movement
CS11	Parking
CS12	Achieving high quality design and place making
CS13	Scale of new housing
CS14	Distribution of new housing
CS15	Mixed and balanced communities
CS32	Service Villages

Sites and Policies Plan Part 1: Development Management Policies (adopted 19 July 2016)

The following policies are particularly relevant to this proposal:

Policy	Policy heading
DM3	Conservation Areas
DM4	Listed Buildings
DM6	Archaeology
DM8	Nature Conservation
DM9	Trees
DM24	Safety, traffic and provision of infrastructure etc associated with development
DM28	Parking standards
DM32	High quality design and place making
DM37	Residential development in existing residential areas
DM42	Accessible and adaptable housing and housing space standards

Sites and Policies Plan Part 2: Site Allocations Plan (adopted 10 April 2018)

The following policies are particularly relevant to this proposal:

Policy	Policy heading
SA2	Settlement boundaries and extension of residential curtilages
SA6	Undesignated Green Spaces

Other material policy guidance

National Planning Policy Framework (NPPF) (February 2019)

The following is particularly relevant to this proposal:

Section No	Section heading
5	Delivering a sufficient supply of homes
6	Building a strong, competitive economy
7	Ensuring vitality of town centres

12	Achieving well designed places
14	Meeting the challenge of climate change, flooding and coastal change
15	Conserving and enhancing the natural environment
16	Conserving and enhancing the historic environment

Supplementary Planning Documents (SPD) and Development Plan Documents (DPD)

- Residential Design Guide (RDG1) Section 1: Protecting living conditions of neighbours SPD (adopted January 2013)
- North Somerset Parking Standards SPD (adopted November 2013)
- Biodiversity and Trees SPD (adopted December 2005)
- North Somerset and Mendip Bats Special Area of Conservation (SAC) Guidance on Development: SPD (Adopted January 2018)

Consultations

Copies of representations received can be viewed on the council's website. This report contains summaries only.

Third Parties: 7 letters of objection have been received. The principal planning points made are as follows:

- Loss of privacy
- Obscure glazing could be removed
- Overlooking from wildlife area
- Overbearing
- Adverse impact on conservation area
- Highway safety

Banwell Parish Council: "At their meeting on the 2nd December 2019, Banwell Parish Council Planning Committee voted to object to this application as there is no material difference to the previous application.

The Parish Council are mindful of the Inspector's decision on the previous application and conclude that this application still has an adverse impact on adjacent properties in relation to overlooking, proximity and loss of light."

Other Comments Received:

Historic England

On the basis of the information available to date, does not wish to offer any comments.

Principal Planning Issues

The principal planning issues in this case are (1) the principle of development, (2) the impact on the living conditions of neighbours, (3) highways and parking, (4) design, impact on the character of the conservation area and the setting of the listed building, (5) the impact on protected species, (6) ground stability and (7) loss of green space.

Issue 1: The principle of development

The site is within the settlement boundary for Banwell. Policy CS32 defines Banwell as a Service Village where proposals for residential development dwellings will be permitted.

The erection of two dwellings in this location is acceptable in principle in accordance with policy CS32 of the North Somerset Core Strategy.

Issue 2: The impact on the living conditions of neighbours

The most recent appeal decision on application 18/P/3681/FUL (appended to this report) makes it explicit that the appeal was dismissed only because of overlooking from two-bedroom windows in the east elevations (one in each house). Other first floor windows in the east elevations could be obscure glazed, and adequate distances were found to exist in respect of windows in the north elevation.

It was considered by the appeal inspector that the two east elevation windows could not be obscure glazed due to being the only windows in the rooms concerned. The Inspector's conclusion was that:

“Two of the proposed houses’ facing first floor windows would serve bedrooms that would have other windows to provide alternative outlook, so that a condition could reasonably be imposed requiring these windows to be obscured. This would, however, leave 2 other bedroom windows that would give rise to undue overlooking”.

The council raised other reasons for refusal which related to overbearing impacts, loss of privacy from parking areas and noise and disturbance from manoeuvring vehicles. None of these were found by the appeal inspector to be unacceptable. Access to the wildlife area would be restricted and therefore would not cause additional loss of privacy.

The current application is identical to 18/P/3681/FUL, except that the unacceptable windows have been relocated to the rear. This overcomes the only reason that the appeal on 18/P/3681/FUL was dismissed.

The new location for the windows meets the tests set out in the Residential Design Guide part 1 and complies with Policy DM37 of the Sites and Policies Plan. It is therefore concluded that the proposed development is acceptable in terms of its neighbour impacts, subject to conditions on both houses requiring the obscure glazing of first floor windows in the east elevations and removal of permitted development rights for additional windows.

Issue 3: Highways and Parking

The appeal inspector concluded that the access would not be unsafe, and that additional traffic would be limited. The previous use as a pub car park would have resulted in higher volumes of traffic. There was no highways reason for refusal on the last application and the appeal inspector did not support submissions made on this point by local residents.

The parking plan shows two spaces adjacent to each proposed dwelling. Two further spaces have been allocated in a communal parking area (the further 12 spaces are required to be retained for the flats at The Ship). The spaces adjacent to the properties may require some manoeuvring however this should be achievable and appear to be usable spaces. Although gradients are steep, this is unlikely to cause a safety hazard.

The development would comply with advice in the Parking Standards SPD, Policy CS11 of the Core Strategy, Policies DM37, DM28 and DM 24 of the emerging Sites and Policies plan, and advice in the NPPF sections 4 and 7.

Issue 4: Design, Impact on the character and appearance of the Conservation Area and the setting of the Listed Building

The site is tucked away, separated from the listed building by the existing car park and is seen only from private viewpoints, not near public views. The roofscape is regular and would be seen only in distant views. Clay tiles are proposed. The development of the site would not therefore have an appreciable effect on the character or appearance of the conservation area or the setting of the listed building (The Ship). Listed building consent has previously been granted for the rebuilding of the wall bounding the car park and the principle of a gap for access has already been established. The design of the houses would be acceptable given the lack of public views, despite the use of PVCu windows.

Issue 5: The impact on protected species and trees

The character and location of the site is such that any impact on protected species, including bats, is manageable through planning conditions. Part of the site is proposed as a wildlife area to be managed by a management company in mitigation for the loss of habitat including that used by slow worms. The proposals would be acceptable subject to conditions and would comply with policy CS4 of the Core Strategy, and Policy DM8 of the Sites and Policies plan. No important trees will be adversely affected by this development.

Issue 6: Ground stability

Previous recommendations about the siting of development away from the boundaries to prevent excess loading onto supporting ground and walls have been incorporated into the current application, so the development should not adversely impact on ground stability. The development therefore complies with this aspect of Policy CS3 of the Core Strategy

Specific issues of possible damage to property (including walls) during or after construction would be a matter of civil law and would be the responsibility of a developer of the site.

Issue 7: Loss of Green space

The site is clearly important to the residents adjoining it, and the contribution that it makes to improve their perception of the area in which they live is recognised. However, the site is not seen in wider views or contribute to the wide character of the area. It therefore does not meet the criteria to be considered as undesignated green space under Policy SA6 of the Sites and Policies plan. There is therefore no refuse to refuse the application on this basis.

Community Infrastructure Levy

The Council's Community Infrastructure Levy (CIL) Charging Schedule took effect on 18 January 2018. This means that the development may be liable to pay the CIL. The Charging Schedule and supporting information can be viewed on the website at www.n-somerset.gov.uk/cil.

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

The proposed development falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 – Column 1, Part 10 (Infrastructure Projects), but does not meet the thresholds set out in Column 2, nor does it fall within a 'sensitive area' as defined in the Regulations. A formal EIA screening opinion is not, therefore, required.

The Crime and Disorder Act 1998

The proposed development will not have a material detrimental impact upon crime and disorder.

Local Financial Considerations

The Localism Act 2011 amended section 70 of the Town and Country Planning Act 1990 so that local financial considerations are now a material consideration in the determination of planning applications. This development is expected to generate New Homes Bonus contributions for the authority. However, it is considered that the development plan and other material considerations, as set out elsewhere in this report, continue to be the matters that carry greatest weight in the determination of this application.

Conclusion

As stated in the appeal decision on application 18/P/3681/FUL, the proposal would make good use of an unused site to provide new homes within the village centre, near to services and facilities. It would therefore bring minor economic and social benefits. As it would not harm the character or appearance of the area or the local ecology, its general environmental impact would be neutral. Now the adverse impact on the living conditions of neighbours has been reduced to acceptable levels, it is recommended that the application should be approved in accordance with the development plan and advice in the NPPF.

RECOMMENDATION: APPROVE (for the reasons stated in the report above) subject to the following conditions: -

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

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the approved plans and documents to be listed on the decision notice.

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

3. No construction of the external walls of the development shall commence until samples of all external walling and roofing materials to

be used have been provided on site and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved samples unless otherwise agreed in writing.

Reason: To ensure that the materials are acceptable in the interests of the appearance of the area and in accordance with policies CS5 and CS 12 of the North Somerset Core Strategy and policies DM3, DM32 and DM37 of the North Somerset Sites and Policies Plan part 1.

4. The development shall not take place except in strict accordance with the measures outlined in the Landscape and Ecological Management Plan. If amendments to the methodology or management company are required, details of the changes must be submitted in writing and agreed by the Local Planning Authority before relevant works proceed. The development shall then be implemented in accordance with the agreed changes.

Reason: to protect biodiversity and protected species in accordance with policy CS 4 of the North Somerset Core Strategy and Policy DM8 of the North Somerset Sites and Policies Plan part 1.

5. No access shall be permitted to any part of the ecological mitigation area except to manage it in accordance with the Landscape and Ecological Management Plan. The 1.8m stone wall/ fences/ gate which bound the ecological mitigation area shall be provided prior to the occupation of any dwelling. The gate shall be kept locked at all times.

Reason: to protect biodiversity and protected species and to prevent loss of privacy to nearby residents and in accordance with policy CS 4 of the North Somerset Core Strategy and Policies DM8, DM32 and DM 37 of the North Somerset Sites and Policies Plan part 1.

6. The dwellings shall not be occupied until a soft landscape scheme which accords with the provisions of the Landscape and Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained; finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; and a programme of implementation. The landscaping scheme shall be carried out in accordance with the approved details, specifications and programme of implementation. Trees, hedges and plants shown in the landscaping scheme to be retained or planted which, during the development works or a period of ten years following full implementation of the landscaping scheme, are removed without prior written consent from the Local Planning Authority or die, become seriously diseased or are damaged, shall be replaced in the first available planting season with others of such species and size as the Authority may specify.

Reason: To ensure a satisfactory landscaping scheme is implemented and maintained in the interests of the character and biodiversity value

of the area and in accordance with policies CS4, CS5 and CS9 of the North Somerset Core Strategy, policies DM8, DM9, DM10 and DM32 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Biodiversity and Trees SPD.

7. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- (a) the parking of vehicles of site operatives and visitors
 - (b) loading and unloading of plant and materials
 - (c) storage of plant and materials used in constructing the development
 - (d) measures to control the emission of dust and dirt during construction
 - (e) measures to control noise from works on the site
 - (f) measures to keep access roads clear of vehicles
 - (g) routing restrictions

Reason: In order to preserve highway safety, local amenity and the living conditions of nearby residents with policy CS3 of the North Somerset Core Strategy and policy DM24 of the North Somerset Sites and Policies Plan (Part 1). The details are required prior to the commencement of development in order to ensure that construction works do not pose a threat to amenity, health or safety.

8. The development hereby approved shall not be occupied until the access and parking areas have been constructed in accordance with the approved plans and these parking spaces shall thereafter be permanently retained and shall not be used except for the parking of vehicles in connection with the development hereby approved, apart from spaces 1-12 which are for the use of the flats in the former Ship Hotel.

Reason: To ensure that the development is served by a suitable parking area in order to preserve highway safety in accordance with Policy CS 11 of the North Somerset Core Strategy and policies DM24 and DM 28 of the North Somerset Sites and Policies Plan part 1.

9. No development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled watching brief during groundworks on the site, with provision for excavation of any significant deposits or features encountered and shall be carried out by a

competent person or persons and completed in accordance with the approved written scheme of investigation.

Reason: To ensure that archaeological interests are properly dealt with in accordance with policy CS5 of the North Somerset Core Strategy and policy DM6 of the North Somerset Sites and Policies Plan (Part 1 - Development Management Policies). An agreed programme of archaeological work is required before any other development commences on site in order to set out and approve the method statement and ensure appropriate mitigation and contingency strategies are provided should significant remains be encountered during the watching brief.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order, with or without modification), no extensions to the dwellings shall be carried out.

Reason: To protect the living conditions of neighbouring residents in accordance with policies DM32 and DM37 of the North Somerset Sites and Policies Plan part 1.

11. Before the first occupation of the dwellings hereby permitted the first floor windows to the east elevations of Plots 1 and 2 shall be fitted with obscure glazing. The obscure glazing used shall provide a degree of obscuration no less obscure than that which is provided by privacy level 3 of the Pilkington Group Limited textured glass range as defined in publication "Pilkington Textured Glass Range" (published January 2010). This window shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order, with or without modification), neither the obscure glazing nor the method of opening shall be subsequently altered without the prior written permission of the Local Planning Authority.

Reason: To protect the living conditions of occupiers of adjoining properties residents in accordance with policies DM32 and DM37 of the North Somerset Sites and Policies Plan part 1.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order, with or without modification), no windows, rooflights or dormers (other than any expressly authorised by this permission) shall be inserted in any elevation without the prior written consent of the Local Planning Authority.

Reason: To protect the living conditions of occupiers of adjoining properties and in accordance with policies DM32 and DM37 of the

North Somerset Sites and Policies Plan (Part 1) and the North Somerset Residential Design Guide SPD (Section 1: Protecting living conditions of neighbours).

13. The dwellings hereby approved shall not be occupied until measures to generate 10% (less if agreed with the Local Planning Authority) of the energy required by the use of the development (measured in carbon) through the use of micro renewable or low carbon technologies have been installed on site and are fully operational in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved technologies shall be permanently retained unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In order to secure a high level of energy saving by reducing carbon emissions generated by the use of the building in accordance with paragraph 17 and section 10 of the National Planning Policy Framework and policies CS1 and CS2 of the North Somerset Core Strategy.

14. The dwellings shall not be occupied until space and facilities for the collection of waste and recycling materials have been provided in accordance with the approved plans and specifications. The said space and facilities shall thereafter be made permanently available for the collection of waste and recycling materials for the occupiers

Reason: To ensure that a suitable collection point is available where it can be accessed by refuse/ recycling vehicles and in accordance with policies CS1, CS3 and CS7 of the North Somerset Core Strategy and policy DM32 of the North Somerset Sites and Policies Plan (Part 1).

15. No dwelling shall be occupied until all walls, fences and other boundary treatments (as applicable) have been completed in accordance with the approved plans.

Reason: To protect the privacy of adjoining neighbours and in the interests of safety in accordance with policy CS3 of the North Somerset Core Strategy and policies DM32 and DM37 of the North Somerset Sites and Policies Plan (Part 1).



Appeal Decision

Site visit made on 9 September 2019 **by Les Greenwood MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 September 2019

Appeal Ref: APP/D0121/W/19/3225475 Land to the rear of the Ship Inn, 1 West Street, Banwell, North Somerset BS29 6DA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Andrew Wilson Partnership & Apex One Ltd against the decision of North Somerset Council.
 - The application Ref 18/P/3681/FUL, dated 10 July 2018, was refused by notice dated 7 February 2019.
 - The development proposed is the erection of 2 dwellings, access and parking.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The National Planning Policy Framework (the Framework) was amended after the Council refused the appeal application. I have taken the amended Framework into account as a material planning consideration.

Main issue

3. The main issue is the effect of the proposal on living conditions at neighbouring properties.

Reasons

Neighbours' living conditions

4. The appeal site is a piece of steeply sloping scrub land, situated well above and to the rear of houses fronting onto West Street, most of which have an almost 2 storey height retaining wall at the back of their gardens. The proposal is to build 2 detached 4 bedroom houses with access from the High Street through the car park of Ship House (the conversion of the Grade II listed Ship Inn to dwellings). Parking would be provided partly on plot and partly in the shared car park of Ship House. Some land around

the fringes of the site would be retained as a wildlife area, under a management plan.

5. The Council's Supplementary Planning Document *Residential Design Guide – Section 1* (RDG1) advises that the privacy of neighbouring properties will normally be preserved by maintaining a distance of at least 21 metres between a proposed upper floor window and neighbours' habitable room windows. This distance would be achieved or nearly achieved in relation to the rear upper floor windows and rooflights of the dwellings at 3 to 11 (odds) West Street.
6. The RDG1 further advises, however, that these distances may have to be increased where there are significant differences in levels. In this case, the ground floor levels of the proposed houses would be well above the eaves of the existing dwellings on West Street, so that the levels differences would be much greater than would be expected in any normal situation. Such substantial height differences would reasonably require commensurate increases in separation distances, which would not be provided here. These views would be angled, but still sufficiently direct to intrude on neighbours' privacy. Intervening features such as a fence, a wall and a hedge would not adequately screen views from the upper floor bedroom windows towards the West Street houses' upper floor rear windows and rooflights.
7. In dismissing a previous appeal for 4 live/work units in 2008¹, the Inspector found that the new buildings would be far enough away from the West Street properties to avoid unacceptable overlooking. That decision, however, pre-dates RDG1, which sets an appropriate guideline for assessing this matter. I have considered this proposal on its own merits, in light of that guidance.
8. The boundary fence or wall at the edge of the site could not be raised further to block these views because it would become an overbearing feature, sitting on top of the already very tall retaining wall at the back of the West Street properties' gardens. Two of the proposed houses' facing first floor windows would serve bedrooms that would have other windows to provide alternative outlook, so that a condition could reasonably be imposed requiring these windows to be obscured. This would, however, leave 2 other bedroom windows that would give rise to undue overlooking.
9. Other views from lower vantage points could be adequately screened. One of the proposed houses would have 3 first floor bedroom windows facing the back of 17 West Street, but the levels difference here would not be so severe and the separation distance would be in line with RDG1 recommendations for privacy. Only small bathroom windows would face the houses at 10 and 11 School Close. The proposed houses would also accord with the advice in RDG1 concerning effects on outlook, avoiding

¹ APP/D0121/A/08/2073810

any unacceptable overbearing effect. I am furthermore satisfied that overshadowing of neighbouring properties would not be excessive, noting that the Council has not raised this as an issue and no specific evidence has been submitted on this point.

10. Finally, the parking and manoeuvring areas for the proposed houses would be to the rear of neighbouring properties, but would be set away from their gardens with a stone wall between. Vehicles using these areas should not cause significant disturbance to neighbours.
11. Although the proposal would be acceptable in some respects in regard to this issue, I conclude that it would unacceptably harm living conditions at the neighbouring properties 3 to 11 (odds) West Street due to loss of privacy. It therefore conflicts with the aims of the Policy CS3 of the Council's Core Strategy, Policies DM32 and DM37 of the Development Management Policies Sites and Policies Plan Part 1 and RDG1, to ensure that developments do not harm amenity, including prejudice to the living conditions of adjoining occupiers. These aims align with the Framework's emphasis on creating places with a high standard of amenity.

Other matters

12. The site lies within the Banwell Conservation Area and in the setting of the Grade II listed Ship House, where special attention must be paid to the desirability of preserving or enhancing the character or appearance of the area and preserving the setting of the listed building. Banwell is a hillside village where buildings are often set close together in an irregular layout, climbing up the slopes. The proposed houses complement this aspect and their design would fit in with the relatively simple architectural character of the traditional buildings in the central part of the village. They would be set away from Ship House on a piece of unused land which is not important to the setting of the building. I find that the proposal would preserve the character and appearance of the conservation area and the setting of the listed building.
13. I have also considered the other objections raised by third parties, but find nothing that significantly affects my decision. I note that the Council's Highways advisor raises no objection to the proposal. The minor amount of traffic which would be generated could be accommodated by the High Street, despite that street being steep and narrow. Local wildlife would be provided for with the retention of the managed ecological area, with new tree planting. I see no reason why excessive pollution should be caused here by the addition of 2 new houses, though I do accept that the heavy traffic on West Street must cause some problems in this regard. The appeal proposal has been designed in conjunction with a structural engineer and the Council is now satisfied that the houses could be built without prejudicing the stability of the site, following on from concerns raised in the previous appeal decision and applications.

14. Significantly, the Council concedes that it does not have the required 5 year supply of deliverable housing sites at present, in line with Framework paragraph 74. This shortage of supply is further confirmed by the 2018 Housing Delivery Test measurements published by the Government in February 2019, which show that the Council was just below the 75% delivery threshold for the last 3 years, as set out in Footnote 7 of the Framework.
15. In accordance, therefore, with Framework paragraph 11(d) and Footnote 7, the policies most relevant to determining the application are considered to be out-of-date. In this situation, the 'tilted balance' is engaged and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Planning balance and conclusion

16. The proposal would make good use of an unused site to provide new homes within the village centre, near to services and facilities. It would therefore bring minor economic and social benefits. As it would not harm the character or appearance of the area or the local ecology, its general environmental impact would be neutral. I have concluded, however, that it would unacceptably harm living conditions at some neighbouring properties, in conflict with the Framework as well as with development plan policies. This is a social and environmental concern which is sufficiently compelling for me to conclude that the appeal should not succeed.

Les Greenwood

INSPECTOR