

## Officer Report On Planning Application: 16/00865/OUT

<b>Proposal :</b>	Outline application for residential development (approximately 30 dwellings) and access from Shiremoor Hill.
<b>Site Address:</b>	Land Off Shiremoor Hill Merriott
<b>Parish:</b>	Merriott
<b>EGGWOOD Ward (SSDC Member)</b>	Cllr P Maxwell
<b>Recommending Case Officer:</b>	Andrew Gunn Tel: (01935) 462192 Email: andrew.gunn@southsomerset.gov.uk
<b>Target date :</b>	16th May 2016
<b>Applicant :</b>	The Osborne Family
<b>Agent: (no agent if blank)</b>	WYG Mrs Catherine Knee Hawridge House Chelston Business Park Wellington Somerset TA21 8YA
<b>Application Type :</b>	Major Dwlg's 10 or more or site 0.5ha+

### REASON FOR REFERRAL TO COMMITTEE

This application was considered by members at the August 2016 meeting of the Area West Committee. Members deferred a decision on the application in order to seek the submission of a Viability Report from the applicant to demonstrate that the provision of 35% affordable housing, education and sport and leisure obligations were viable.

This update should be read in conjunction with the original committee report presented to the August Committee which is attached at the end of this update.

Following the August committee, the applicant commissioned a Viability Report and submitted this to the Local Planning Authority. This concluded that the scheme was 100% viable with the obligations sought. This report was sent to the District Valuer who undertakes an independent assessment of the Viability Assessment on behalf of the District Council. The District Valuer concluded that the scheme is 100% viable and can meet all of the affordable housing, education and sport/leisure obligations sought.

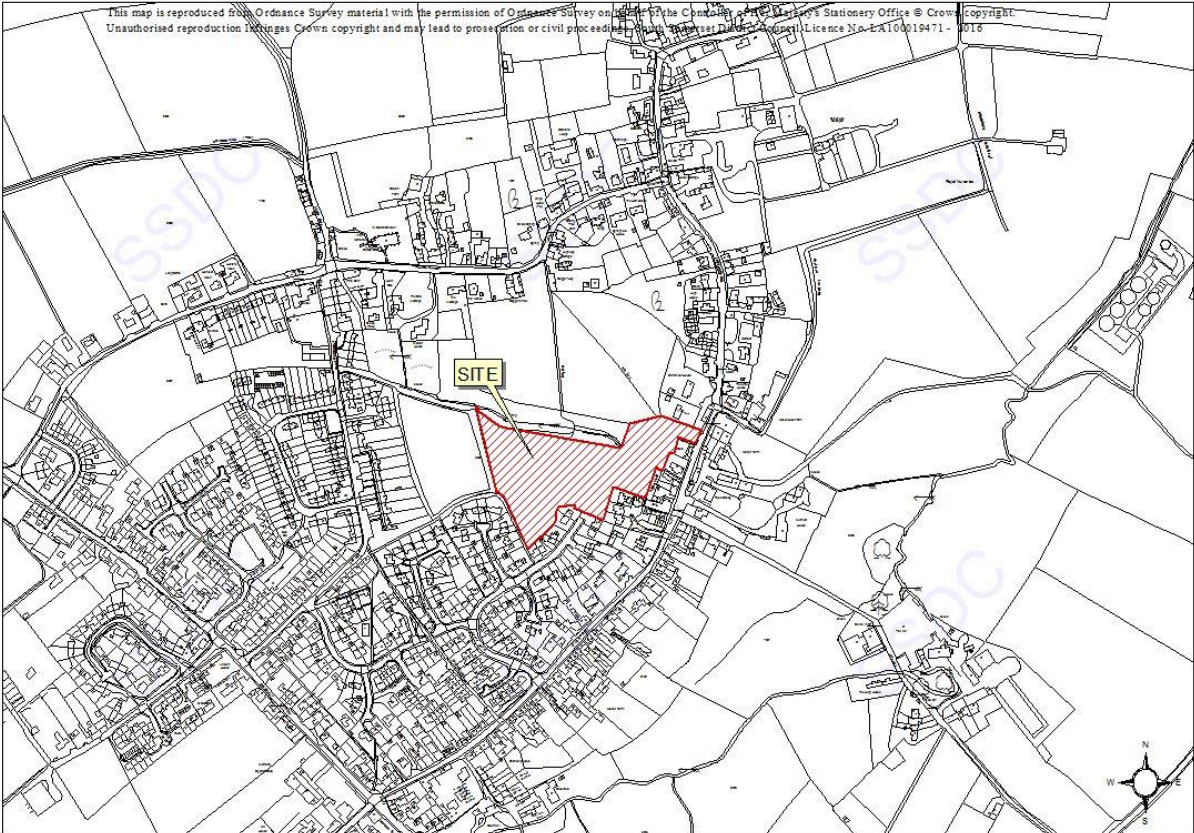
Members will also be aware that the applicant is proposing to transfer land, outside of the proposed residential land, to the Parish Council for the benefit of the local community. Following the receipt of legal advice, it is clear that such a benefit cannot be secured through this planning application. A legal agreement totally separate from the Section 106 Obligation in regard to the transfer of land is being drafted between the applicant and Parish Council. Notwithstanding this legal agreement, the decision to approve or refuse the application should only be made based upon the merits or otherwise of the development proposal. The officer recommendation to approve is not determined by the applicant's offer to transfer land to the Parish Council.

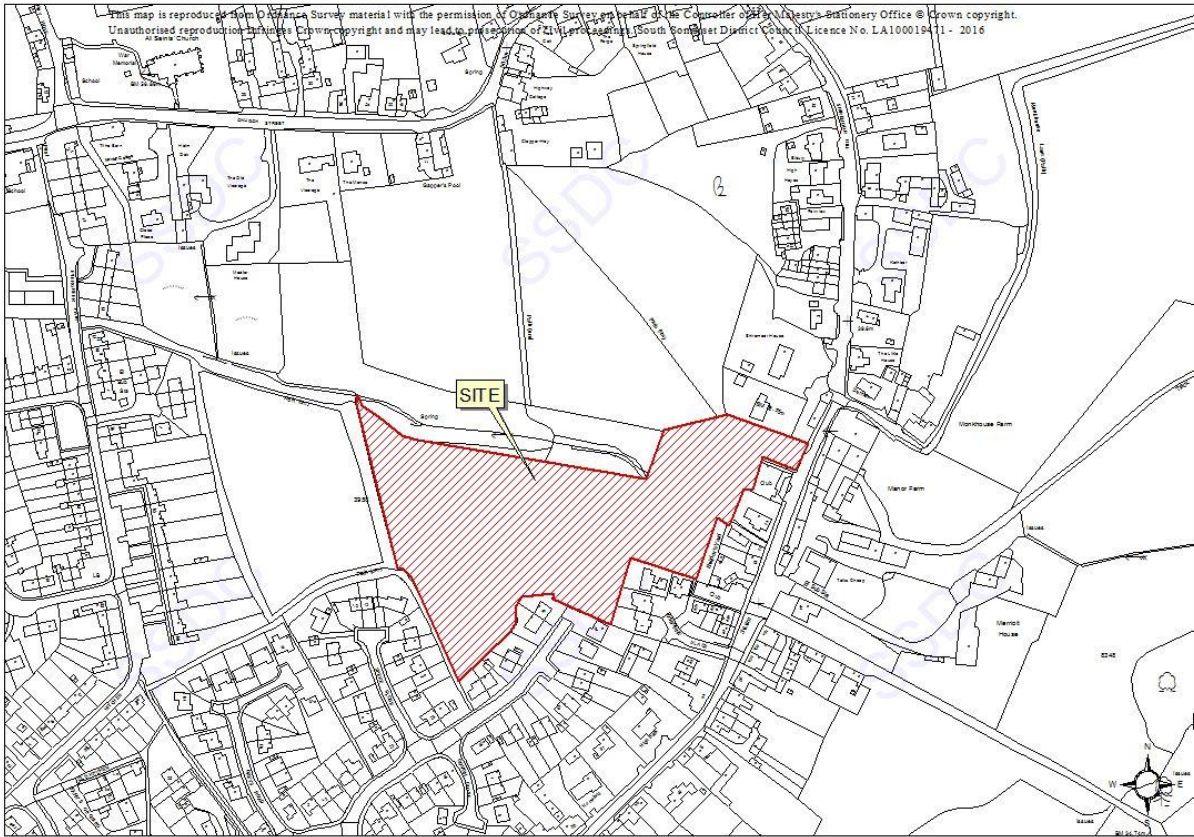
Since the August Committee, 3 additional emails/letters have been received by local residents and the Merriott Heritage Trust. A number of the points have previously been made but have added that they do not accept that the local plan housing policy is out of date, no pressing need for affordable housing, lack of public transport and other services and facilities and it has not been confirmed that the affordable housing is a viable element of the scheme. (officer

comment – the scheme has now been proven to be viable with affordable housing). The full responses are available to view on the Council’s website.

One point raised by a third party was whether the County Council owned land within the site, in particular, land within the County Wildlife Site or along the Parrett Trail route running through the site. The applicant had served notice on the County Council as part of the application submission. This occurs when an applicant doesn’t own all of the land associated with their application. However, having contacted both the County Council and the applicant’s agent, notice was served due to highway land at the site entrance only. The County confirmed that they do not own any other land within the site.

**SITE DESCRIPTION**





The application site comprises pasture land occupying a central location within Merriott. To the east of the site is Lower Street and Shiremoor Hill, with Church Street to the north. The proposed area to be developed sits to the north of residential properties in Speke Close, Manor Drive and Osborne Place. A wooded area, the majority of which includes the Merriott Stream County Wildlife Site (MSCWS), occupies a central location, running east to west. Public Rights of Way criss-cross the site, including a route through the wildlife site.

## PROPOSAL

The application seeks outline consent for the erection of 30 dwellings with a vehicular access gained from Shiremoor Hill. The total application site area extends to 4.8 hectares with 1.9 hectares proposed to be developed.

All matters are reserved other than means of access. The applicant owns different parcels of land within this central village site. Land to the south of the wooded area is proposed for residential development along with a smaller parcel of land to the north of the wood and stream, towards the eastern side of the site. Additional land in the applicant's ownership in the north-east and a smaller parcel of land towards the north-west will be transferred to the Parish Council. The applicant and Parish Council have agreed that these parcels of land will be transferred when the area proposed to be developed is sold. A specific legal agreement is being drawn up to deal with the transfer of land as this would not be secured through the planning permission.

The application has been supported by a Design and Access Statement, a Planning Statement, Ecological Assessment, Landscape and Visual impact Appraisal, Archaeological Survey, a Travel Plan Statement, Transport Statement, Statement of Community Involvement and a Heritage Statement.

The scheme will provide 35% (11no.) affordable houses and make contributions towards sport, play and leisure facilities.

## **HISTORY**

15/04586/FUL - Change of use of land from agricultural to equestrian use and the erection of stables and fencing (pending application).

There have been no other planning applications submitted on the current application land.

Planning permission was granted in 2015 for a dwelling on land to the south of Gappers Pool - this plot is on land adjacent to the application site. The house has been completed.

## **POLICY**

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

### Relevant Development Plan Documents

South Somerset Local Plan (Adopted April 2006)

SD1 - Sustainable Development

SS1 - Settlement Strategy

SS2 - Development in Rural Settlements

SS5 - Delivering New Housing Growth

HG3 - Provision of affordable Housing

TA5 - Transport Impact of New Development

TA6 - Parking Standards

HW1 - Provision of open space, outdoor playing spaces, sports, cultural and community facilities in new development.

EQ2 - General Development

EQ3 - Historic Environment

EQ4 - Biodiversity

### Relevant Policy material considerations

National Planning Policy Framework

Core Planning Principles

Chapter 6 - Delivering a wide choice of high quality homes

Chapter 11 - Conserving and Enhancing the Natural Environment

Chapter 12 - Conserving and Enhancing the Historic Environment

Somerset County Council Car Parking Standards

## **CONSULTATIONS**

### **Merriott Parish Council**

We have reviewed all reports and comments from contributors, consultees, the planning officer and Merriott residents

The whole community will benefit from nearly ten acres of the best amenity land in the heart of the village. The lung of the Village to be held in trust forever by the community as a whole.

Removing the fear of development. Safeguarding our heritage for generations to come.

The proposed development land is not "designated access land" or within an area of outstanding natural beauty, or within a conservation area and is completely inaccessible to disabled people. Ownership of the community land would permit 4 out of 6 access points to be upgraded to less able standards.

There will be 10 units of rented and shared equity affordable housing included. There are currently 16 families waiting on the SSDC lists for Merriott, 12 with local links. We should press for some entry level and retirement homes at the detailed planning stage.

There will be significant infrastructure support funds available not only for the maintenance and improvement of the common including the less able access issue but also for other projects such as the Merriottsford Bridge pedestrian safety improvements scheme.

### Concerns Raised

Whilst there are a good number of contributors, many of their comments are repeated. Reducing the number of issues raised to about 6 or 7? With the exception of the immediate neighbours who would prefer to live next to an open space, the other issues are either technical (for the consideration of SSDC Officers) or are in the main incorrect or not relevant in planning terms e.g. Other brownfield sites in Merriott, "The School is full", "Lower Street is too busy already" or "we walk our dog there."

A reasonable question is asked about the number of new houses being built in Merriott but a full half of them are at Tail Mill, not in Merriott itself and with all access to and from the A356, therefore not adding to traffic in the village.

The development site drops away from west to east along the full length of the entrance road. It is at a lower level than Clapperhay and we conclude will have a minimal visual impact. Assuming the buildings are only single/double storey.

A reservation was expressed about the environmental impact of the entrance road, this would be 20 meters from the barn and would provide superb less abled access to the amenity land. Appropriate screening and landscaping to include a traditional bridge over the stream, perhaps a stone wall between the entrance road and Shiremoor Barn both built from reclaimed local stone, to the satisfaction of the SSDC Heritage and Landscape Officers, should be fully acceptable.

This small development of homes on land that has no agricultural worth is completely proportionate bringing huge benefits to the community.

Mention has been made regarding the density of housing, at 15 per hectare this is not high although we would like to see the development contained south of the stream.

Merriott PC (addendum to above response)

At the MPC meeting last Monday the applicant's agent indicated their willingness to transfer the community land at the point that the development site is sold.

Apparently they are not building themselves.

Would you ensure this forms part of the application please?

This was to prevent a delay should a future owner `Land bank` the site for an extended period.

### **Planning Policy:**

The starting point for decision-taking on planning applications is the development plan, which for South Somerset comprises the Local Plan 2006-28 adopted in March 2015, and the saved

policies and proposals from the Local Plan 1991-2011. The National Planning Policy Framework (NPPF) is an important material consideration.

The proposal is located in Merriott, considered a 'Rural Settlement' under the terms of policy SS2 in the Local Plan. Merriott is one of the larger Rural Settlements in the district, containing several community facilities and services including a First School, several shops, two pubs, a pharmacy, and a post office.

Policy SS2 strictly controls and limits development in Rural Settlements. The applicant states there are 12 families in need of affordable housing within Merriott, so the proposal would help to meet identified housing need with the provision of 11 affordable dwellings. The proportion of affordable housing is consistent with policy HG3.

The proposal includes the transfer of vacant land to the Parish Council, potentially providing a community facility or service, consistent with policy SS2. However, the proposal lacks reference to being consistent with "relevant community led plans", as stated in policy SS2. It is noted that there has been pre-application engagement with the local community.

Policy SS5 identifies that 2,242 dwellings should be delivered at the Rural Settlements. Latest monitoring indicates that 1,165 dwellings have been delivered so far (2006-15) across the Rural Settlements. At Merriott, 22 dwellings have been delivered over the first nine years of the plan period (2006-15), with a further 83 dwellings granted planning permission but not yet built (45 of which is the redevelopment of Tail Mill, just outside the village). The proposal could therefore mean 135 dwellings being delivered in or close to Merriott, which is above Stoke-sub-Hamdon (50 dwellings) and similar to the level of housing growth at Ilchester (141 dwellings) in policy SS5 - both are considered as 'Rural Centres' which are the next tier up in the settlement hierarchy. The additional impacts of the proposal should be considered with the growth that is already planned, against the requirement for development to be "commensurate with the scale and character of the settlement" in policy SS2.

In the previous Local Plan, the proposed site was identified as a 'no development area'. This policy is no longer saved, but the latest Local Plan (Appendix 2) refers to the National Planning Policy Framework (NPPF) paragraph 74 as a reason why this policy was not saved. This paragraph seeks to protect existing open space unless justified by meeting one of the criterion listed - the applicant does not appear to have addressed this issue.

There are several environmental quality policies in the Local Plan that should be considered, as the proposal is adjacent to: an area of high flood risk (policy EQ1), a Conservation Area (EQ3), and a local wildlife site (EQ4). In addition, the proposal is located in an area designated as a 'source protection zone' (EQ7).

Currently, there is a housing land supply of just over four years and four months in South Somerset. This falls short of the five-year requirement in the NPPF, invoking paragraph 49 which states that policies relevant to the supply of housing should not be considered up to date; and then paragraph 14 that in such circumstances 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 NPPF taken as a whole; or
- Specific policies in the NPPF indicate that development should be restricted (e.g. heritage assets).

Overall, the proposal delivers some aspects of policy SS2 in meeting housing need and providing land for the local community, but is not fully consistent with this policy; for example there is a lack of reference as to whether the proposal is consistent with the community led plan, and it should be determined whether it generally has the support of the local community.

Issues relating to the scale of growth for Merriott, the use of existing open space, and environmental quality should also be considered. In light of the current lack of a five-year housing land supply, when determining the application it should be considered whether the adverse impacts of the proposal significantly and demonstrably outweigh the benefits of additional housing (including affordable housing) provision.

### **Landscape:**

I am familiar with this site from pre-application discussions, and from an earlier landscape evaluation of the fields and paddocks between Church and Lower Streets - in relation to both recent planning applications and general development enquiries.

The application site lies within and is integral to a larger area of open space - comprising a tight matrix of orchards, paddocks and small pastures - that was designated as a 'no-development area' in the previous local plan, due to its significance both in laying to the south of the historic Church Street core of the village, and west of Lower Street, both of which are within the village Conservation Area (CA); as well as representing the vestiges of the medieval open fields that once separated the 'lower' and 'upper' areas of settlement, which in time combined to form the current village pattern. That significance remains, and is identified in the Merriott village plan (2014) which aims its retention as '... green space at the heart of the village'. The proposed residential site lies at the south end of this larger open area, and is currently a pasture field within a field pattern that was largely established in its current form by the time of tithe mapping (1832). The alignment of the regional 'Parrett Trail' runs immediately alongside the central stream corridor (a county wildlife site) which provides a north boundary to part of the application site. In addition to the historic interest and intrinsic landscape qualities of the site, the open space of this field is also valuable in providing and maintaining the undeveloped setting of the conservation area (CA) to the north - as well as contributing to the story of the villages' evolution from its medieval origins - and in providing open ground separation of the CA from the more recent estate developments to the south.

An LVIA (landscape and visual impact assessment) has been submitted as part of the application, which has reviewed both the application site, and the remainder of the open space which along with the bounding residential areas provides the context for the site. In summary it has indicated the application site to be 'less sensitive to development', due to its lesser visual profile, and immediate correspondence with modern estate development, to thus infer a potential for development, where it considers that limited landscape impact will occur, and that mitigation in the form of planting and appropriate vegetation management will in time lessen the immediate visual impacts perceptible from adjacent properties.

I would agree with the LVIA that the land to the north of the stream is the more valuable of the two halves of the site (as separated by the stream corridor) and I understand the argument that development to the south could enable a coherent integration with the existing development pattern to the south, which in most part turns it back upon the open space. Conversely, these open fields taken as a whole are an integral element of the village's identity, in demonstrating its historic evolution; separating the lower and upper conservation areas; hosting a stream corridor with associated vegetation of wildlife conservation interest, and providing open ground amenity for local footpath walkers. In addition to the erosion of these intrinsic values, there are also design issues arising from the development proposals, specifically the increased fall in ground levels in the vicinity of the stream corridor: Housing over sloping ground can create a massing effect, as would be viewed from the opposite side of the stream, and would be particularly imposing as experienced by walkers of the regional (Parrett) trail.

A further major concern is the point of access from Lower Street:

- (a) an access built to SCC Highways standards - within the conservation area - will create a significantly uncharacteristic opening onto the street, requiring removal of sections of

- the current frontage walls; substantive excavation; and an application of road width/walkway standards at variance with that of the character of the street;
- (b) land in the field rises circa 5.5metres over the first 30 metres back from the street. The formation of a new road to SCC Highway's gradient standards, will necessitate cutting into the existing ground profile to a depth approaching 3 metres. This is a substantial intervention into the landform - immediately adjacent the conservation area - which will be exacerbated by the means of dealing with the extent of cut; both retaining elements, and graded side-slopes. Again, the impact upon this part of the conservation area will be significantly adverse.
  - (c) beyond the 30 metre distance noted above, further intrusive cut will be necessary to marry potential road levels with existing landform, and;
  - (d) the linkage of the access to the south field will require a local re-modelling of the watercourse at its crossing point, and removal of some woody vegetation. Its alignment will necessitate an impact upon a number of established trees, and the integrity of the county wildlife site.

I consider the level of development impact raises significant landscape issues upon which to base a resistance to the prospect of new development. However, a further element of this application is the offer to pass the open land to the north - identified by the blue line enclosure on the application site plan - to the parish, for its long-term retention as open space. As noted above, this northern area of open land is of particular landscape conservation value, but is vulnerable to inappropriate/unsympathetic development, as evidenced by recent planning history. From a landscape perspective, I would not argue against the principle of this undertaking, and I believe there is the potential to consider the adverse effects of potential development impacts to be offset by securing the open ground to the north as a parish asset. However, if this proposal does not have parish support, then though finely balanced, I consider that the cumulative impacts that will arise from this site development, with its loss of open space and disruption of the stream corridor, along with the highway resolution of access requirements, ultimately weigh against the positives of the open land gift, such that I am unable to offer landscape support for the proposal in its current form.

Landscape (additional comments in response to submission of additional information in respect of the access and proposed landscape treatment)

As indicatives, the material that has been sent through is helpful, and suggests that there are design devices that can be utilised to lessen the impact of the road upon the setting of the CA. I view the suggestions as a first-take, for I would seek to further break-up the regular geometry of the road corridor, and this could be done by some variation of the width, and cranking the road alignment slightly. Similarly, the roadside walling can also be aligned/cranked such that it doesn't reflect the geometry of the carriageway/kerbing.

Conservation kerbing I see as a positive, as is the footpath to one side only.

I note the housing indicative, and I view as a positive (i) the garage placed to obscure the less-than-lovely rear to the squash court, and (ii) the dwelling drawn close to the edge of the carriageway, which again will help to define space by building form, rather than the emphasis of the road's geometry.

It would be helpful to see the road's long-section. This will clarify (i) the extent of cut where the road passes through the initial crown of the field above the site's entrance, (ii) the extent of make-up required to cross the stream, and (iii) its rise over the land to the far side of the stream. This will help us to understand (i) the likely extent of regrading/retention to either side of the carriageway over the road's initial length; (ii) the degree of intervention to create the stream's crossing, and how accommodation of the Parrett Trail might be handled, and (iii) the extent of cut and fill relative to the residential frontages. If a long-section has been produced - as I suspect it would need to be - then it would be helpful to see that now to help complete our



assessment of likely impacts.

Case Officer:

The above landscape officer comments were supported by the Conservation Officer. In addition, a long section plan was requested from the agent as outlined above. The agent considered that this level of detail is unreasonable for an outline application and, instead, would be submitted with any reserved matters application.

**Conservation (first response):**

This proposal relates to the erection of a new dwellings on land of Shiremoor Hill, Merriott.

The site is on open land which sits in the centre of the village. The access to Shiremoor Hill is across an open area of land which is within the conservation area. Shiremoor (Hill) House to the north of the access is listed and the adjacent barn which sits adjacent to the road to the north of the access is considered to be within the curtilage of the house and is therefore part of the protected building and listed. There is a small listed lock up to the south on the opposite side of the road.

The starting point for the considering of applications which affects a listed building or its setting is the statutory requirement on local planning authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses' (section 66).

Section 72 of the Act requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area.

The Court of Appeal has made it absolutely clear that the statutory duties in relation to sections 66 and 72 do not allow a local planning authority to treat the desirability of preserving the settings of listed building and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a development would harm the setting of a listed building or character or appearance of a conservation area, it must give that harm considerable importance and weight. Finding of harm gives rise to a strong presumption against planning permission being granted. This presumption is a powerful one, but not irrebuttable. It can only be outweighed by material considerations powerful enough to do so.

Applicants for consent that affects a heritage asset must be able to justify their proposals. The NPPF says that the LPA should require an applicant to describe the significance of any heritage asset affected including any contribution made to their setting (128). This should be sufficient to understand the potential impact of the proposal on its significance. As a minimum the Heritage Environment Record should have been consulted and the building assessed using appropriate expertise where necessary. When considering the impact of development, great weight should be given to the asset's conservation (132). Any harm or loss should require clear and convincing justification from the applicant. Any harm should be judged against the public benefit, including securing the optimum viable use. (The optimum use is the one that causes the least harm to the significance of the asset).

The NPPF also states that sustainable development involves seeking positive improvements to the historic environment (9)

The application relates to land within and immediately adjacent to the conservation area, and therefore impacts on both the conservation area and its setting. The NGGP states that: Setting is the surroundings in which an asset is experienced. The extent and importance of setting is

often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. When assessing any application for development which affects the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change. (NPPG)

The character of a conservation area relates to the built form: the layout of the buildings and the spaces between them, and the design and use of the buildings.

The character of Merriott has developed from around two nuclei and has extended around the triangle of roads which form the basic village. The historic form of development is houses that end face onto or abut the road, there is a mixture of detached and terrace form of buildings. There are a few gaps in the built up frontages.

Although not within the designated conservation area, there is in the centre of the settlement, crossed by footpaths, an area of undeveloped farm land. This area of land which is enclosed by the three roads is quite substantial and rural in feel. I was struck when I visited the site as to how immediately rural the experience is. This island of farm land is considered to be a unique survival in the district. It is of significance in itself and has great significance to the setting of the conservation area. This proposal would see a large area of this green island, lost and developed which is of great concern to me. The application fails to understand this unique feature in landscape terms and how that impacts on the wider setting of the conservation area.

The proposed access is from Shiremoor Hill, across a field which reaches down to the road. It then leaves the conservation area but the development remains adjacent to it as it turns to the left. This agricultural area of land is bounded on the road side by a stone wall, which although pointed in cement in places appears to be largely constructed of lime which indicates its age and historic credentials. This green finger of land and wall all contribute to the setting of the listed building and the character of the conservation area, and the fields adjacent to the conservation area are fundamental to its setting.

The road side wall would be removed and replaced with a standard access for 30 houses, which will have to be designed to accommodate large vehicles. It will also have a pavement to one side at least. It would be rising up from the current road. I have looked through the electronic copy of the application and can find no details of the proposal for the access even though it is not reserved for later approval. I am therefore inclined to assume the worse form of highway authority compliant proposal.

It is somewhat surprising to read in the Applicants Design and Access Statement (para 218) that the site (by implication any part) is not located in a conservation area. Neither does it pick up on the proximity of the listed buildings to the access. This is even though it contains drawings which show the extent of the conservation area in the D&A (note it is shown incorrectly on drawing la.06, but not with such an error for it to be disregarded. It is correct on a03), and where the listed buildings are.

This error is repeated in para 426, where there is no recognition that part of the development is in the conservation area. It is difficult to see how an appropriate design has been considered and proposed when there is such a basic error. I accept in the summary the conservation area is identified as a constraint, but at no point does it engage with that constraint.

The planning statement is similar. I can find no reference to the conservation area or the setting of listed buildings. There is no reference to the Local Plan Policies which relate to historic environment or the quality of development and how it relates to context and character.

The NPPF requires that applications that impact on heritage assets must be fully justified. As the applicant does not recognise that their proposal does cross into the conservation area to form the access, or be adjacent to it elsewhere, and does not identify the nearby listed buildings, they have no choice but not to justify it. More importantly they have clearly failed to have failed to take this into account when designing their proposal.

We have a statutory duty to have special regard to listed buildings, conservation areas and their settings. In my view there is harm to the setting of the adjacent listed buildings and to both the conservation area and its setting, and to the street scene in general by the formation of the access. It is clearly not good design which is in character with the context: It results in the loss of boundary walls, possible lowering of those adjacent, and the loss of this green finger of agricultural land between buildings. This standard highway access would result in an imposition of an alien and modern road and would fail to preserve or enhance the conservation area or the setting of the listed buildings. The two dwellings to the rear of the squash club would jar in the landscape and fail to preserve the views into and out of the conservation area. The harm to the conservation area where the site runs adjacent to it more difficult to quantify due to the outline nature of the application, but in the absence of any detail here, the proposal has potential to be harmful, and certainly would be visible from between the roadside buildings. The loss of the historic green island to the centre of the village is also to be regretted.

In note the applicant raises appeal cases with regard to 5 year land supply, neither of which relate to historic assets. A lack of 5 year land supply does not outweigh the great weight given to the protection of the historic environment by the NPPF, or indeed the higher protection given by statute. There is nothing I can see in the application with regard to a balance with public benefit and harm to the heritage assets that would suggest that we should set the harm to one side.

Conservation (consultation response following submission of Heritage statement)

Thank you for consulting me on the additional submissions in relation to the above application, specifically we now have a heritage assessment which I have read though. I note that there are no changes proposed to the proposal as result.

My initial thoughts are this is a "cart before horse" order of events, and that the assessment may well be looking to support an application already designed and submitted, rather than the proposal carefully crafted in response to the heritage assessment. The lack of need to amend the proposal in light of the heritage assessment is noted.

The conservation area was reassessed and extended in 1988. There are no documents that remain in existence from that time other than the committee minute agreeing the report. The plans will have been transposed over time. To that extent there is no evidence as to why parts of a conservation area were chosen and why others excluded. Any statements in this respect are supposition.

To restate the issues, this breaks down into

- the impact of the housing on the setting of the conservation area;
- the impact of the access on the conservation area;
- the impact of the access on the setting of the listed buildings.

The application is in outline only, and therefore the plans are indicative only. It is accepted that the views out of the conservation area of the site are from gaps between buildings. The indicative plans show no building works adjacent to the conservation area boundary, but there is no guarantee that this will translate into reality when the reserved matters are, and to that end I maintain that the proposal has the potential to be harmful.

I would pick out the indicative two houses to the rear of the squash club as being harmful to the conservation area setting. Yes the converted Church faces the road, but the line to the rear defines the edge of development, which is publically viewed from the footpaths. These houses soften and breach that hard line, indicative of the historic form of development which faces the road.

Conservation areas are not intended to prevent development. There is no requirement to reassess a conservation area after each and every change within a conservation area, or adjacent to it. Indeed permitted changes should not impact negatively on it, and as such any changes do not represent a lowering in status of the conservation area. The aesthetic context is what we have before us today.

The heritage assessment undertakes analysis of the conservation area. The new access road is discussed at 4.34, (the proposed access is shown in most detail on drawing LP.02 - this drawing has no levels but indicates a cutting and grading of banks). They conclude that there is harm which is less than substantial, which they consider in the lower end of harm, as the proposal should be considered in the wider context of other modern developments which have already profoundly altered the conservation area and the site. The premise here is that something harmful is acceptable as there is already something else equally harmful. Whilst context is important, I don't see that it can be extended widely over the conservation area. In the immediately locality, stood at the access point, there are no modern accesses in view. Granted the extension (1967) to the squash club is poor, but is also somewhat benign, otherwise there are historic buildings or well considered modern buildings. Into this context it is proposed to introduce a wide modern access road to a housing estate, with its potentially deep cutting down into the current ground levels. It makes no concession to the aesthetic context in this street scene, and fails to safeguard the character, setting or local distinctness of the conservation area at this point. It would be quite alien.

They conclude that the level of harm to the conservation area, is less than substantial and I would agree.

Turning to the setting of the listed buildings: The setting of listed buildings in part relates to the views from and to them.

I would agree that Shiremoor house is the building on the list and that the barn to the front is part of its historic curtilage and was, and remains in part, ancillary to it. It is part of the protected building under section 1(5) of the act, as would be the front boundary wall. Photograph 12 in the Heritage Statement shows clearly how the new access and the principle listed building with its outbuilding would clearly be read together visually when looking along the street. This modern and alien feature would clearly be read in its setting and be harmful to it.

They conclude that, as with the conservation area, the proposal would result in some harm to the significance of Shiremoor House, but that this is less than substantial and in the lower end of that harm. My comments on the legal significance of this are mad below.

Of the other listed buildings referred to, The Lockup, is the one that would have the greatest alteration to its setting. The access is across the road, and for the reasons given above, the negative impact on the street scene will also have negative impacts, by implication, on this listed buildings setting.

The Heritage Statement fails to deal with the option of a different access into the site. The harm has to be weighed in the balance with the great weight to be given to the conservation of the heritage assets, where any harm or loss has to require clear and convincing justification. Given that there is a different access to the site which is possible though the modern housing estate,

then this option should be weighed in the balance, with great weight given to the conservation of the heritage assets.

The applicant's heritage statement summarises that the proposal would result in some harm to the heritage assets, and that this harm would be less than substantial. The case law in relation to harm indicates that it is not appropriate in the balancing exercise to equate limited or less than substantial harm with a limited or less than substantial objection. There remains a strong statutory presumption, inherent in sections 66 and 72 of the Act, against planning permission being granted where there is harm. This must be reflected in the weight given to it in the balancing exercise when the determining of the application. This must be demonstrably applied.

In my view, the harm which is caused by the proposal and the access in particular to the setting of Shiremoor House and the lockup, and to this part of the conservation area, is unacceptable and I do not see sufficient public benefit to override my objections.

### **Highways:**

Firstly in terms of traffic impact the applicant has submitted a Transport Statement for which the Highway Authority has the following observations to make.

#### **Traffic Impact & Travel Plan**

The proposal has utilised the TRICS datasets for their base data which is considered to be acceptable. From the information provided they have forecast that the proposed development would generate a total of 19 two-way trips in the AM peak and 16 two-way trips in the PM peak. This would equate to an extra trip every 2 minutes on the network during the peak hour. As a consequence it is unlikely that this proposal would have a severe impact on the highway network therefore in traffic impact terms the proposal is not considered to be severe.

The applicant has also provided a Travel Plan Statement (TPS) this has been assessed and the Highway Authority has the following comments to make. Firstly it is noted that this is an outline application as such the size of the dwellings have not been finalised. However it is noted that the applicant has indicated in the document that it would be broadly in line with Somerset County Council's Parking Strategy, which is considered to be acceptable. The planning statement mentions that it will need to be secured via S106 agreement this will need to be reflected as part of the TPS and also captured by the Local Planning Authority. Apart from these two points set out above the Travel Plan Statement is broadly considered to be acceptable.

Although the proposal is for outline permission the access has been submitted in detail. The carriageway provides a width of 5.5m, which is sufficient to allow two-way vehicle movement. It is noted that a 2.0m wide footway has been proposed to tie into the existing footway network. Whilst the grass margin on the other side of the road with tie into the existing grass margin that fronts onto Shiremoor Hill. The applicant should note that the gradient should be no steeper than 1:14. In regards to visibility the applicant has proposed splays of 2.4m back with 42m to the north and 43m to the south which is in accordance with the design guidance set out in Manual for Streets. The Highway Authority is of the opinion that the proposed splays are considered to be acceptable. It is noted that the squash club is in close proximity to the proposed junction and there is potential for the southern splay to be blocked by parked cars thus obstructing the visibility. But on further consideration it is likely that any vehicles parked on the highway would be outside the peak traffic period and couple with the minimal traffic impact associated with the proposal it is unlikely that this would be a significant concern for the Highway Authority.

It is noted that the proposed access arrangements will also provide a new access for Holwell House. This will take the form in a 4.0m wide access, which is considered to be acceptable. The access is in close proximity to the proposed junction with Shiremoor Hill. Ideally the Highway Authority would prefer the junction to set further along the proposed estate road. However it is noted that this may not be possible with the gradient leading into the application site. As a consequence it is paramount that suitable intervisibility between the access and the junction. From looking at the plan the Highway Authority is satisfied that suitable intervisibility can be achieved.

Please note that these access works will need to be secured via a S278 legal agreement.

#### Internal Layout

It is appreciated that this is an outline application as such the internal layout will not be finalised until the reserved matters stage. However the Highway Authority can provide the following comments that would need to be taken into account of before any further submissions.

It is likely that this proposal will take the form of a Type 4 access road and as such should be designed in accordance with Somerset County Council's Estate Roads in Somerset Design Guidance Notes. Regarding visibility appropriate adoptable visibility, which would need to be based upon potential speeds/actual bend radii, will be required throughout the inside of all carriageway bends and should be plotted on a drawing at a scale of 1:200 for consideration. We would also require appropriate visibility splays from all side roads on to the main through route within the estate which should be 2.4m x 25m based on 20mph vehicle speeds. Any vehicle crossovers i.e. into the private drive areas should also have a secondary visibility splay to ensure drivers approaching the main access road can clearly see any pedestrians walking along the footway. Please see page 57 of our guidance document book. In regards to private drives these should serve no more than 2 dwellings.

The turning head shown on the generic plan looks almost acceptable however both arms should have an adoptable 2.0m overhang margin at the ends. All turning heads will need to be designed as per the guidance set out in Estate Roads in Somerset - Design Guidance document. A swept path drawing showing how a refuse vehicle with 4 axles and measuring 11.4m in length can manoeuvre through the adoptable areas of the site should be submitted. Tactile paved crossings are to be laid out in accordance with DfT's "Guidance on the use of Tactile Paving Surfaces". Dropped kerbing should have an upstand of 0-6mm and gullies must be provided immediately upstream in drained channels.

Parking bays should be a minimum of 5.0m long however minimum of 5.5m when in front of a boundary wall/garage with roller door or a 6.0m when in front of an 'up and over' garage door. Where 2 longitudinal parking spaces are used these will need to be a combined length of 10.5m.

Regarding the vertical alignment gradients should be no steeper than 1 in 14 but should have a minimum gradient of 1 in 100 (without channel blocks) or 1 in 180 (with channel blocks). We have agreed 1:12 over very short lengths in some circumstances. Shared surface block paved areas should have a maximum gradient of 1 in 14 and a minimum gradient of 1 in 80. Footways should not be designed with longitudinal gradients steeper than 1:14 as anything steeper will provide difficulties for wheelchair users. Full details will need to be provided at a reserved matters stage. The Design and Access Statement states that 'informal road edge treatments' further details should be provided to ensure this meets adoptable standards.

Site drainage would need to be agreed with the Highway Authority's drainage engineer to ensure adequate drainage is implemented within the estate. The applicant will need to

establish that a suitable outfall could be provided to discharge surface water run-off from the development. Private drainage should not be located within the prospective public highway areas. Private surface water from driveways is to be intercepted by positive drainage systems. Gully pots or similar should be used where drives fall towards garages. Channels and drains must be connected into the private surface water system.

It is noted that there is a watercourse flowing through this site as a consequence under Section 23 of the Land Drainage Act there is a requirement to seek a consent when culverting or obstructing a watercourse, whether permanent or temporary. Previously, consent for work to ordinary watercourses outside Drainage Board areas was obtained from the Environment Agency. It is important to note that under no circumstances will retrospective consent be given for unconsented works. If unconsented drainage works have occurred, the developer will be responsible for restoring the watercourse to its original condition. Failure to obtain Land Drainage Consent prior to carrying out the works may result in a fine.

Finally it is noted that there is a Right of Way that crosses the site as such the Local Planning Authority would need to consult with the Right of Way Team.

### **Flood Risk Assessment & Drainage:**

In terms of drainage the applicant has provided a Flood Risk Assessment (FRA) and Hydraulic Modelling Report the Highway Authority has the following observations to make.

It is noted that the drainage strategy incorporates the use of an attenuation basin and storage tank. Whilst it is noted that the current layout is indicative, careful consideration regarding their location/proximity to the highway will need to be given. Additionally, whilst Somerset County Council would not wish to adopt the attenuation basin Somerset County Council has a vested interest in its performance and as such a strict maintenance programme will need to be adhered to in order to safeguard the efficiency of the system. Confirmation regarding the future maintenance responsibilities will be required. The storage tank should be set back a minimum distance of 1.0m from the prospective highway.

Any pipe with a clear span of 900m or greater will be considered as a structure requiring Highway Authority approval and will be subject to the DMRB AIP process and detailed design approval. The Designer should note that their use will also attract a commuted sum to include maintenance and for their eventual replacement. It appears that the eventual point of outfall is into an ordinary watercourse and as such consent will be required from Somerset County Council (as lead Local Flood Authority) to construct the outfall. Consent forms can be obtained from the Somerset County Council website [www.somerset.gov.uk](http://www.somerset.gov.uk).

Finally it is noted that the proposal seeks to connect a new surface water sewer into the culverted section of the Shiremoor Brook. Somerset County Council as the Highway Authority would have an interest in the construction detail of such outfall and in particular its impact upon existing structure. As such the applicant is urged to contact the Highway Authority to discuss this matter.

To conclude the proposal is unlikely to have a significant impact on the highway network whilst the Travel Plan Statement is considered to be acceptable although there are a couple of minor points that would need to be addressed prior to any further submission and would need to be secured via a S106 agreement. In terms of the internal layout it is appreciated that it is outline application but the applicant should take note of the comments set out above before submitting any detailed drawings. Regarding the point of access this is considered to be acceptable in principle although the works would need to be captured via a S278 agreement. Finally the applicant will also need to take into account the drainage comments set out above. Therefore

based on the above information the Highway Authority raises no objection to this proposal and if permission were to be granted the following conditions would need to be attached.

Case Officer comment:

11 highway conditions are recommended and shall be attached to any consent for the application.

**Ecologist:**

Local Wildlife Site - Merriott Stream

There is a small designated local wildlife site ('Merriott Stream' - stream with good aquatic flora and associated marshy grassland and scrub) to the immediate north of the application site. I visited this site last year. I consider it unlikely that the development will cause any significant harm to the wildlife site. (The proposed bridge is just downstream of the designation boundary).

However, it would be appropriate to ensure suitable safeguarding measures, through a Construction Environmental Management Plan.

Protected species

Bats were recorded foraging along the boundary hedges and stream. The numbers and species recorded were fairly typical for the size and location of the site and the habitats present. I therefore consider they don't represent a constraint to the proposed development.

A water vole was recorded in 2005 but not in recent surveys. The stream is considered sub-optimal for this species. However, their future presence can't be ruled out and a precautionary approach is recommended.

Small numbers of slow worms were recorded. Mitigation will be required.

No objection subject to conditions in respect of submission of a construction Environmental Management Plan, a protected species mitigation plan and features to enhance biodiversity.

**Arborist:**

This site has few trees, other than those located within the adjoining hedgerows - none of which are of any great size. The Northern field boundary is almost exclusively of 20 foot tall Elm, at just the right stage of maturity to succumb to the Elm Bark Beetle - the host of Dutch Elm Disease within the next few years - the point I am making is not to rely upon it as a screen between the proposal and the existing development to the North.

The stream-side hedgerows have more diversity of species (Ash, Field Maple and Hazel) and age-structure. The proposed access road would require the removal of a section of this hedgerow and trees. Provided that suitable tree and hedgerow planting & protection measures are ensured, I have no objections to the proposal.

A couple of conditions are recommended in respect of landscaping and tree/hedgerow protection during development.

**Natural England:**

No objection.

**Rights of Way Officer:**



No objection.

We would request improved surfacing of the existing rights of way through the development. Associated infrastructure (e.g. fencing) may be required. Authorisation for such works must be obtained from SCC Rights of Way Group.

#### **Archaeology:**

No objection raised.

#### **Lead Flood Authority (County Council):**

The development indicates an increase in impermeable areas that will generate an increase in surface water runoff. This has the potential to increase flood risk to the adjacent properties or the highway if not adequately controlled. The submitted FRA shows modelling that confirms that the proposed 900mm culvert at the access road across Shiremoor Brook will not obstruct flows and also includes greenfield runoff rates. However, the applicant has not provided detailed drainage designs, calculations, or layout plans for the capture and removal of surface water from the development. Due to the location of the site and the proposed increase in impermeable areas it will be necessary to provide these details.

The LLFA has no objection to the proposed development, as submitted, subject to a drainage condition being applied.

#### **Environment Agency:**

No objection subject to informatives in respect of pollution prevention during construction, waste management and sustainable construction.

#### **Wessex Water:**

There is an existing 150mm public foul sewer which crosses close to the northern boundary of the site. The sewer must be accurately located on site and marked upon deposited drawings. There must be no building within 3 metres of this sewer or tree planting within 6 metres. Subject to application and engineering agreement it may be possible to divert this sewer at the applicants cost.

There is current adequate capacity within the existing local foul sewer network for predicted foul flows only from 30 dwellings. Point of connection subject to application and agreement. The applicant has indicated that surface water will be attenuated on site and discharged to watercourse. The strategy will require the approval of your Authority and the LLFA.

There is limited available capacity within the local water supply network to accommodate the proposals. The applicant should contact this office to discuss further appraisal and whether off site reinforcement of the network will be required to support the new development whilst maintaining levels of service to our existing customers.

#### **Housing**

35% affordable housing split 67:33 social rent: intermediate. I noted that there were 11 proposed dwellings detailed on the application form - 7 for Social Rent and 4 for Intermediate which we would agree with.

Advice is given on house sizes, the affordable units should blend in with the proposed market housing styles and expect the s106 agreement to contain appropriate trigger points to

guarantee that some of the affordable housing provision is delivered in the event that the site gains permission but is only ever partially built out.

#### Sport and Leisure

A total contribution of £137,084 (£4,569) is sought from this development.

£25,464 towards equipped play at Merriott Playing Field.

£5,000 towards youth facilities at Merriott Playing Field

£11,746 towards playing pitches at Merriott Playing Field

£45,651 towards Facilities at Merriott Village Hall.

£9,267 towards theatres and art centres - either the Octagon or Westlands

£2,380 towards the artificial grass pitch in Crewkerne

£11,279 towards the sports hall at Crewkerne

#### Education:

The local primary school, Merriott First School has a net capacity of 120 with 115 currently on roll. The latest forecasts indicate that this school will exceed capacity by 2017. SCC will therefore wish to seek a contribution towards education for the five additional places a development of 30 dwellings would bring forward. The middle school currently has adequate capacity to accommodate forecasted growth within its catchment but this too will come under pressure if further developments come forward.

Using the accepted 'role of thumb' (30/210 x 30), thirty dwellings would equate to 5 first school places at a notional cost of £14,007 per place, a total contribution of £70,035.

#### REPRESENTATIONS

31 letters/emails objecting to the scheme were received in regard to the first consultation following submission of the application raising the following comments:

- Contrary to the village plan which seeks its retention as green land and not for development
- Merriott has had several recent housing developments - no justification for further development
- Inadequate infrastructure to cope with additional housing - lack of school places, medical facilities
- Water run-off from the site will increase and cause local flooding
- Sewage system at capacity
- Lower Street and Shiremoor cannot take any additional traffic- issues with parked cars obstructing visibility
- Increased traffic congestion, particularly when social club have events/ during peak hours.
- Highway safety concerns around entrance to the development and in Lower Street
- Access close to a blind bend
- Proposal does not meet Policy SS2.
- Brown field sites should be developed first - Scott's Nursery site
- A popular green/recreational area in the centre of the village will be lost
- Rural feel of the village will be lost
- Harm to wildlife
- Impact on residential amenity
- Harmful impact to street scene
- Insufficient provision of affordable housing
- Land being offered to the village will be a drain on village budget
- Lower density by the applicant's property
- A harmful precedent will be set

6 letters/emails were received following submission of The Heritage Report - most reiterated previous concerns. Other comments raised:

- We need a report that addresses the key issues such as impact on village infrastructure and facilities.
- the report is trying to justify a major development in the centre of the village.

## **CONSIDERATIONS**

### **Principle of development**

The starting point for decision-making is the statutory development plan, which is the South Somerset Local Plan (2006 - 2028). This plan was adopted in March 2015 and provides the policy framework through which to make decisions as to whether or not to grant planning permission for development in the district.

Merriott is classed as a rural settlement in the adopted local plan. Local Plan Policy SS2 strictly controls development in rural settlements unless it is of a scale and character that is appropriate for the village, has the general support of the local community and meets at least 1 or more of the following criteria namely 1) provides employment opportunities 2) creates or enhances community facilities and 3) meets identified housing need, particularly for affordable housing (Policy SS2).

However, the Council is currently unable to demonstrate a deliverable five-year supply of housing land. This means that policies relating to the supply of housing should not be considered up-to-date. As such, proposals for residential development falls to be determined under Paragraph 14 of the National Planning Policy Framework which states that where development plan policies are out-of-date 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 this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

According to the High Court decision (Woodcock Holdings Ltd) in reaching a conclusion on an application, the appropriate weight to be attached to 'out-of-date' housing supply policies needs to be considered in the 'planning balance' of whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. It falls to the local planning authority to strike the appropriate balance between the very clear benefits stemming from the delivery of houses to meet the Council's shortfall and any harmful impacts arising from this proposal. The NPPF is very clear that, without a 5 year housing land supply, housing applications should be considered "in the context of the presumption in favour of sustainable development" (para. 49) and that any adverse impacts would need to significantly and demonstrably outweigh the benefits when assessed against the policies in the framework taken as whole; or specific policies in the Framework indicate development should be restricted (para.14).

Having regard to the above, the planning merits of the proposal are considered against the policies of the adopted local plan and aims of the NPPF. These issues are set out below.

### **Sustainability of the settlement:**

It is considered that Merriott is a sustainable location for some housing development given the facilities that the village provides. In terms of Merriott, it is accepted that there has been recent residential development in the village, (Tail Mill and Moorlands). However, it is considered that

Merriott is one of the larger rural settlements in the district. The site lies within walking distance of the centre of the village with close access to its facilities. There are 2 public footpaths that cross the site and provide good access options to different parts of the village. Having regard to the above it is considered that the development would comply with the relevant sections of the NPPF in respect to locating housing within existing communities where existing services and facilities would be maintained and enhanced. For these reasons, the site is considered to be a sustainable location.

### **Loss of green/recreational area**

One of the key objections to the application is the loss of a highly valued parcel of land within the centre of the village. It is clear from responses received and from visiting the site on a number of occasions that the whole of this central area is well used and appreciated by local people and visitors to the village. Whilst all of the land is in a number of different private ownerships, public access is achieved via the 2 public rights of way that cross the site. These public rights of way would remain. There are no proposals to divert or close these paths.

It is accepted that the loss of around two thirds of the southern area of this green area would have an adverse impact on the current character and appearance of this land. Moreover, this land was identified in the previous Local Plan as a 'no development area'. This policy is no longer saved. However, the NPPF (para 74) has a policy that seeks to protect existing open space unless 1 of 3 criteria are met. These are:

- 1) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements;
- 2) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity or quality in a suitable location; and
- 3) the development is for alternative sports or recreation provision, the needs for which clearly outweigh the loss.

It is not considered that the current proposal would satisfactorily address any of the 3 criteria raised above, and therefore, assessment of this policy would weigh against the proposal.

### **Impact on the Conservation Area and setting of Listed Buildings:**

It will be noted from the response received by the Conservation Officer that an objection is raised due to the adverse impact of the development on the Conservation Area and the setting of listed buildings, in particular Shiremoor House and associated barn, and The Lockup. In regard to the Conservation Area, the proposed access road at its junction with the main road will be located within the Conservation Area. The southern area to be developed will adjoin the boundary of the Conservation Area but only for a short distance next to no's 73 and 77 Lower Street and to the rear of the Squash Club. Given that no development is proposed within the area of land immediately next to no's 73 and 77, (attenuation pond shown), and the case officer's preference for no development on the northern side of the access road behind the squash club, it is considered that the impact on the setting of the Conservation area from residential development would be minimal.

The new access road has been identified as both harming the Conservation Area and the local landscape. The location and form of the access and its impact has been subject to much discussion between officers. Additional plans were requested from the applicant to show how the access arrangements could be delivered. The submitted detail shows the gradient of the road and associated boundary/landscape details. Following further assessment, it is accepted that with careful design, and steering away from the standard urban highway access, the impact of the access road upon the Conservation Area can be lessened. Whilst a plan showing a long section of the road would have been helpful, it is agreed that this further detail would be provided as part of any reserved matters application. If that detail is not acceptable, then a reserved matters application may be refused. For these reasons and as per the findings of the

Heritage Report, the level of harm to the Conservation Area is less than substantial. Paragraph 34 of the NPPF is therefore applicable and will be discussed later in this part of the report.

In respect of the impact on listed buildings, those identified as having the most likely impact as a result of any development are Shiremoor House, its associated barn and The Lockup. In respect of Shiremoor House and its barn, the Conservation Officer's concern is in relation to the impact of the new access and that this would be read in conjunction with the listed buildings when looking along the street. As discussed above, the design and form of the road will be crucial to ensure that this harm is minimised. It is considered that a sympathetically designed access road will protect the setting of the listed buildings.

It is accepted that the development would cause some harm to the setting of heritage assets. In accord with NPPF policy, paragraph 134 is engaged. This requires that the harm identified should be weighed against the public benefits of the scheme. As outlined by the Conservation Officer, following recent court cases, it is not appropriate in the balancing exercise to equate limited or less than substantial harm with a limited or less than substantial objection. There remains a strong statutory presumption, inherent in sections 66 and 72 of the Act, against planning permission being granted where there is harm. This must be reflected in the weight given to it in the balancing exercise when the determining of the application.

In this case, it is considered that the public benefits of the scheme do outweigh the harm identified to heritage assets. The scheme is considered to be a sustainable development in a central location in the village. It will contribute towards meeting the Council's housing targets and make a very positive contribution towards meeting those on the housing list in Merriott. For these reasons, it is considered that the public benefits of the scheme outweigh the harm identified to heritage assets. Members should also be aware that the applicant has given an undertaking that prior to the development being implemented they would transfer an area of land over to the parish council thereby guaranteeing public access to this important area in perpetuity.

### **Landscape:**

It will be noted that the landscape officer had raised concerns about the landscape impact of the development, particularly in relation to the point of access from Lower Street, the form of the access road up the slope and through the wooded area. Land to the north is identified as having a more sensitive impact in landscape terms. Thus, the treatment and layout of the access road is key to ensuring that its landscape impact is minimised. As outlined above in this report, the submission of additional access information/detail has allayed most of those concerns. Moreover, the offer of transferring additional land to the Parish Councils is welcomed by the Landscape officer and would assist to offset the impact of development.

### **Highways:**

A number of local residents have raised concerns about the highways impact of the proposal. These include increased traffic congestion and safety concerns particularly during the school run and when the social club hold events. The number of vehicles parked around the proposed site entrance and a poor level of visibility is also raised.

The application was supported by a Transport Statement which has been assessed by the Highway Authority. This states that the development would generate a total of 19 two-way trips in the AM peak and 16 two-way trips in the PM peak. This equates to an extra trip every 2 minutes on the local road network during the peak hour. The Highway Authority conclude that this proposal would not result in a severe impact on the highway network. In addition, the Highway Authority conclude that the proposed access details are acceptable as can be noted in their full response outlined above in this report.

The Highway Authority note that the squash club is in close proximity to the proposed junction and the southern splay may be blocked by parked vehicles - a point raised by local residents. However, given the Highway Authority's position regarding the likely number of traffic movements, they do not consider that this raises an issue of concern warranting refusal.

Advice is given on the internal layout of the road, the detail of which would be agreed at reserved matters stage. However, the gradient of the internal road from the main road through to where it breaks through the wooded area/stream will be particularly important in order to reduce the level of cut and to minimise its impact upon the Conservation Area. The submission of additional information showing how the access could be achieved by reducing the amount of cut into the natural gradient has been important to reduce landscape and heritage concerns about the visual impact of the development. This detail will need to be assessed carefully when determining any reserved matters application.

In respect of parking provision, the number and layout of the spaces to be provided would be detail provided as part of any reserved matters application.

Whilst local concerns are raised about the highway impact of the proposal, the Highway Authority has assessed the submitted details and have not raised an objection to the scheme. Accordingly, there are no identified adverse highway technical grounds that warrant refusal of the scheme.

#### **Flood Risk/Drainage:**

A Flood Risk Assessment was submitted with the application which confirms that the site is wholly within Flood Zone 1. Concerns have been raised about local flooding. The report notes that the stream running through the site has not been previously modelled. Thus, there was a need to confirm the level of fluvial risk posed to the site in order to ensure that the proposed development, and the proposed crossings of the watercourse is designed appropriately to ensure that these are at low risk of flooding, and do not increase flood risk either up or down stream. Modelling was undertaken and this confirmed that all of the proposed residential development is suitably located in flood zone 1. An attenuation pond is proposed at the eastern side of the development.

In respect of surface water flooding, the Council's Strategic Flood Risk Assessment does not record any previous surface water incidents in the immediate vicinity of the site. In addition, modelling was also used to size the culvert within the proposed access road which crosses the stream. A 900mm diameter pipe will provide sufficient capacity and shall be installed as part of the development. Accordingly, the report concludes that the site is at low risk from surface water flooding.

#### **Residential Amenity:**

This outline application is not seeking approval for the design and layout of the houses at this stage. These details would be reserved for future approval. However, it is considered that a scheme can be accommodated on site without adverse harm to the amenity of adjacent residential properties.

During the course of construction, it is inevitable that some degree of noise and disturbance will occur. A condition will therefore be attached to any consent to seek submission of a construction management plan - this shall restrict construction work and delivery hours, agree construction delivery routes, areas for parking of construction related vehicles and measures to control dust and mud on local roads.

## **Ecology:**

An Ecological Assessment was undertaken and submitted with the application. A badger outlier sett was recorded within the centre of the site and a buffer zone is proposed. This report recommended mitigation measures in respect of hedgerows and trees, badgers, bats, birds, reptiles, water voles and Merriott Stream. The Council's Ecologist is in agreement with those recommendations and has not raised an objection to the scheme subject to conditions.

## **Village Infrastructure:**

A concern raised by local residents is in regard to the adverse impact on Merriott's infrastructure. Whilst any new development would increase the demand upon local infrastructure, the Local Planning Authority is informed by those providing those services as to whether the development can be satisfactorily accommodated by those service providers or adverse harm would result. As can be viewed by the responses outlined above, in this case, none of the statutory providers of the infrastructure in Merriott have raised any objections. Where an impact is identified requiring some form of mitigation, as in the case of County Education, a financial contribution has been sought to provide for additional school places.

## **Public Rights of Way:**

The scheme does not include any proposals to close any of the Public Rights of Way through the site. The proposed new access road will cross the route in at least 2 locations. Appropriate measures will need to be implemented to ensure that any temporary diversion routes are in place during construction and to ensure the health and safety of users. The scheme will also provide an opportunity to improve the paths within the site where appropriate.

## **CONCLUSION**

It is clear that this application has a mix of factors that weigh both in favour and against the proposal. On the positive side, it will make a contribution towards meeting the Council's housing needs, including 35% affordable housing, will provide employment and future occupiers will use and help sustain local services and facilities. . Adverse impacts include the loss of a much valued area of green/open space in the centre of the village, adverse landscape impact and identified harm (less than substantial harm) to heritage assets. Having fully assessed the proposals as outlined in the report, it is considered that the principle of development on this site is acceptable. Moreover, the public benefits outweigh the identified adverse harm to heritage assets. This outline application is therefore recommended for approval

## **SECTION 106 PLANNING OBLIGATION**

The application be approved subject to:

A) The prior completion of a section 106 planning obligation (in a form acceptable to the Council's Solicitor(s)) before the decision notice granting planning permission is issued, the said planning permission to cover the following terms/issues:

- 1) The provision of 35% affordable housing;
- 2) Contribution towards the provision of sport, play and strategic facilities,
- 3) Contribution towards education provision;
- 4) Submission of a Travel Plan Statement.

The transfer of the land to the parish council is a separate arrangement between the two parties and not something that would be included within a Section 106 agreement.

## **RECOMMENDATION**

### Grant Permission

01. The proposed development by reason of its design, access, layout and location will provide a sustainable form of development, will make a contribution towards meeting the Council's housing needs, including affordable housing needs, will provide a safe means of access, will not adversely harm ecological interests and will include the transfer of land to the Parish Council. The public benefit of the scheme will outweigh the identified 'less than substantial harm' caused by the development in respect of heritage assets. The scheme is therefore in accord with Policies SD1, SS1, SS2, SS5, HG3, TA5, TA6, HW1, EQ2, EQ3 and EQ4 of the South Somerset Local Plan, the core planning principles and Chapter 6 11 and 12 of the NPPF.

### **SUBJECT TO THE FOLLOWING:**

01. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To accord with the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2010

02. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

03. All reserved matters shall be submitted in the form of one application to show a comprehensive and coherent scheme with respect to design and scale of the dwellings, site layout, plot boundaries, materials, and landscaping.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

04. The development hereby permitted shall not be commenced until 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.

Reason: To safeguard the character and appearance of the area to accord with Policy EQ2 and EQ3 of the South Somerset Local Plan.

05. Before the development hereby permitted shall be commenced details of all eaves/fascia board detailing, guttering, downpipes and other rainwater goods 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: To safeguard the character and appearance of the area and Conservation Area to accord with Policy EQ2 and EQ3 of the South Somerset Local Plan.

06. Before any of the development hereby permitted is commenced details of the internal ground floor levels of the buildings to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority.



Reason: To safeguard the character and appearance of the area to accord with Policy EQ2 of the South Somerset Local Plan.

07. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, 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 before their construction begins. 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 to accord with Policy TA5 of the South Somerset Local Plan.

08. No work shall commence on the development hereby permitted until the works shown on drawing No. 13884/T03 have been submitted to and approved in writing by the Local Planning Authority.

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

09. 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 vehicles 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.  
Measures to ensure that dust and mud is not brought onto the highway, including wheel cleaning and the regular cleaning of roads when necessary.

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

10. 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 to accord with Policy TA5 of the South Somerset Local Plan.

11. 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 to accord with Policy TA5 of the South Somerset Local Plan.

12. 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 to accord with Policy TA5 of the South Somerset Local Plan.

13. 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 to accord with Policy TA5 of the South Somerset Local Plan.

14. There shall be no obstruction to visibility greater than 300mm above adjoining road level in advance of a line drawn 2.4m back from the carriageway edge on the centre line of the access and extending to a point on the nearside carriageway edge 42m to the north of the access. Such visibility shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained at all times.

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

15. No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved by the Local Planning Authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate no greater than greenfield runoff rates. Such works shall be carried out in accordance with the approved details.

These details shall include: -

- Details of phasing (where appropriate) and information of maintenance of drainage systems during construction of this and any other subsequent phases.
- Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 metres minimum), the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.
- Any works required off site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).

- Flood water exceedance routes both on and off site, note, no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100yr (plus 30% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties.

- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout 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).

16. No works shall be undertaken until there has been submitted to and approved in writing by the Local Planning Authority, a scheme of tree and shrub planting. Such a scheme shall include numbers of individual species, sizes at the time of planting, whether container-grown or cell-grown and the approximate date of planting. The installation details regarding ground preparation, staking, tying, guarding and mulching shall also be included in the scheme. All planting comprised in the approved details shall be carried out in the next planting season following the commencement of any aspect of the development hereby approved; and if any trees or shrubs which within a period of ten years from the completion of the development die, are removed or in the opinion of the Council, become seriously damaged or diseased, they shall be replaced in the next planting season with trees/shrubs of the same specification, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the planting of new trees and shrubs in accordance with the Council's statutory duties relating to The Town & Country Planning Act, 1990 (as amended)[1] and the following policies of The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure."

17. Prior to commencement of this planning permission, site vegetative clearance, demolition of existing structures, ground-works, heavy machinery entering site or the on-site storage of materials, a scheme of tree and hedgerow protection measures shall be prepared by a suitably experienced and qualified arboricultural consultant in accordance with British Standard 5837: 2012 - Trees in relation to design, demolition and construction and submitted to the Council for their approval. Upon approval in writing from the Council, the tree and hedgerow protection measures shall be installed and made ready for inspection. A site meeting between the appointed arboricultural consultant, the appointed building/groundwork contractors and the Council's Tree Officer (Mr Phillip Poulton - 01935 462670) shall then be arranged at a mutually convenient time. The locations and suitability of the tree and hedgerow protection measures shall be inspected by the Tree Officer and confirmed in-writing by the Council to be satisfactory prior to any commencement of the development. The approved tree and hedgerow protection requirements shall remain implemented in their entirety for the duration of the construction of the development and the protective fencing and signage may only be moved or dismantled with the prior consent of the Council in-writing.

Reason: To preserve the health, structure and amenity value of existing landscape features (trees and hedgerows) in accordance with the Council's policies as stated within The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

18. The development hereby approved shall be carried out in accordance with the following approved plans:  
Drawing number A085035 -1DRGA01.

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

### **Informatives:**

01. Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing to the Traffic and Transport Development Group, Somerset County Council, County Hall, Taunton, TA1 4DY or by phoning 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 their plans checked and specifications supplied. The works will also be inspected by the Superintendence Team and will be signed off upon satisfactory completion.

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.

02. The applicant/developer is requested to contact Wessex Water prior to any development commencing in respect of the local water supply capacity. Please contact Gillian Sanders on 01225 526303

03. The Environment Agency have requested that the developer is made aware of the following advice:

#### **Flood Risk**

We are satisfied that the proposed development will be located in Flood Zone 1 (low risk). The Lead Local Flood Authority, in conjunction with your Drainage Engineer, will lead on surface water drainage matters and any issues associated with the local watercourse from the site.

#### **Pollution Prevention During Construction**

Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site.

Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes. We recommend the applicant refer to our Pollution Prevention Guidelines, which can be found at:

<https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

#### **Waste Management**

Should this proposal be granted planning permission, then in accordance with the waste hierarchy, we wish the applicant to consider reduction, reuse and recovery of waste in preference to offsite incineration and disposal to landfill during site construction.

If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility. If the applicant require more specific guidance it is available on our website <https://www.gov.uk/how-to-classify-different-types-of-waste>

#### Sustainable Construction

Sustainable design and construction should be implemented across the proposed development. This is important in limiting the effects of and adapting to climate change. Running costs for occupants can also be significantly reduced.

Water efficiency measures should be incorporated into this scheme. This conserves water for the natural environment and allows cost savings for future occupants. The development should include water efficient systems and fittings such as: dual-flush toilets; water-saving taps; water butts; showers and baths. Greywater recycling and rainwater harvesting should also be considered.

04. The applicant/developer is advised to contact the Local Planning Authority prior to the submission of any detailed reserved matters application to discuss the layout of the scheme including details of the access road.

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