

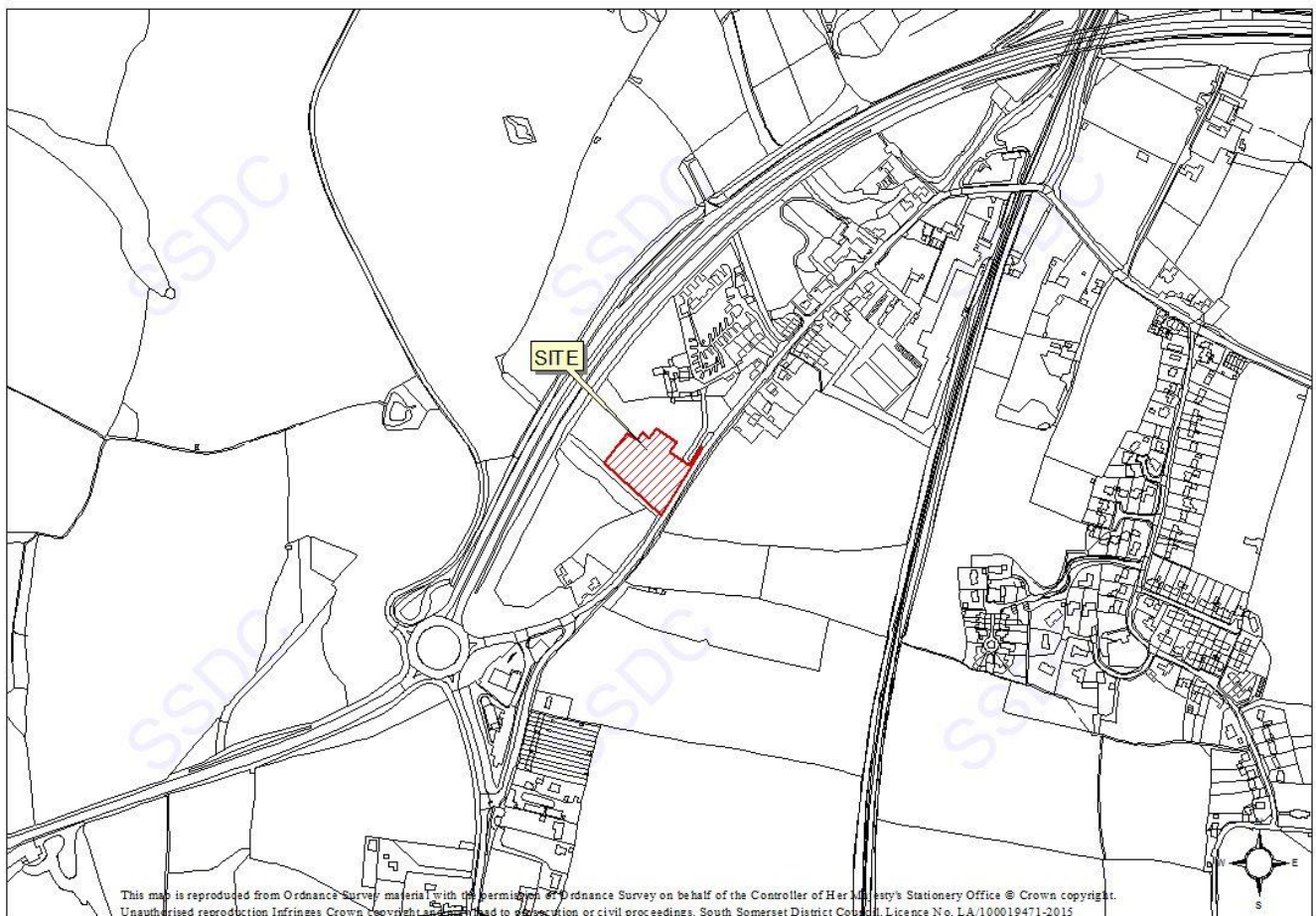
Officer Report On Planning Application: 17/02044/FUL

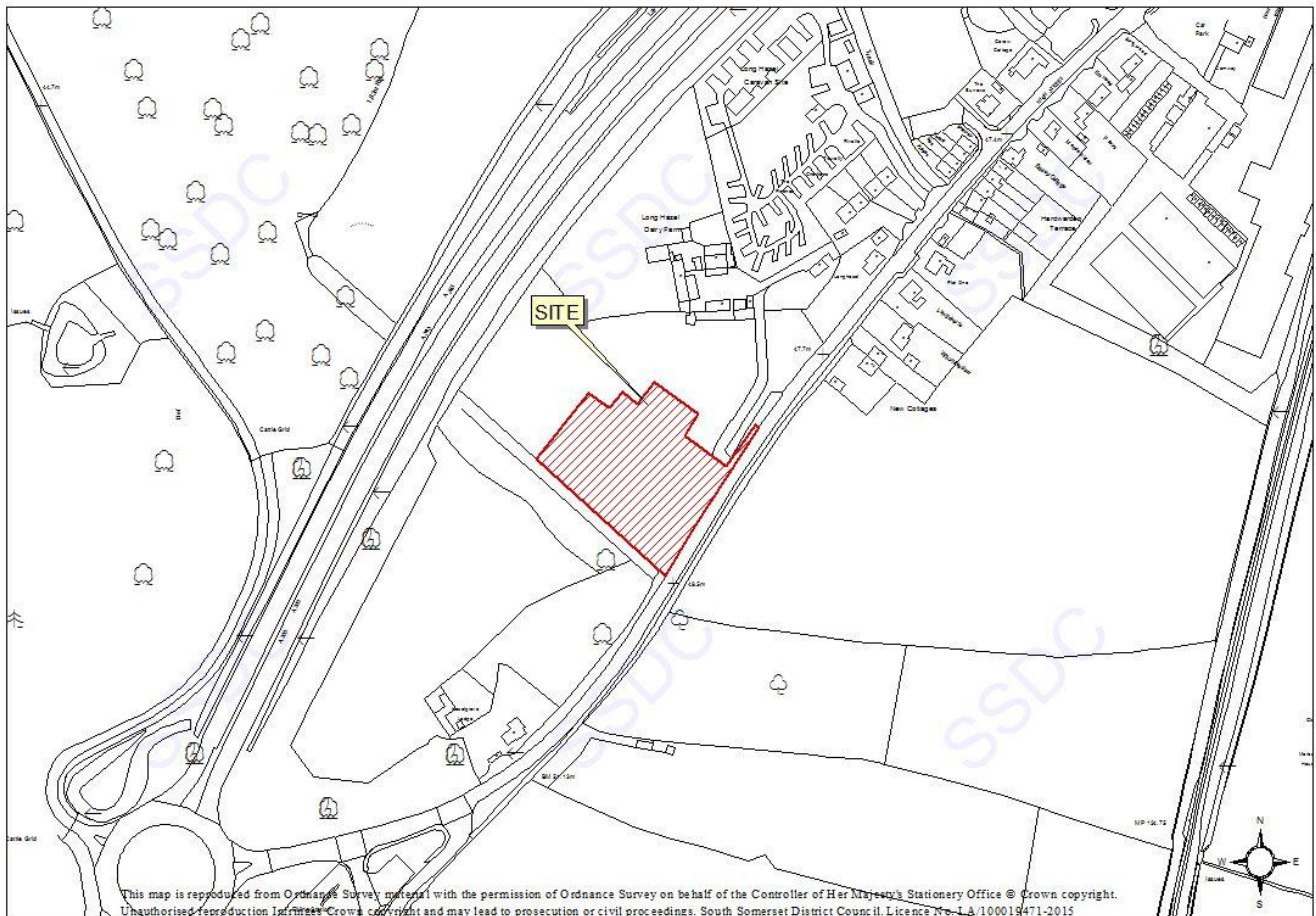
Proposal :	Development of 6 dwellings with associated parking and landscaping
Site Address:	Land At Long Hazel Farm High Street Sparkford
Parish:	Sparkford
CAMELOT Ward (SSDC Member)	Cllr M. Lewis
Recommending Case Officer:	Alex Skidmore Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
Target date :	4th August 2017
Applicant :	Mr Morgan - Ashford Homes (South West) Ltd
Agent: (no agent if blank)	Mr Mike Payne Boon Brown Architects Motivo Alvington Yeovil BA20 2FG
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 Member Cllr Lewis and with the agreement of the Area Chair Cllr Weeks to allow further discussion of the issues relating to the planning obligations and viability.

SITE DESCRIPTION AND PROPOSAL





This level 0.6 hectare site comprises part of a field on the western edge of Sparkford village, on the north side of the A359.

Previously permission has been granted for 28 dwellings on the site to the east. This scheme is for 6 detached dwellings that would share an access with a revised scheme for 29 dwellings (17/02045/FUL) on the adjoining site. The land to the north is subject to an associated application for employment development (17/02046/FUL).

To the north is the A303; to the east is the caravan park at Long Hazel Park, to the west and south is agricultural land. Immediately to the southwest is the original listed gate house that once served Hazelgrove House, c. 800m to the north and now severed from this historic entrance by the A303.

RELEVANT HISTORY:

Associated pending applications

17/02045/FUL: Development of 29 dwellings with associated parking and landscaping on land to east.

Associated approved applications:

17/02046/FUL: Development of flexible B1, B2 and B8 commercial floor space with associated parking and landscaping on land to north. Permitted.

14/01958/FUL: Permission granted for the erection of 28 dwellings and 1 Commercial Unit all with associated highways and landscaping. Permitted, subject to a Section 106 Agreement to deliver the

required affordable housing and leisure contributions.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF indicate it is a matter of law that applications are 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.

SD1 - Sustainable Development

SS2 - Development in Rural Settlements

SS6 - Infrastructure Delivery

HG3 - Provision of Affordable Housing

TA5 - Transport Impact of New Development

TA6 - Parking Standards

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

EQ2 - General Development

EQ3 - Historic Environment

EQ4 - Biodiversity

EQ7 - Pollution Control

National Planning Policy Framework

Part 1 - Building a strong, competitive economy

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

Part 12 - Conserving and enhancing the historic environment

CONSULTATIONS

Sparkford Parish Council: initially observed:-

1. The drainage issues were discussed at length by Parish Councillors. The main problem revolves around surface water surge when the tanks are full. Proper provision must be made for overflow. In addition the pinch points downstream must be tested to ensure adequacy. All road surfaces and hard standing areas must be porous to ameliorate surge run off. The Parish Council request confirmation that all of these issues have been addressed and resolved prior to a decision on the planning applications, it should be noted that numerous issues with surface water drainage in the village have been reported to Wessex Water and the Environment Agency so it is essential that these are checked and confirmation sought from Wessex Water about how and when the continuing issues will be resolved before adding any additional properties to the sewer/drainage network. SSDC Planning need to obtain a guarantee from Wessex Water that there will be no more foul water surcharging onto the highway at Church Road before any further planning approvals are issued and a guarantee from the Environment Agency that the culvert that runs under Church Road and the River Cam can cope with the extra water from this and other developments.
2. The tree planting and noise bund between the domestic housing and the commercial buildings should be extended to the NE corner to protect the residents at Long Hazel caravan park. The noise bund should be to a national standard.
3. The industrial units need to have a 6 day restriction so that they do not trade on Sunday's and night

- hours restriction for working and HGV vehicles including loading/unloading.
4. One Business Park sign at the entrance to the development should be the only signposting to the business park. There should be no other business signage on the High Street.
 5. The suggestion of 9 affordable houses is deemed suitable for this site but we would prefer that the affordable housing element should be split 80% shared ownership and 20% social housing but it is essential that all three bedroom houses have three reasonable sized bedrooms to accommodate families. We would also request that these properties are offered/allocated to people with a local connection.
 6. We would recommend that there are two parking spaces for all properties including one bedroom properties and a condition included to ensure that no on street parking on the High Street is permitted.
 7. We would request that the large industrial unit stays as separate starter units to help small businesses

Please could you respond to advise that all of the above points have/can be addressed including confirmation of how.

If all of these issues are addressed then the Parish Council would look to support all the planning applications.

In response to the revised details it has been confirmed that :-

Sparkford Parish Council support the amendments to the above planning application but as per the previous comments that were submitted we request that appropriate drainage conditions are included to prevent any further issues arising and also a condition included to ensure that no on street parking on the High Street is permitted. Please could you also ensure that commercial operational hours are restricted to Monday to Friday 7am - 7pm and Saturday 8am - 1pm with no working permitted on Sunday.

County Highways: Initially observed:-

The Highway Authority has no objection in principle to the proposed overall development of 35 new dwellings and 2,297.5m² GFA of commercial use, of which this application forms a part, subject to the confirmation of the impacts detailed in the Transport Statement (which appears to have been based on the development of only 1,650m² GFA of commercial development).

A number of issues would need to be addressed within the detailed design. Of particular note is that the needs of non-motorised users should be fully considered, including the provision of an appropriate uncontrolled crossing of the A359 to provide good links to the highway network and on to existing local facilities.

The proposals will require works on the existing highway land, which should be controlled under a Section 278 Agreement, and the applicant appears to wish to put forward some roads and footways for adoption, which would require a Section 38 Agreement. It is recommended an advisory note be attached to any planning certificate to remind the applicant of the need to allow sufficient time for any approvals and agreements before construction works commence. The future maintenance responsibilities regarding the proposed village square will need to be confirmed prior to the adoption of the adjacent roads and footways. In addition, the Highway Authority recommends that suitable Travel Planning fees and safeguarding sums be secured by the Local Planning Authority under a Section 106 Agreement.

Conditions are recommended.

Subsequently it was confirmed that the amended Transport Statement is acceptable and the following

detailed comments were offered:-

Following the submission of amended plans for the above application (received at this office on 30 June 2017), I have reviewed the details available and cannot determine any changes that would affect the highways and transportation impacts of this proposal.

With this in mind, the Highway Authority has no further observations regarding this application. I apologise that it has taken some time for this to be confirmed.

However, I would point out while writing that no changes have been made to provide suitable pedestrian links from the shared surface access onto and across the proposed type 4 access road, and as such the shared surface road may not be suitable for adoption and would remain a private road (and thus subject to APC). It is assumed this would not affect the Local Planning Authority's considerations regarding planning approval.

Highways England: No objection

Lead Local Flood Authority (LLFA): initially objected and asked for further drainage details. Objection withdrawn upon receipt of additional details and conditions recommended to secure agreement of technical details and subsequent maintenance.

SSDC Landscape Officer: No objection to the revised scheme.

SSDC Conservation Officer: No objection subject to revisions suggested by landscape architect

SSDC Tree Officer: Initially raised concerns:-

Plots 02, 03 & 04 are located quite close to the mature woodland belt to the West, which may cause quite an obstruction of sunlight availability to those dwellings, particularly in the afternoon and evenings. The West facing gardens are located within the radial RPA requirements of the protected woodland, so careful design of soakaways and below-ground utilities should be ensured. Furthermore, it would seem prudent to install 'Hedgehog' style gutter-guards to these particular plots in order to lessen the nuisances associated with falling leaves.

I have noted that much of the screen planting for the commercial site consists of native Alder. Whilst these trees would initially grow rapidly, in my experience; it is very likely that they will prematurely die as their water demands increase as they grow larger. The site is simply too dry for native Alder - particularly if the intent is to plant on top of compacted earthen bunds. May I suggest Italian Alder (*Alnus cordata*) as a more drought-tolerant alternative. They have the same ecological benefits and similar appearance with improved leaf-retention/screening values and larger/quicker growth.

No objection to amended scheme.

SSDC Housing: in relation to combined scheme for 34 additional houses requests 35% affordable housing based on a tenure split of 80/20 in favour of rented accommodation.

SSDC Ecologist: no objection subject to safeguarding conditions

SSDC Leisure Policy: comments provided in relation to this application and the associated residential proposal for 29 dwellings on the adjoining site to the west, a net increase of 34 houses. A contribution of £75,099, (equating to £2,231 per dwelling) is sought towards meeting the increased demand for outdoor playing space, sport and recreation facilities should the scheme be approved as follows:

- £25,464 towards the enhancement or expansion of the existing play area at Sparkford Playing

Field;

- £5,000 towards the enhancement or expansion of the youth facilities at Sparkford Playing Field;
- £25,988 towards enhancing the changing rooms at Sparkford Cricket Club;
- £18,648 as a commuted sum towards the above;
- £751 administration fee.

Education Authority (SCC): A scheme of 35 dwellings, when considering the two applications together 17/02045/FUL and 17/02044/FUL, would require 7 primary school places for early years provision at a cost of £14,175 per place. Thus the figure requested is £99,225.

SSDC Environmental Protection Unit: No objection

Police Architectural Liaison Officer: No objection.

SCC Archaeologist: No objection subject safeguarding condition.

Wessex Water: No objection

REPRESENTATIONS

Written representations have been received from one local household raising the following issues:

- Land ownership issue identified between the wider site and the adjoining caravan park
- Why are the additional houses need?
- Initial objections of LLFA supported.
- Impact on amenity of area

CONSIDERATIONS

This application follows the granting of permission last year under application 14/01958/FUL for the erection of 28 dwellings and an industrial unit on this site.

The current application has been submitted alongside two other applications, one of which is seeking an industrial unit (ref. 17/02046/FUL) and has already been approved and the other for an additional 29 houses (ref. 17/02045/FUL). Whilst the application has been submitted as a standalone application, the applicant's initial view that the proposal should be viewed wholly independently of the other two applications is not accepted. All three applications relate to a single open site that is in the same land ownership and it is considered appropriate to consider these three piecemeal applications altogether as a comprehensive development of this site, especially given it is intended that these applications will effectively supersede the earlier approved scheme.

Principle

The site is located outside any development areas or directions of growth as defined by the local plan, as such policy SS2 of the South Somerset Local Plan is of most relevance in considering the principle of allowing such a new build residential development in this location. It must be recognised however that elements of policy SS2 should be considered out of date given that the Council cannot currently demonstrate a five year supply of housing land.

It is noted that Sparkford would be considered as being a broadly sustainable location under policy SS2, as it contains a good range of local services and facilities - in this case a convenience store, garage, public house, church, village hall, recreational ground, cricket ground as well as good local employment opportunities. On this basis it is considered that Sparkford is a sustainable location for a development of this size, which would not be out of scale with the settlement.

With regard to possible cumulative impacts of the proposal with others recently approved in Sparkford it is not considered that these would result in an inappropriate level of growth for a sustainable rural settlement such as Sparkford, which also benefits from better than average transport links (A303/A359) and is well served by employment opportunities. On this basis when considered cumulatively with previous development it is not considered that the current proposal (along with that proposed under application 17/02045/FUL) is excessive, or out of character with Sparkford.

Therefore in terms of the location and scale, this proposed residential development is considered to broadly accord with the aims and objectives of sustainable development and to be acceptable in principle.

Impact on local landscape and visual amenity

The Landscape Officer and Conservation Manager have not objected to the amended scheme.

In terms of the density, general layout and house design there are no specific concerns. The layout makes good use of the site and includes a range of house sizes and the general design would not be at odds with existing development in the locality.

Conditions are recommended to ensure that appropriate material details are agreed and that the submitted landscape plan is adhered to. On this basis it is considered that the proposal would comply with policy EQ2 of the local plan.

Impact upon historic assets

The conservation officer is satisfied that the revised layout would safeguard the setting of the listed gate house to Hazelgrove House as required by policy EQ3. The County Archaeologist accepts that the same condition as imposed on the earlier permission would be in compliance with policy EQ3.

Residential Amenity

There are no substantive concerns with regard to the amenities of any existing residential properties and it is considered that the proposed layout would provide for adequate amenities for future occupiers. A construction management condition could be imposed to minimise the impact of the construction phase.

With regard to the commercial building to the rear (17/02046/FUL), it is proposed that this would be used by the existing vehicle upholstery business. It is not considered that this would be incompatible with the proposed houses and a condition on any permission granted for that building could ensure the use is limited to this activity or other uses within the B1/B8 use classes which would also be acceptable in proximity to residential properties. Additional safeguarding conditions could be imposed as necessary.

On this basis the proposal complies with the requirements of policy EQ2.

Highway Safety

The highway authority has no concerns about the proposed access arrangements or any impacts on the wider highways network. On this basis, and subject to the conditions suggested by the highways authority it is considered that the proposal is consistent with policies TA5 and TA6.

Other Issues

The following comments are made in response to the Parish Council's concerns:

1. Surface water drainage - This application is supported by a Flood Risk Assessment which includes a proposed surface water drainage strategy and covers the whole development site including the two associated applications. Following the submission of further detailed drainage information the LLFA, the surface water drainage authority, has confirmed that they are satisfied that the site can be drained appropriately without causing any increased flood risk to the locality or neighbouring developments. Wessex Water has also raised no objection to this proposal. Subject to the

imposition of a condition to secure a detailed drainage strategy the proposal is not considered to give rise to any substantive drainage or flooding concerns.

2. Request to extend the tree planting and noise bund to the northeast corner to protect the residents at the caravan park - It is unclear what bund the PC are referring to as there is no such feature on the proposed plans. With regard to tree planting there is already extensive tree planting along the northeast boundary that adjoins the caravan park which is included within the proposed planting scheme. The industrial element of this site relates to a separate application, however, it can be confirmed that the Council's Environmental Health Officer was consulted on that application and raised no objection to the scheme. A condition was imposed as part of the permission granted to secure a noise attenuation scheme. On this basis it is considered that this element of the comprehensive scheme has been appropriately considered and that it will not result in any substantive harm to the amenities of occupiers of the caravan park.
3. Limitations to hours of operation for the industrial units - As the industrial element of the scheme has been submitted via a separate application it is not possible to limit working and delivery hours as part of the current application. However, it can be confirmed that a condition controlling such matters did form part of the relevant consent (17/02046/FUL).
4. There should be only one sign for the business park at the entrance - It is not possible to control what signage is installed through the current applications as this falls under separate advertisement legislation.
5. Affordable housing - - Matters relating to affordable housing are addressed below in the Obligations section of this report.
6. On-site parking provision - This has been addressed under the Highways section of this report.
7. The large industrial unit should stay as separate starter units to help small businesses - As the industrial element of the scheme has been submitted via a separate application it is not possible to control such matters as part of the current application.

Further to the above, no substantive ecology or other environmental concern has been identified as part of this proposal which could not be satisfactorily addressed by way of planning conditions.

Any ownership issues (which are disputed by the applicant) should be addressed under other legislation, they are not considered to affect the planning merits of the proposal.

Community Infrastructure Levy

The 35 proposed houses would be CIL liable, with (possibly) a modest exception to be allowed for on the grounds of the demolition and redevelopment of the existing house and business.

Planning Obligations

As noted earlier in this report it is considered reasonable to consider the impact of this application and the associated application for 29 dwellings (17/02045/FUL) together as they are, to all intents and purposes, the same site that has been split into 2 applications for no obvious reason. The two are in the same ownership and it would be unjustified to allow an artificial site splitting exercise to avoid reasonable planning obligations.

The proposed development will result in an increased demand for outdoor play space, sport and recreation facilities and in accordance with policies HW1 an off-site contribution towards the provision and maintenance of these facilities is requested of £2,231 per dwelling (equating to an overall total of £75,099). The applicant has raised no objection to making these contributions.

Whilst policy HG3 would normally expect 35% affordable housing to be delivered it is to be noted that in rural settlements policy SS2 puts the emphasis on development "meeting an identified housing need". In the case of Sparkford there has been considerable delivery of rented accommodation and the parish council consider the suggestion of 9 affordable houses to be suitable for this site but would prefer the

affordable housing element should be split 80% shared ownership and 20% social housing (as opposed to the offered 66/33 split).

The District Council's evidence indicates a need for 3 affordable homes in Sparkford and a further 6 in the adjoining parishes. It is considered therefore that the 9 houses offered are reasonably matched to local need and in this instance, notwithstanding the requirements of policy HG3, are considered acceptable in a rural settlement where policy SS2 applies. As requested by the PC it is suggested that these properties are initially offered/allocated to people with a local connection.

The Education Authority has identified that the two schemes when considered together would generate a need for an additional 7 primary school places, specifically for early years provision, at a cost of £14,175 per place, totalling £99,225. The applicant initially queried the need for this number of spaces and pointed out that no education contributions were sought in respect of the extant scheme relating to this site which granted permission for 28 dwellings. They also noted that no education contributions were sought in regard to other housing schemes that have been permitted in the village in recent years including:

- 16/00725/OUT: Erection of circa 45 dwellings on the Haynes Publishing site.
- 14/05052/FUL: Erection of 11 dwellings on land to the rear of The Burrows, High Street.
- 10/03926/OUT: Erection of 14 dwellings on the Old Coal Yard site.

The Education Officer responded with the following breakdown:

"The original application was received in May 2014. At this time Countess Gytha had 144 pupils on roll, but the 2014 school population forecast indicated that this number would fall to 108 - therefore there was no requirement for education contributions at this time.

Excluding applications 17/02045/FUL & 17/02044/FUL which total 35 dwellings, there are currently applications for a further 92 dwellings and only 11 of these 92 dwellings are included in the 2016 published forecasts. All of these applications were registered after May 2014.

The 2015 published forecasts which would have been used to consider the development of 47 dwellings (we would not have considered contributions for a development of 11 dwellings and the development of 14 dwellings approved back in 2011) showed 156 on roll and again indicated that these numbers would fall to 150 by 2020.

The 2016 forecast (published in Feb 2017) shows 161 on roll, forecasts 161 in 2020 and 169 by 2021. This is an increase of 11 pupils on the 2015 forecast to 2020 and for the first time the forecasts are showing a continued rise in pupil numbers. If you add in the 81 dwellings (92 less 11 included in the forecasts) it would take the school a few places over capacity. This application of 35 dwellings tips the school over to requiring additional places and this will be the case for any further applications that are submitted within the catchment area for Countess Gytha Primary School.

As these applications are to be considered as one - 35 dwellings would require 7 primary school places. Thus the figure requested is £99,225.00".

The applicant has since raised viability concerns as a result of the requested planning obligations stating that the level of contributions being sought make the schemes financially unviable. They duly submitted a viability assessment which in turn has been passed to the District Valuer for scrutiny, which is the accepted practice in such circumstances. The conclusion of the DV's assessment however is that a policy compliant scheme, i.e. a scheme including all of the recreational and educational liabilities, affordable housing requirements as well as the need to pay CIL as identified above, would be viable.

The applicant however continues to contest this opinion although has chosen not to submit any further

information or evidence in support of their case and instead has confirmed that they are only willing to commit to the following obligations:

- Nine affordable units to be delivered as intermediate (shared ownership) tenure; and
- Contributions of £25,464 towards the enhancement or expansion of the existing play area at Sparkford Playing Field; and
- Contributions of £25,988 towards enhancing the changing rooms at Sparkford Cricket Club.

The applicant states that with these reduced obligations they expect the development profit to still fall significantly below what would normally be expected but that they have chosen to take a "pragmatic view as a reflection of our commitment to deliver both an exemplary scheme and wider benefits to the local community of Sparkford".

Unfortunately due to the lack of any further information provided in response to the District Valuer's analysis the applicant's claim remains unsubstantiated. Bearing in mind that the District Valuer is a qualified independent assessor in this field his views cannot be ignored in the consideration of this application.

The application as it currently stands therefore represents the loss of any social rented housing, the loss of £5,000 towards enhancing or expanding the youth facilities at Sparkford Playing Field and £18,648 towards ongoing maintenance of facilities at the Sparkford Cricket Club and Playing Field, all of which they had previously agreed to. It also includes the omission of £99,225 required for new school places as requested by the Educational Authority.

These obligations have been identified by the relevant authorities as being necessary to meet the district's social housing needs as well as the increased demand resulting from the development in respect of local recreational facilities and educational facilities. No adequate justification has been provided to demonstrate that such identified obligations would make the scheme unviable, as such the loss of these obligations is considered to be unjustified and the proposal fails to make adequate provision to mitigate the impacts of development on local facilities and services. The application is therefore at odds with the aims and objectives of local plan policies SD1, SS2, SS6, HG3 and HW1 and as such is recommended for refusal and is considered to be an unsustainable form of development.

Conclusion:

The site is considered to be in a location where future residents will have good access to an appropriate range of day to day services and facilities and it is considered that the proposal would not result in any substantive adverse impacts with regards to nearby heritage assets, landscape character, ecology, drainage, visual amenity, residential amenity or other environmental concerns.

However, the applicant is refusing to fulfil all of the associated planning obligations that have been identified as being necessary to mitigate the impacts of the development upon local educational and recreational facilities or to provide an appropriate mix of on-site affordable housing. No adequate justification has been provided to demonstrate that such identified obligations would make the scheme unviable and the proposal therefore represents an unsustainable form of development that fails to deliver sufficient social and community facilities and services to meet the needs of the development, contrary to the requirements of local plan policies SD1, SS2, HG3 and HW1 and the provisions of the NPPF.

The application is therefore recommended for refusal.

RECOMMENDATION

Recommend refusal for the following reason:

01. The applicant has refused to agree to make provision for all of the reasonable planning obligations that have been identified as being necessary to mitigate the impacts of the development with regard to local education provision and recreational facilities or the provision of an appropriate mix of affordable housing. No adequate justification has been provided to demonstrate that the identified planning obligations would render this scheme financially unviable and the proposal therefore represents an unsustainable form of development that fails to deliver sufficient social and community facilities and services to meet the needs of the development, contrary to the aims and objectives of policies SD1, SS2, HG3 and HW1 of the South Somerset Local Plan and the provisions of the National Planning Policy Framework.