

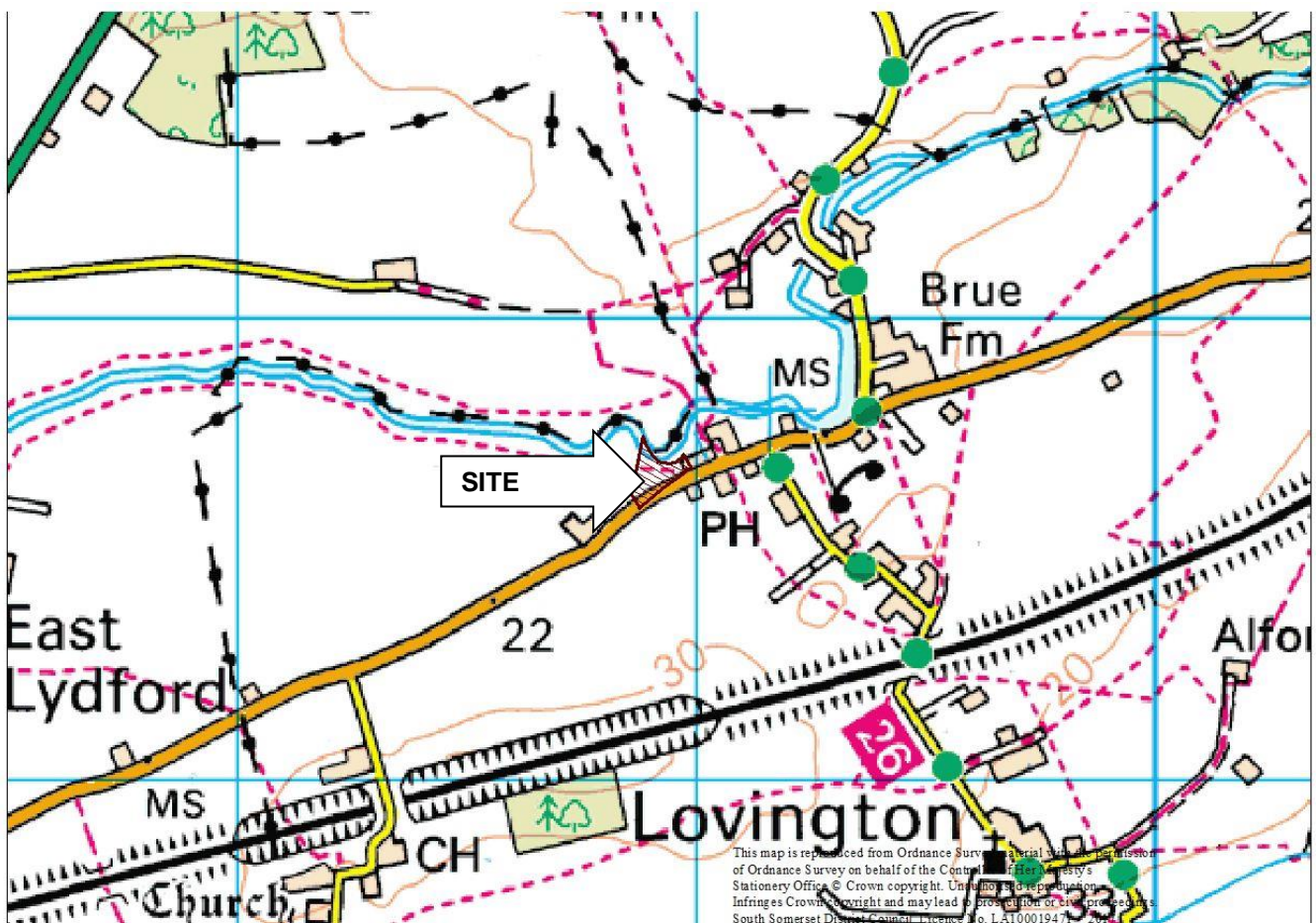
Officer Report On Planning Application: 16/02621/OUT

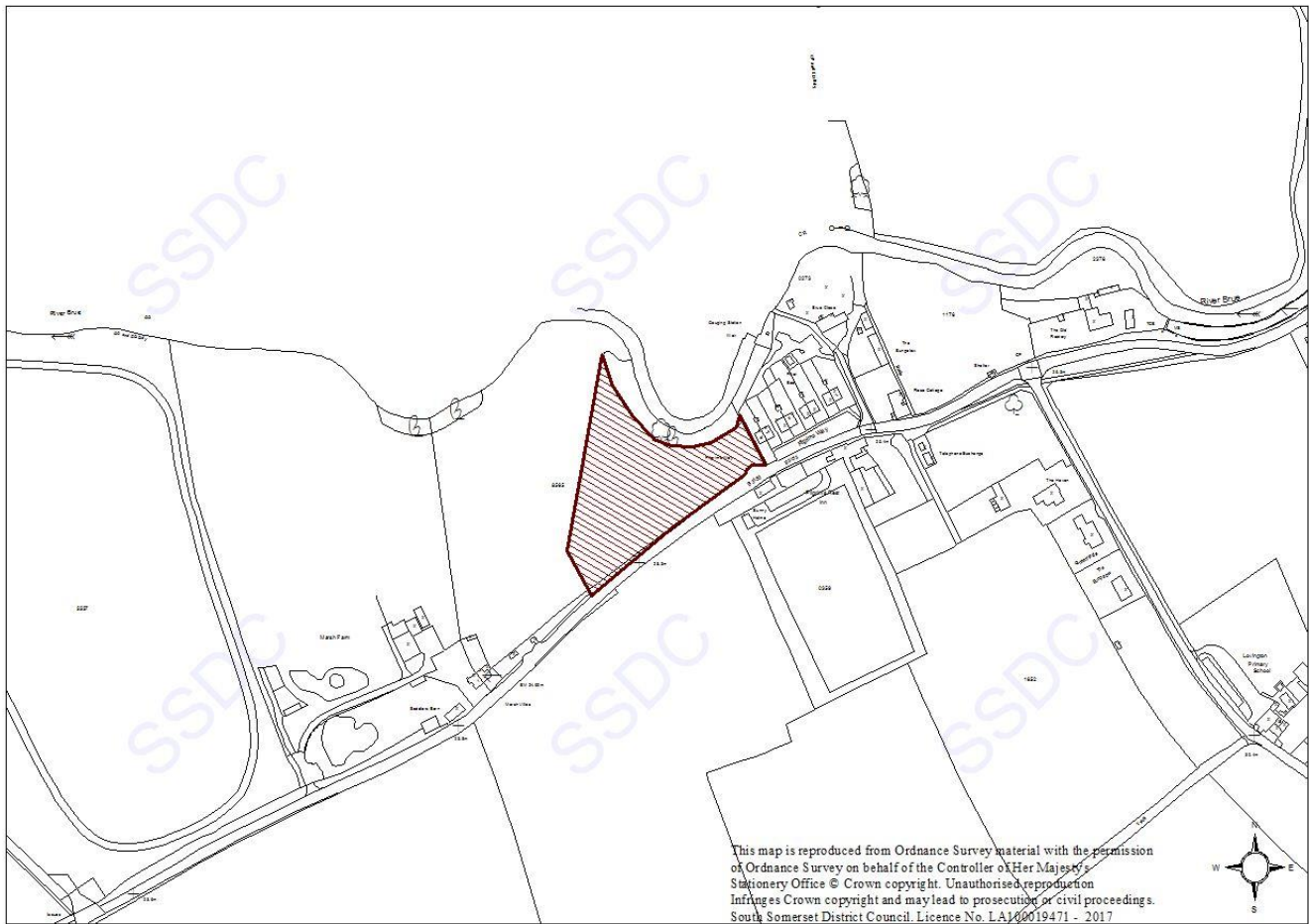
Proposal :	Outline application for six open market dwellings with land for up to two affordable dwellings and construction of new access and footway.
Site Address:	Land OS 8565 West Of Pilgrims Way Lovington
Parish:	Lovington
CARY Ward (SSDC Member)	Cllr Nick Weeks Cllr Henry Hobhouse
Recommending Case Officer:	Alex Skidmore Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
Target date :	21st September 2016
Applicant :	Mr J Farthing
Agent: (no agent if blank)	Nigel Salmon 2 Priory Road Wells BA5 1SY United Kingdom
Application Type :	Major Dwlg's 10 or more or site 0.5ha+

REASON FOR REFERRAL

The application has been referred to Area East Committee at the request of the Ward Members and with the agreement of the Vice Chair to enable the local concerns to be discussed further.

SITE DESCRIPTION AND PROPOSAL





This application is seeking outline approval and the agreement of detailed matters relating to access, layout and scale for the erection of up to six open market dwellings with land for up to two affordable dwellings as well as the construction of the associated new access and footway.

The application site forms the eastern side of a larger agricultural field which is situated at the north western periphery of Lovington village and abuts the northern side of the B3153. The site is immediately adjacent to the residential development of Pilgrims Way and is in part opposite the residential property known as Sunny Holme. The River Brue runs along the rear boundary of the site and a public right of way (footpath WN 15/13) passes diagonally through the site from southeast to northwest. The northern part of the site that follows the river is technically within flood zones 2 and 3.

HISTORY

None.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF states that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

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

SD1 - Sustainable Development

SS2 - Rural Settlements

SS6 - Infrastructure Delivery

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

TA5 - Transport Impact of New Development

TA6 - Parking Standards

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

EQ2 - General Development

EQ4 - Biodiversity

EQ5 - Green Infrastructure

EQ7 - Pollution Control

National Planning Policy Framework

Part 4 - Promoting sustainable transport

Part 6 - Delivering a wide choice of high quality homes

Part 7 - Requiring good design

Part 8 - Promoting healthy communities

Part 10 - Meeting the challenge of climate change, flooding and coastal change

Part 11 - Conserving and enhancing the natural environment

Technical Guidance to the National Planning Policy Framework

CONSULTATIONS

Cary Moor Parish Council: Recommend approval.

County Highways: No objection subject to a number of conditions to secure the following matters:

- Details of the highway infrastructure works to accord with drawing number 1622/P/11E;
- Parking and turning to be kept clear of obstruction;
- Details to secure provision for the disposal of surface water within the site to prevent its discharge on to the highway;
- Secure the visibility splays set out on drawing number 1622/P/11E.

SSDC Highway Consultant: Refer to SCC comments.

County Rights of Way: No objections, but requested improved surfacing of the public right of way through the development.

County Archaeology: No objections.

Environment Agency: No objection. We have recently received new detailed model for the River Brue and we can confirm that the proposed build development is located in flood zone 1. The only area that is near to the edge of the River Brue is the green / public open space to the north of the site, which wraps around the bend of the river. The applicant will need to take into account the 8 metre buffer from the river which would mean that a Flood Risk Activities Permit (FRAP) is likely to be required from the EA. Recommended a number of informatives.

Lead Local Flood Authority: No objection subject to a drainage condition.

Wessex Water: Raised no objections. Noted that a new water supply connection would be required.

Crime Prevention Design Advisor: No objection or comments.

Strategic Housing: We are happy with the proposal to gift land to Yarlington Housing Association; the Section 106 agreement should tie the land to affordable housing as per the application. We are also mindful of our duty to promote starter homes. Should the floor area of the six dwellings be over 1000sq metres then we would expect 35% of the proposed properties to be affordable.

Sports, Arts and Leisure: There are no local facilities for play, youth, pitches, changing rooms or village halls in Lovington and no identified need at present to provide these, we will not be seeking contributions from this development.

Planning Policy: The adopted local plan defines Lovington as a Rural Settlement, Policy SS2. At the time of writing these comments our monitoring data showed that over the plan period up until 31/03/2016 there had been a net gain of 3 dwellings (completions) in Lovington Parish with a further 2 commitments. I understand that here are a number of other applications ongoing elsewhere in the Parish seeking a combined total of 22 dwellings (including this site). Of these applications the current application meets the housing need identified through the Draft Housing Needs Report, i.e. 10 new units, and it is the only application including an element of affordable housing.

The proposal has undergone community engagement and consultation and appears to have the general support of the local community. I would however suggest that the mix of dwelling types proposed does not reflect the findings of the Draft Housing Needs Report which identifies a need for predominantly smaller properties. Taken in isolation this proposal generally accords with policy SS2.

In terms of the possible cumulative impact of approving all of the current proposals, the 2011 census shows that there are 71 dwellings in Lovington Parish. If all of the current applications were approved this could mean a 31% increase in the number of dwellings in the settlement. Overall policy SS5 sets out a requirement for 2,242 dwellings in Rural Settlements over the plan period, currently it appears that 1,301 dwellings have been built in such settlements. Given that Lovington has a range of services and a level of public transport commensurate with a Rural Settlement it is considered that 22 additional dwellings in the settlement would not threaten the overall local plan strategy set out in policy SS1.

In assessing each proposal the case officer will need to be satisfied that they accord with the policies of the local plan. The lack of a five year housing land supply is a significant material consideration.

Ecology: No objection subject to conditions.

I agree with the Preliminary Ecological Appraisal provided that the northern boundary alongside the river may provide a corridor used by legally protected species such as otters, bats and dormice. I note the proposed layout plan shows retention of this habitat, although the removal or works to semi-mature ash trees may be required to accommodate the development. Provided this habitat is retained and subject to conditions requiring further survey work relating to otters and badgers and a condition seeking biodiversity enhancement I have no objection.

Landscape Officer: Objects.

In terms of local character, Lovington is a dispersed village, with pockets of housing interspersed by paddocks and farmland, and no strong nucleus, other than the historic focus of the church. The farm and paddock spaces between the residential pockets of the village contribute to its dispersed character, and the wider context is emphatically rural. The application site is a corner of an agricultural field on the west side of the village, outside much of its residential form, that lays between the alignment of the B3153 Somerton - Castle Cary road, and the sinuous course of the River Brue to the immediate north. The Pilgrims Way development lays immediately to the east of the site,

otherwise its context is farmland.

I note that the application site lays at the east end of an arable field which further reduces east to a narrow space between the bend in the Brue's corridor and the B-road adjacent the existing housing edge. At this narrow 'pinch-point', the trees demarcating the Brue's course, and the roadside hedgerow, provide a credible degree of physical and visual containment of the existing Pilgrims Way development, such that it does not intrude into the wider farmed landscape, but is coherently clustered with adjacent housing within the same bend of the river, and the Pilgrims Inn opposite.

Conversely, this residential proposal lays outside this pinch-point (which I view as providing a credible physical edge to this area of the village's development) such that the proposal opens to the wider agricultural landscape; does not enjoy the same degree of visual and physical containment; nor the same clustered arrangement as characterised by the building group to the east. As such, the relationship with existing built form is tenuous, nor does the development footprint have any natural containment to its northwest and southwest, to thus be open to wider view. I consider the aggregation of these impacts to adversely impact upon local character and distinctiveness, and thus offer landscape grounds for refusal, LP policy EQ2.

REPRESENTATIONS

Written representations have been received from one local household expressing support for the proposal:

- A very sensible application which I think will bring new people into the village and because of its location will not upset local people.

Written representations have been received from six different local households raising the following concerns and objections:

- The B3153 is a highly dangerous road the proposed access for the houses would add greatly to the chaos and could well lead to fatalities.
- The main road is highly dangerous this is because of speeding lorries and tankers and because of the poor state of the road surface. The two junctions from the houses and industrial units proposed would greatly add to the chaos and could lead to fatalities.
- The access is on to a busy main road with heavy traffic and close to the brow of a hill.
- Pedestrians already feel vulnerable using the footway running alongside the Pilgrims Rest which can be subject to vehicles over running as it has a continuous kerb. There is also evidence on site of debris being dropped onto this footway from passing traffic. Hence any increased usage of this footway is of concern.
- Land required to widen the B3153 in front of 4-8 Pilgrims Way was acquired from SSDC, it is clear from this that SCC as the Highway Authority do not own and control the necessary land to enable the 2m wide footway shown on the proposed plans. Such a footway would require the hedge planted fronting no's 4-8 Pilgrims Way pursuant to the 1995 conveyance to be grubbed out. This would have a severely negative impact on the residential amenities of these properties.
- The only way for this to go ahead is to take part of our gardens (Pilgrims Way).
- There have been many strong objections in the village to any concept of housing estates and especially on greenfield sites where they would exterminate wildlife. Lovington is over 1500 years old, has a distinct historic and traditional quality and great harm would be done to the village if an inappropriate project went ahead.
- The cumulative impact of this as well as the other proposed developments in the village must be considered.
- Even if the Carymoor Housing Needs Survey data (which is considered to be skewed) is

accepted the number of houses suggested was 10. There are now approvals in place for 14 houses which exceeds the required quantity already and are on brownfield or infill sites. Local housing demand has therefore been more than satisfied.

- Over-development.
- An additional 19 dwellings cannot be allowed as they would be contrary to policy SS2.
- The status of Lovington under the local plan limits development here. There is no reasonable justification for these houses.
- The development will be located where there are inadequate services, employment or sufficient public transport, which would mean more traffic and increased in use of the sub-standard junction. The narrow country lanes off the main road are not fit for further increases in traffic.
- There is no public house (The Pilgrims is a restaurant), no shop, a very part time church, no good bus service (you can only get to Yeovil for a couple of hours, 1 day a week). Inadequate employment, no play area, no village hall.
- The six open market houses will be unlikely to be within the budget of local young people.
- The signing away of land through a S106 is a dubious method of getting an application accepted.
- Current approvals are already in place for 11 dwellings in Lovington, representing a 19% rate of growth. This is nearly double that required of the nearest local market town of Ansford / Castle Cary under the local plan. If all current applications were approved this would add up to an additional 40 dwellings in a village of 59, a 68% rate of growth.
- There is no benefit for the people of Lovington.
- The current applications in would be served by new estate roads, two sitting astride Pilgrims Rest, with footways and no doubt street lights, all being entirely alien features to the village and ones which would urbanise the feel of the village. Additionally there might be a need to install street lighting alongside this stretch of the B3153.
- The rural character of the village must be maintained.
- This would destroy the current nature and character of Lovington.
- The site is greenfield next to the river with a public footpath allowing access to this wildlife haven and is described by the council's landscape officer as contributing to the character of the village. Concerns are also raised by the environmental officer.
- The development is totally out of keeping with the character of our rural area.
- Potential harm to wildlife. This is an unnecessary development that will cause unnecessary harm to riverside wildlife.
- The loss of the trees must not be allowed.
- The bottom of the site is within a flood zone. Risks resulting in surface water flooding to surrounding houses.
- There are natural springs in the construction area.
- There has been no consultation, no archaeological survey and no contamination survey.

CPRE: Object for the following reasons:

- Impact on landscape - Lovington is a dispersed settlement with clusters of housing interspersed by paddocks and farmland with no clear village nucleus. This allows the village to sit comfortably within the surrounding landscape. We would like to support comments made by the Landscape Officer who argues that this proposal fails to respect local character and distinctiveness, contrary to policy SS2.
- Loss of agricultural land - The development would result in the loss of 0.85 hectares of good quality agricultural land. Paragraph 12 of the NPPF states that such land should be conserved for agriculture.
- Policy SS2 - This policy requires community support for the development following robust community engagement and consultation by the applicant. We do not feel that this has been

sufficiently demonstrated. A Court of Appeal ruling (Richborough judgement of last March) states that significant weight could still be given to such restrictive policies even if there is no 5 year housing land supply.

- Cumulative impact - If all the current planning applications are given the go ahead this will have a major impact on the character of this rural settlement and on the quality of life of the local community. Lovington is a scattered village with no historic nucleus. It has no village hall or community centre, no general store and public transport is minimal. To allow such a significant increase in housing numbers in such a short space of time cannot be described as sustainable.

CONSIDERATIONS

This application is seeking outline approval and the agreement of detailed matters relating to access, layout and scale for residential development. The scheme as originally submitted sought the erection of 6 open market dwellings and the provision of land for up to four affordable dwellings along with the construction of the associated new access and footway. The application has since been revised reducing the number of affordable dwellings to two.

Principle

Lovington is a small rural village which benefits from a range of local facilities including a public house, church, primary school, children's nurse as well as employment sites (most notably Brue Farm). On the basis of this range of facilities it is accepted that Lovington should be treated as a Rural Settlement within the local plan hierarchy and therefore falls under the considerations of local plan policy SS2.

The proposed mix of market and affordable housing is considered to be a positive that weighs in favour of the proposal with regard to the requirements of policy SS2, however, the mixed views of the local community and concerns in respect of its harmful impact upon the character of Lovington means that it does not strictly comply with this policy.

At present SSDC is unable to demonstrate a five-year housing land supply. In such circumstances paragraph 49 of the NPPF states that relevant development plan policies for the supply of housing should not be considered up-to-date. Subsequent case law, High Court decision (Woodcock Holdings Ltd), concludes that appropriate weight can be attached to 'out-of-date' housing supply policies when considered in the 'planning balance' of whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

In this instance Lovington is considered to be an acceptable location for some growth and it is acknowledged that the location of the application site is close to a number of the services that can be found within the settlement. The Policy Planner considers in some detail the level of development currently under consideration at this time for Lovington. They note that although there is the potential that this proposal along with others pending / approved for the village could result in a 31% increase in households in the settlement they do not consider the principle of this level of growth to be unacceptable, bearing in mind the LPA's current lack of a 5-year housing supply.

The contribution that this scheme will make to the district housing supply is modest, nonetheless, it should still be considered a benefit to which considerable weight should be attributed and overall the principle of the proposed development is considered to be acceptable.

Character and appearance (access, layout and scale)

Lovington has a very loose, dispersed grain of development that has resulted in several loose and sporadic building groups without any part forming a clear village nucleus. As a result of this pattern of development the village has a very undeveloped and rural character that has a sense of being directly connected to the surrounding countryside.

The application site lays at the east end of an arable field which reduces in depth at this end of the

field narrowing between the bend in the River Brue on the north side and the main road to the south. At this narrow pinch-point the trees growing along the River Brue and the roadside hedgerow provide a fairly robust level of visual and physical containment of the existing Pilgrims Way development to the east in a manner that does not intrude into the wider farmed landscape and instead is coherently clustered with adjacent housing within the same bend of the river and the Pilgrims Inn opposite.

The proposed development however lays outside this pinch-point and intrudes into a wider agricultural landscape that does not benefit from the same sense of physical and visual containment. Its relationship with existing built form is weak and due to the lack of any natural containment to the west is open to wider view. The resulting extension, projection and consolidation of built form is considered to have an urbanising effect of this part of the settlement that is at odds with the dispersed pattern of development and rural nature that characterises the settlement of Lovington. For these reasons the development is contrary to the aims and objectives of LP policy EQ2.

Highway safety

Following local comments the scheme has been revised to omit the footpath element through Pilgrims Way to the east.

The proposed access to the site includes a new vehicular access towards the western end of the site and pedestrian access at the eastern end leading on to a signal controlled stretch of the B3153. There are local concerns in respect of both of these accesses. In regard to the vehicle access concerns have been raised with regard to the position of the access in relation to the brow of the hill to the west which they believe will restrict visibility in this direction. These concerns have also been raised directly with the highway authority who to date has not responded to these queries. They did, however, provide a very detailed response prior to these objections being raised in which they indicate they have consulted their safety audit team and whilst they raised a number of points relating to the detail of the accesses and layout associated with the development (all of which would normally be dealt with either at reserved matters or conditions stage) they are clear that they do object to the proposal either for highway safety or traffic generation reasons.

A number of residents at Pilgrims Way have objected to the proposed footpath works alongside the B3153 which will intrude into the bank which they consider to be part of their gardens. One resident has gone further and stated that it is not possible as the highway authority does not own this land and provided details of the conveyance of the land in question. Having read through this conveyance and obtained a copy of register of title from the Land Registry it would appear that the land is indeed in the County Council's ownership and therefore in the control of the highway authority. It is noted that the conveyance specified a number of requirements pertaining to what should be installed in respect of the adjoining householder's roadside boundary treatment however it does not go as far as to require such measures be permanently maintained / retained in this fashion thereafter. On the basis of this information the neighbour's assertion does not appear to be founded, rather it is within the control of the highway authority, who has not objected, as to whether these arrangements are feasible or not.

Overall given the highway authority's considered response and the lack of any evidence to counter their views the proposal is not considered to give rise to any severe highway safety concerns.

Residential amenity

The application site is relatively spacious in terms of accommodating a development of this scale and given its distance and juxtaposition with surrounding development there is no reason why a scheme of this nature could not be designed so as to avoid any demonstrable harm to neighbouring properties.

Other matters

- **Drainage / flooding** - At the time that the application was submitted the northern part of the site alongside the River Brue was defined as being within flood zone 3 and so at high risk of flooding. The Environment Agency however has confirmed that following recent modelling work

for the River Brue they are satisfied that the area of built development is located in flood zone 1 and therefore at low risk of flooding. They have not raised any other drainage or contamination concerns.

- **Ecology** - Concerns have been raised in respect of the impact the development could have upon ecology / wildlife that utilise the riverbank. The Council's Ecologist has visited the site and satisfied himself that any concerns relating to ecology and specifically protected species can be adequately addressed by conditions. On this basis it would be unreasonable to object for this reason.
- **Archaeology** - Several residents have expressed concern with regard to the lack of consideration given to possible onsite archaeology. The County Archaeologist however has been consulted and raises no objection or comments in respect of the proposal.
- **Loss of best and most versatile agricultural land** - The CPRE has objected for this reason. Whilst there is a lack of assessment of the quality of this land, at the time of visiting wheat was growing on the land and so it might be reasonable to assume that it falls within the category of being the 'best and most versatile'. The total site area however is only 0.85 hectare and it is therefore accepted that the proposal does not represent a significant loss of such land (paragraph 112 of the NPPF).

Planning Obligations

In May a Court of Appeal ruling (SoS CLG vs West Berks / Reading) determined that local authorities should not be seeking contributions from schemes of 10 units or less and less than 1000 square metres in floor area, unless they can be justified as being necessary to make this development acceptable. On this occasion the Leisure Policy team were consulted and confirmed that they do not wish to seek any on-site or local facilities / contributions. In regard to affordable housing, the applicant is voluntarily offering to donate land for two affordable houses which is considered to be acceptable.

Planning Balance

The council's lack of a five year housing land supply is acknowledged and attracts great weight in the decision making process with policies for the supply of housing considered not to be up-to-date. The Local Plan reflects the presumption in favour of sustainable development set out in the Framework. The sustainability of development needs to be assessed against three elements: social; environmental; and economic.

It is acknowledged that the proposal would make a positive contribution towards meeting the housing shortfall in the District and widening the choice of homes. The scale of the scheme however is relatively modest and therefore the weight given to this benefit is only moderate. There will also be some economic benefit arising from employment during the construction phase of the development, however, as this will only last for a short period of time whilst the site is being developed only limited weight should be attributed to this benefit.

Conversely the impact of the development upon the character of the settlement and the local landscape are considered to be substantial. Lovington is a dispersed rural settlement that is characterised by small pockets of housing interspersed by paddocks and farmland with no strong nucleus. The resulting extension, projection and consolidation of built form at this northwestern edge of the village where there is no natural containment is considered to have an urbanising effect that is at odds with the prevailing dispersed pattern of development and rural nature that characterises Lovington. These are strong character and appearance concerns that have the support of policy EQ2 and attract great weight in the decision making process.

Bearing in mind the permanence and irreversibility of the proposed built development, these factors are considered to weigh heavily against supporting the proposed development. The presumption in favour of sustainable development, as set out in paragraphs 14 and 49 of the NPPF is acknowledged, however, in this instance the adverse impacts identified above are considered to be severe and to demonstrably outweigh any benefits. The proposed development therefore cannot be considered a

sustainable development and as such is recommended for refusal.

RECOMMENDATION

Refuse consent for the following reason:

The proposed development, by reason of its location and scale, will result in the extension, projection and consolidation of built form that is both intrusive within the local landscape and contrary to the dispersed pattern of development and rural nature that characterises the settlement of Lovington and which fails to reinforce local distinctiveness, respect local context or to conserve or enhance the landscape character of the area. Such harms are considered to be substantial and to outweigh the positive contribution the scheme would make towards meeting the district's five-year land supply and to therefore be contrary to the aims and objectives of policies SS2 and EQ2 of the South Somerset Local Plan as well as the provisions of the National Planning Policy Framework.

Informatives:

01. In accordance with paragraphs 186 and 187 of the NPPF the council, as local planning authority, takes a positive and proactive approach to development proposals focused on solutions. The council works with applicants/agents in a positive and proactive manner by;
 - offering a pre-application advice service, and
 - as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

In this case, the applicant/agent did not take the opportunity to enter into pre-application discussions and there were no minor or obvious solutions to overcome the significant concerns caused by the proposals.