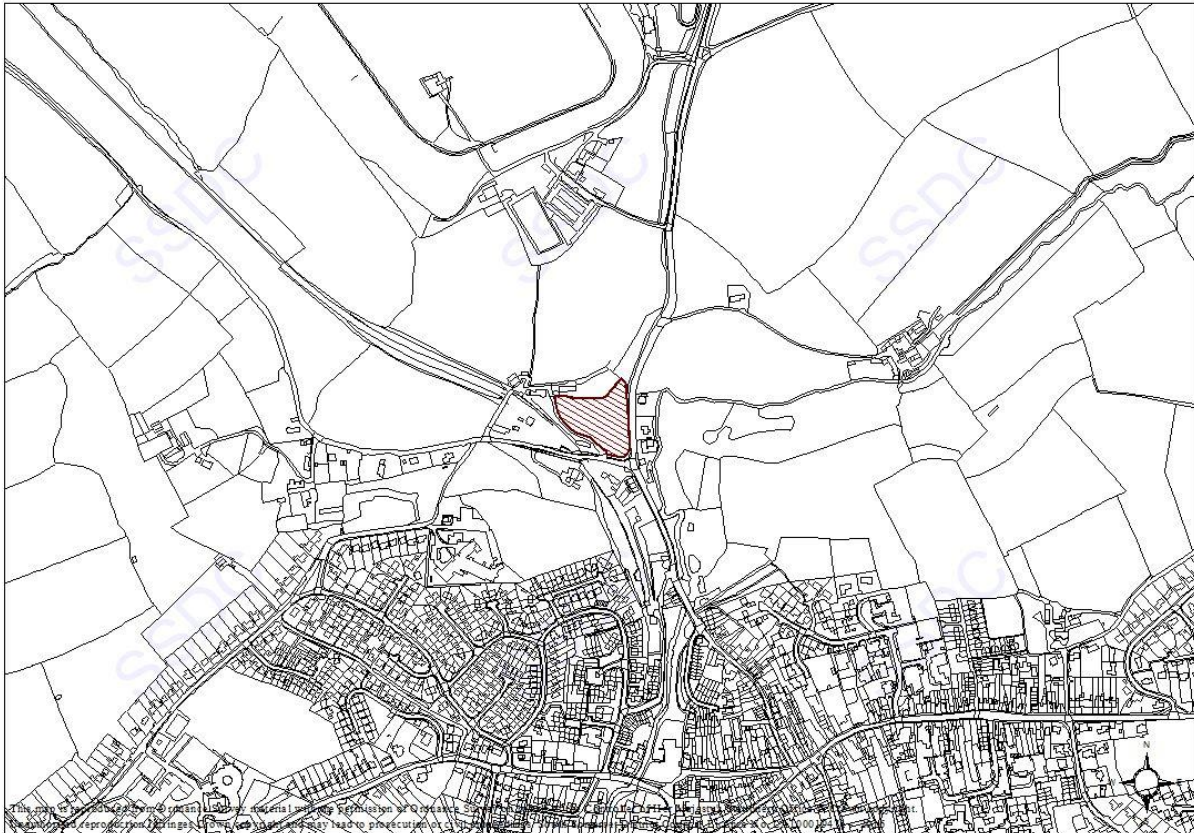


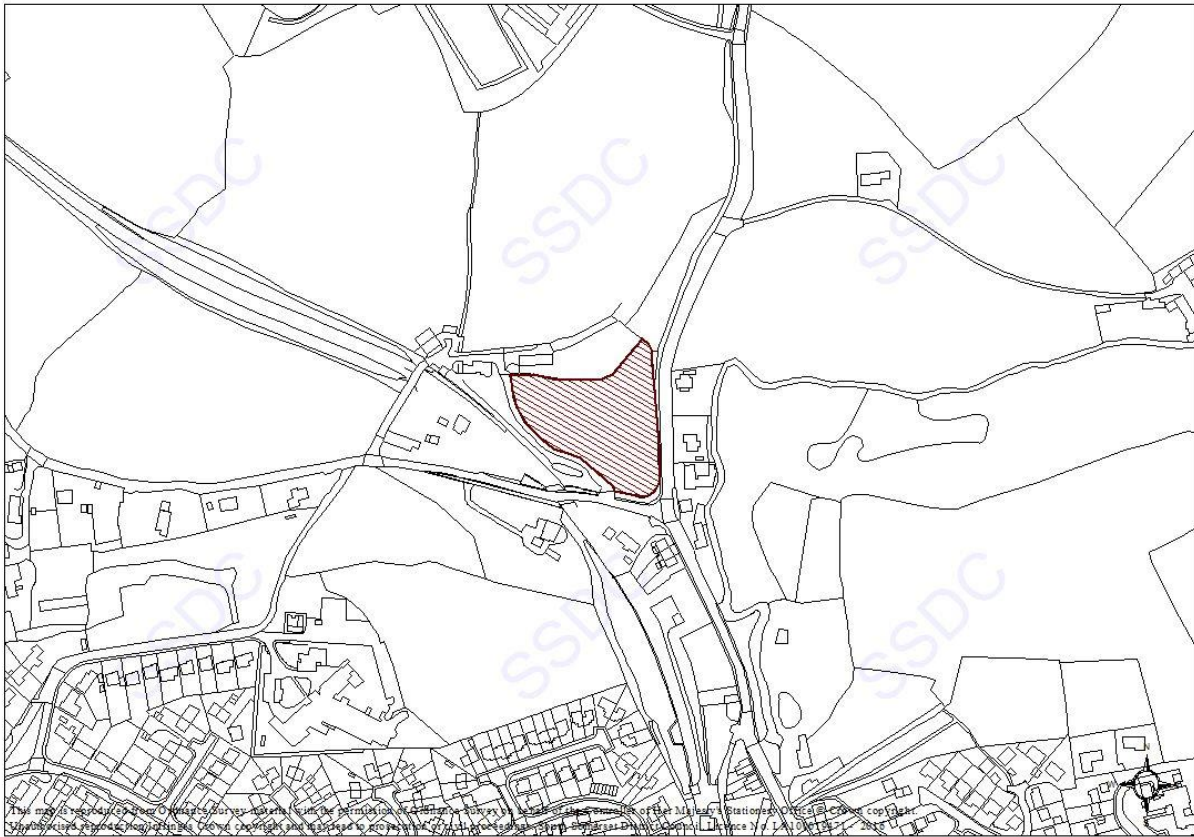
Officer Report On Planning Application: 16/00041/FUL

Proposal :	Erection of 9 dwellings and associated ancillary works (GR:370985/129109)
Site Address:	Land North Of Verrington Lane Charlton Musgrove
Parish:	Wincanton
WINCANTON Ward (SSDC Member)	Cllr Nick Colbert Cllr Colin Winder
Recommending Case Officer:	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
Target date :	10th March 2016
Applicant :	Hopkins Developments Ltd
Agent: (no agent if blank)	Mr Matthew Kendrick Unit 106 86-88 Colston Street Bristol BS1 5BB
Application Type :	Minor Dwellings 1-9 site less than 1ha

The application is before the committee, at the request of the ward member and with the agreement of the area chair, in order to allow local concerns to be publicly debated.

SITE DESCRIPTION AND PROPOSAL





This application seeks full permission for the erection of nine single storey dwellings and associated ancillary works. The site consists of an area of sloping agricultural land currently laid to grass, bounded by a variety of stone walls, hedges and trees. The site is not within a development area as defined by the local plan. The site is close to various residential properties, a car sales garage, and open countryside. The site is close to a conservation area.

Plans show the erection of nine single storey dwellings, seven of which would be detached, along with one pair of semi-detached bungalows. All are to be finished in brick, reconstituted stone, and render, under grey tiled roofs. All would be served by a new road, deriving access from the existing vehicular access into the site.

HISTORY

None relevant

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 SS6 - Infrastructure Delivery
Policy EQ2 - General Development
Policy EQ3 - Historic Environment
Policy EQ4 - Biodiversity
Policy TA5 - Transport Impact of New Development
Policy TA6 - Parking Standards
Policy HG3 - Provision of Affordable Housing
Policy HW1 - Provision of Open Space, Outdoor Playing Space, Sports, Cultural and Community Facilities in New Development

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

Wincanton Town Council - Recommend approval but would like to see the existing boundary wall kept.

Charlton Musgrove Parish Council - Recommends refusal:

- as the development would exacerbate the already high levels of flooding in the area, which will affect the properties on the other side of the road, and
- it will over develop the area and would be encroaching on 'open countryside' on the very edge of their parish.

County Highway Authority - Initially raised several areas of concern. On the receipt of additional information and amended plans they confirm that their objections have been addressed. They suggested that an additional parking space should be allocated to plot 5. They suggest the use of conditions to:

- Secure a construction management plan
- Secure details of estate roads etc.
- Ensure that each dwelling is properly served by a footpath and carriageway prior to occupation
- Ensure there is no occupation until the service road has been constructed
- Ensure that the gradients of the driveways are no more than 1 in 10
- Secure details of appropriate surface water drainage
- Secure appropriate visibility splays
- Ensure any damage to the highway is rectified

SDDC Landscape Architect - Initially raised concerns with the proposal. On the receipt of amended plans he stated:

"Whilst I am not wholly persuaded that this site is well-related to its local landscape and settlement context, I acknowledge that the most recent changes to the layout provide greater coherence to the layout, and reduce potential construction and user impacts upon the roadside hedge. Consequently I consider the landscape impact to be both localised, and minor adverse, such that there is insufficient weight to provide a landscape objection. If minded to approve, please request a detailed landscape proposal, which should include the maintenance intentions of the site's bounding vegetation, as well as new planting proposals."

SDDC Ecology - Notes that the survey did not identify any particularly significant ecological issues. He states that the NPPF expects development to deliver some enhancement through biodiversity and therefore recommends the use of a condition on any permission requiring details of measures for the enhancement of biodiversity to be submitted for approval.

SCC Archaeology - No objections

Wessex Water - Notes that new water supply and waste water connection will be required from Wessex Water and advises how these can be obtained. They note the presence of a public sewer on site and advise that building over or within 3 metres of the sewer will not be allowed without agreement from Wessex Water and advise that the developer should contact them for further advice on the matter, including the possibility of diversion. They note that separate systems of drainage will be required to serve the development and that no surface water connections will be permitted to the foul sewer system.

SDDC Strategic Housing - Notes that 35% of the housing should be affordable and states that this equates to the provision of three dwellings, two of which should be social rent and one shared ownership or another intermediate product. She requests a 3 bed dwelling should be intermediate and the shared ownership should consist of a two bed and a four bed dwelling. She states that the minimum space standards should be adhered to and that the rented units should be available to anyone registered on Homefinder Somerset. She then provides a list of approved housing association partners for delivery of affordable units.

SDDC Policy Planner - Notes that development proposals should be decided in accordance with the development plan (consisting of the South Somerset Local Plan) unless material considerations indicate otherwise. She notes that the NPPF is an important material consideration. She notes that policy SS1 of the local plan directs development to existing settlements and identifies Wincanton as a Primary Market Town. She notes that Policy SS5 outlines a "permissive approach" for the consideration of planning applications for housing adjacent to the development area of Wincanton. However, she states that the permissive approach does not apply in relation to this application, as the site is approximately 128 metres from the closest edge of the Wincanton development area.

She notes that the Council cannot demonstrate a five-year housing land supply and consequently the proposal should be considered in the context of the presumption in favour of sustainable development - granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

She identifies the three dimensions to sustainable development as economic, social, and environmental. She notes that the scheme would deliver short term economic benefits through the construction phase. She notes that from an environmental perspective the site has no special designation, but notes that it is close to an area of flood risk. She states she will leave it to the Council's landscape architect to provide detailed comments regarding any landscape impact. She notes that from a social perspective the proposal will provide new housing.

Finally, she notes that the NPPF makes it clear that isolated new homes in the countryside should be avoided unless there are special circumstances, and the proposal does not appear to meet any of the examples of special circumstances given in the NPPF.

SDDC Community Health and Leisure Service - They note that while there remains a shortfall of provision in Wincanton, the application is not one that they feel they can seek specific non-pooled contributions from.

SSDC Engineer - Initially raised concerns with the proposed drainage scheme. On the receipt of additional information he confirmed that the submitted scheme is satisfactory.

REPRESENTATIONS

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

- The proposed houses would overlook the objector's property.
- The footpath north of the objector's site is dangerous for children living on the development, and should be relocated 100 yards up the hill.
- Increased risk of flooding of the road junction of Verrington Lane with the B3081 causing a highways hazard, and also to nearby properties.
- The footpath to the town centre from the site is not complete and particularly difficult to negotiate with a pushchair. The hills and considerable distance would be detrimental for future residents.
- The applicant may look to amend the design from single storey to two storey.
- Schools, the health centre, opportunities for local employment, and other amenities are already over stretched.
- The proposal will exacerbate existing parking difficulties in the locality.
- The proposal will have an adverse impact on the character of the area and will be an intrusion into open countryside.
- Trees surrounding the site may be cut down to the detriment of the local character, ecology and flood risk.
- The loss of a safe parking area within a reasonable walking distance may devalue the objector's property.
- The increased traffic movements will be detrimental to the tranquillity of the area.
- Brownfield land should be developed first.
- The proposal is likely to set an undesirable precedent for further development along Verrington Lane.

Two further letters were received from the occupiers of neighbouring properties that did not object outright, but raised concerns that they wanted to see addressed. The areas of concern were:

- That there would be nothing to stop the developer altering their plans at a later date to increase density or the height of the dwellings without further consultation.
- That access to the neighbouring properties would remain secure, that during construction neighbours would not be presented with difficulty of passage, that surfacing of the access is agreed in advance, and any damage to the neighbour's drive would be made good.
- That the neighbour is able to consult with the developer before the proposed fence is erected on their boundary.
- That the neighbour is able to get assurance that their access to water and drains would not be impaired by the development.

CONSIDERATIONS

History and Principle of Development

The site is located outside the development area of Wincanton, where development is normally

strictly controlled. Policy SS1 of the local plan directs development to existing settlements and identifies Wincanton as a Primary Market Town. Policy SS5 outlines a "permissive approach" for the consideration of planning applications for housing adjacent to the development area of Wincanton. However, the SSDC Policy Planner has suggested that the permissive approach does not apply in relation to this application, as the site is approximately 128 metres from the closest edge of the Wincanton development area. Notwithstanding the above, the site is within relatively easy walking distance of Wincanton town centre and, as such, it is difficult to argue that the location is unsustainable in terms of its accessibility to facilities, services and employment opportunities. A neighbour has raised a concern about the quality of the pavement leading to town. Whilst the pavement is not perfect, it is not considered to be so substandard that people would not use it. SSDC cannot currently demonstrate a five-year housing land supply and consequently the proposal should be considered in the context of the presumption in favour of sustainable development - granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Without a five-year housing land supply, the policies of the local plan that restrict the supply of housing cannot be considered up-to-date and can, therefore, only be afforded limited weight.

In this context, the principle of residential development in this location is considered to be acceptable, and to accord with the up-to-date policies of the local plan and the aims and objectives of the NPPF.

Highways

The highway authority initially raised concerns as to the transportation aspects of the scheme. However, on the receipt of additional information, they concluded that all of their concerns had been addressed, subject to the imposition of various conditions on any permission issued. As such, notwithstanding local concerns regarding existing parking problems, it can be concluded that there will be no adverse impact on highway safety, in accordance with policies TA5 and TA6 of the South Somerset Local Plan.

Visual Amenity

The site is located on the edge of the settlement in a semi-rural location. As such, the SSDC Landscape Architect was consulted as to the impact of the scheme on visual amenity. He initially raised several areas of concern with the scheme. However, on the receipt of amended plans, he confirmed that the changes to the layout provide greater coherence to the layout, and reduce potential construction and user impacts upon the roadside hedge. Consequently he considers the landscape impact to be both localised, and minor adverse, such that there is insufficient weight to provide a landscape objection. If minded to approve, he suggested a condition to secure a detailed landscape proposal, which should include the maintenance intentions of the site's bounding vegetation, as well as new planting proposals.

As such, the impact of the scheme on the character of wider landscape is considered to be acceptable. Subject to appropriate conditions, the standard of design and materials is considered to be acceptable. Therefore, notwithstanding local concerns, the proposal is considered to be of a satisfactory standard of design that would have no significant adverse impact on visual amenity in compliance with policy EQ2 of the local plan.

Residential Amenity

A neighbour has raised a concern that the proposed dwellings would overlook their dwelling. 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 overlooking. There will be no significant impact on neighbouring properties by way of

overbearing or overshadowing.

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. He noted that the submitted survey did not identify any particularly significant ecological issues. He stated that the NPPF expects development to deliver some enhancement through biodiversity and therefore recommended the use of a condition on any permission requiring details of measures for the enhancement of biodiversity to be submitted for approval. Such a condition is considered to be reasonable and necessary.

Contributions

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

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

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

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

Drainage and Flooding

A variety of local concerns have been raised as to the drainage and flooding impacts of the proposed development. However, the SSDC Engineer has carefully considered the scheme, requiring several sets of additional information, and has concluded that the proposed drainage strategy is satisfactory. Wessex Water has also been consulted and raised no objections to the scheme. Furthermore the site is not within Environment Agency flood zones 2 or 3. As such, it would be unreasonable to refuse permission in relation to flooding or drainage matters.

Other Matters

A concern has been raised by a local occupier that the footpath north of the objector's site is dangerous for children living on the development, and should be relocated 100 yards up the hill. However, the footpath is pre-existing and is on the other side of the road from the proposed development. As such, there is no justification to require a relocation of the footpath in association with this development.

A neighbour has raised a concern that the applicant may look to amend the design from single storey to two storey at a later stage. Whilst this is indeed the case, such an amendment would require planning permission and could be assessed on its own merits.

A concern has been raised that local infrastructure is inadequate to cope with the proposed development. However, given the permissive approach to development advocated in the local

plan, there appears to be no evidential basis to withhold permission on the grounds of significant adverse impacts on local or strategic infrastructure.

A neighbour has objected that the loss of a safe parking area within a reasonable walking distance may devalue the objector's property. However, there is no reason to assume that any existing parking areas will be lost and, in any case, the devaluation of a neighbouring property is not a reason to refuse planning permission.

A neighbour has objected that the increased traffic movements will be detrimental to the tranquillity of the area. However, it is considered that additional traffic movements from 9 dwellings are unlikely to have any significant impact on tranquillity, given the busyness of the road adjoining the site.

A neighbour has stated that brownfield land should be developed first. Whilst, it is indeed the case that the development of brownfield land should be prioritised, there is nothing in the local plan or the NPPF that prevents the development of greenfield land where it is appropriate development in all other respects.

A neighbour has raised a concern that the proposal is likely to set an undesirable precedent for further development along Verrington Lane. However, any further development on Verrington Lane would be considered on its own merits.

A neighbour has sought confirmation that access to the neighbouring properties would remain secure, that during construction neighbours would not be presented with difficulty of passage, that surfacing of the access is agreed in advance, and any damage to the neighbour's drive would be made good. These are all matters between the interested parties and not issues that the planning system can be involved with.

Another neighbour has sought confirmation that they will be able to consult with the developer before the proposed fence is erected on their boundary. Again, this is a matter between the interested parties and not an issue that the planning system can be involved with.

A neighbour has sought confirmation that their access to water and drains would not be impaired by the development. Again, this is a matter between the interested parties and not an issue that the planning system can be involved with.

Conclusion

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

RECOMMENDATION

That application reference 16/00041/FUL be approved for the following reason:

01. The site is located within a sustainable location, close to a primary market town, where the principle of residential development is acceptable. The development of the site would respect the character of the area with no demonstrable harm to highway safety, protected species, or residential amenity. As such the proposal complies with local plan policies SD1, SS1, SS5, TA5, TA6, EQ2, 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: 13070/HTA, 13070/HTB, 13070/HTC, and 13070/GAR received 06 January 2016, and 13070/002I and 13070/SE01B received 01 June 2016.

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

03. No work shall be carried out on site until particulars of the following have been submitted to and approved in writing by the Local Planning Authority:

- a) details of materials (including the provision of samples where appropriate) to be used for the external walls and roofs;
- b) a sample panel, to be prepared for inspection on site, to show the mortar mix and coursing of the external walls;
- c) details of the recessing, materials and finish (including the provision of samples where appropriate) to be used for all new windows (including any rooflights) and doors;
- d) details of all hardstanding and boundaries
- e) details of the rainwater goods and eaves and fascia details and treatment.

Once approved such details shall be fully implemented unless agreed otherwise in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the area in accordance with policy EQ2 of the South Somerset Local Plan.

04. 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. The scheme of landscaping shall include the maintenance intentions of the site's bounding vegetation, as well as new planting proposals.

Reason: To safeguard the character and appearance of the area in accordance with policy EQ2 of the South Somerset Local Plan.

05. No development shall commence unless a Construction 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;
- 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.
- A condition survey of the existing public highway.

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

06. The proposed estate roads, footways, footpaths, tactile paving, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses carriageway gradients, drive gradients, car, motorcycle and cycle parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to 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.

07. 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.

08. The development hereby permitted shall not be brought into use until that part of the service road that provides access to it has been constructed in accordance with the approved plans.

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

09. The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.

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

10. 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.

11. There shall be no obstruction to visibility greater than 300mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to a point on the nearside carriageway 43m to the north of the access. Such visibility shall be fully provided before the development hereby permitted is commenced 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.

12. There shall be no obstruction to visibility greater than 300mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to a point on the nearside carriageway 50m to the south of the access. Such visibility shall be fully provided before the development hereby permitted is commenced 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.

13. Prior to the commencement of development, details of a scheme for incorporating features (e.g. bat and bird boxes incorporated within dwellings, numbers, locations) for the benefit of wildlife shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details unless otherwise approved in writing by the local planning authority.

Reason: For the enhancement of biodiversity in accordance with NPPF and Local Plan Policy EQ4.

14. The drainage strategy detailed in the drainage strategy detailed on drawing C161171-C001B and supported by technical note R/161171/DTN02, received 27 July 2016, shall be fully implemented prior to the first occupation of any of the dwellings hereby approved. The drainage scheme shall be retained and maintained in a fully functional manner for the lifetime of the development.

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained in accordance with the approved details throughout the lifetime of the development, in accordance with paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, Paragraph 103 of the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework (March 2015).