

Officer Report on Planning Application: 14/03788/FUL

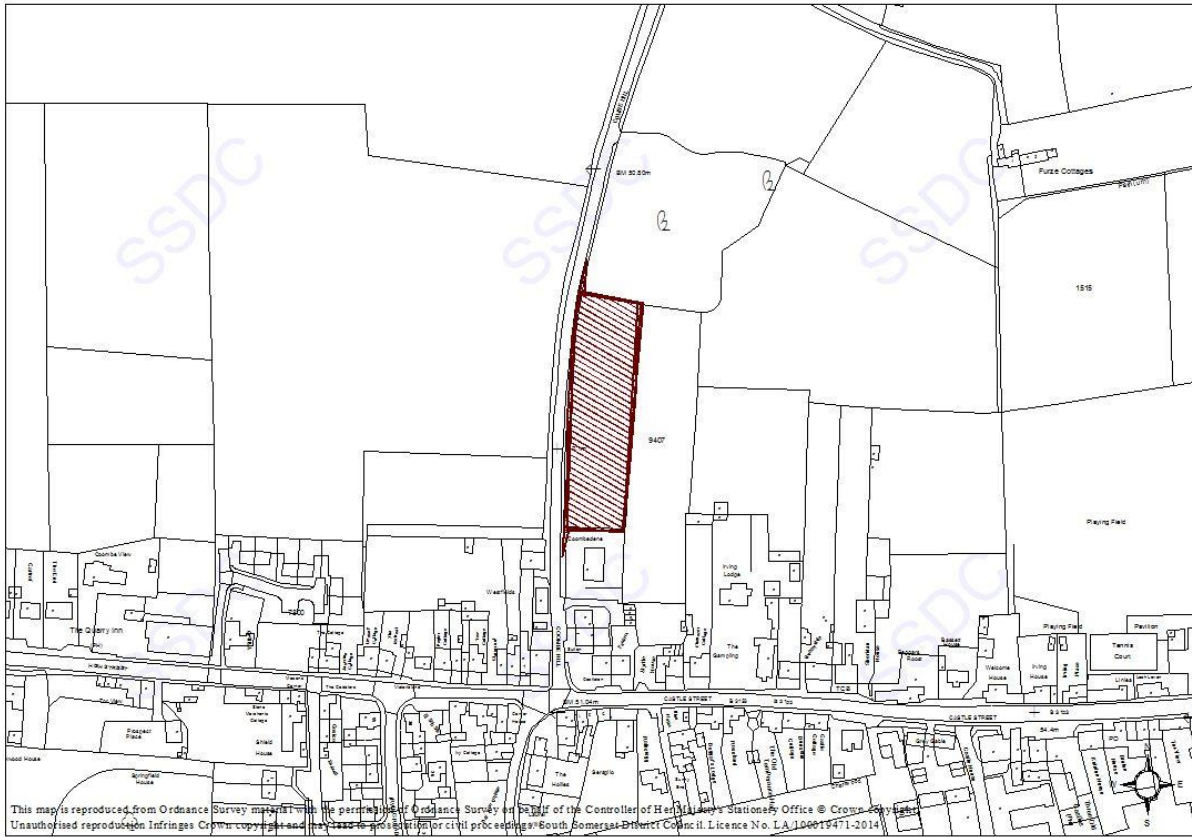
Proposal :	Erection of 8 dwellings (GR:354922/131095)
Site Address:	Land North Of Coombedene Coombe Hill Keinton Mandeville
Parish:	Keinton Mandeville
NORTHSTONE Ward (SSDC Member)	Cllr J Calvert
Recommending Case Officer:	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
Target date :	9th October 2014
Applicant :	Mr Eric Mackenzie
Agent:	Pointcloud Consult 10 Rookery Farm Roehead Road Binegar Somerset BA3 4UL
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

The application is referred to the committee at the request of the ward member and with the agreement of the area chair in order to allow local support to be fully considered.

SITE DESCRIPTION AND PROPOSAL





This application seeks permission for the erection of 8 dwellings. The site consists of an area of broadly flat agricultural land currently laid to grass. The site is bounded by a variety of residential properties to the south, and to some extent the east of the site, with open countryside to the north and west. The site is not located within a development area as defined by the local plan.

The plans show the provision of 8 dwellings, all semi-detached, set in a linear fashion along Coombe Hill. Six of the dwellings are to be two storeys, and two are to be bungalows. The proposal includes two points of access to the highway, with each access serving four dwellings. Four parking spaces are to be provided for each dwelling, although every space is tandem.

The application is supported by:

- Design, Access and Energy Statement (Incorporating Planning Statement)
- Ecological Appraisal
- Landscape Statement
- Various site surveys and proposed plans and elevations.

HISTORY

14/01259/OUT - Outline application for the erection of up to 8 no. dwellings (with all matters reserved) (revised scheme) - Application refused 29/05/2014

14/00790/OUT - Outline application for the erection of up to 7 no. dwellings (with all matters reserved) - Application withdrawn 06/03/2014

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.

For the purposes of determining current applications the local planning authority considers that the relevant development plan comprises the saved policies of the South Somerset Local Plan.

The policies of most relevance to the proposal are:

Saved policies of the South Somerset Local Plan (Adopted April 2006):

ST2 - Villages
ST3 - Development Area
ST5 - General Principles of Development
ST6 - The Quality of Development
ST7 - Public Space
ST9 - Crime Prevention
ST10 - Planning Obligations
EC3 - Landscape Character
EC8 - Protected Species
EU4 - Drainage
TP1 - New Development and Pedestrian Movement
TP4 - Road Design
TP7 - Car Parking
CR2 - Provision for Outdoor Playing Space and Amenity Space in New Development
CR3 - Off Site Provision
CR4 - Amenity Open Space

National Planning Policy Framework

Chapter 4 - Promoting Sustainable Transport
Chapter 6 - Delivering a Wide Choice of High Quality Homes
Chapter 7 - Requiring Good Design
Chapter 8 - Promoting Healthy Communities
Chapter 10 - Meeting the Challenge of Climate Change, Flooding and Coastal Change
Chapter 11 - Conserving and Enhancing the Natural Environment
Chapter 12 - Conserving and Enhancing the Historic Environment

South Somerset Sustainable Community Strategy

Goal 3 - Healthy Environments
Goal 4 - Services and Facilities
Goal 8 - High Quality Homes

Other Policy Considerations

Keinton Mandeville Local Community Plan 2006

CONSULTATIONS

Parish Council - Recommends approval on the condition that the highways issues are addressed (30mph speed limit is extended and a pavement is agreed). They consider that the development accords with the village plan and is not considered to intrude into local countryside. The following comments were made:

- The parish council's opinion has not altered since they recommended approval of the previous scheme.

- They disagree with the previous reason for refusal as they do not consider the proposal to intrude into open countryside as the site is confined by a quarry and a wood.
- The site is the one in the village on which building would cause least impact.
- The site is very central to the core of the village.
 - The requirement for an extension of the 30mph limit and visibility splays to north still stands.
- The proposal accords with the village plan in terms of size of house and number of units.

County Highway Authority - Initially raised a concern as to the proposed parking and turning layout. On the receipt of amended plans they raised no objections to the scheme subject to conditions to control:

- Details of the design and specification of the footway, street lighting and accesses, and the implementation of such detail.
- The securing of appropriate visibility splays in perpetuity.
- Details of the disposal of surface water so as to prevent discharge onto the highway.
- The implementation of the proposed parking and turning, and its maintenance in perpetuity.

SSDC Planning Policy -

"The proposal is very close to, although not directly adjacent, to the development area at Keinton Mandeville, identified as a village in 'saved' Policy ST2 of the adopted Local Plan 1991 - 2011. Being located outside the development area, the proposal is contrary to 'saved' Policy ST3. However, the policy framework provided by the extant Local Plan (1991 - 2011) is time-expired and becoming increasingly out-of-date, with certain policies not in accordance with the National Planning Policy Framework (NPPF).

The Council considers that it has a five-year supply of housing land, plus the appropriate buffer (of 20%), although it should be noted that this is currently being challenged at planning appeals. Nevertheless, with or without a five-year housing land supply, it is important to judge an application on its merits, taking account of the impacts and benefits that the scheme provides. In this context the application must be considered in light of the 'saved policies' in the adopted Local Plan, the emerging Local Plan (eLP), and the NPPF.

Although saved Policy ST3 in the extant Local Plan has sustainability aspects which are in line with the general thrust of the NPPF, it is considered to be overly restrictive particularly in light of paragraphs 54 and 55 of the NPPF which aim to facilitate appropriate housing in rural areas to meet local needs. Keinton Mandeville has a relatively good range of services and facilities including a primary school, shop, public house, and a bus service, which would be accessible given the proposal's location close to the centre of the settlement.

Policy SS2 in the eLP (afforded "substantial weight" in the recent appeal decision APP/R3325/A/14/2217950) strictly controls and limits development that should be permitted at Rural Settlements, such as Keinton Mandeville, to that which provides employment opportunities; and/or creates or enhances community facilities to serve the settlement; and/or meets identified housing need, particularly for affordable housing. Policy SS2 also makes clear that development should be commensurate with the scale and character of the settlement, be consistent with relevant community led plans, and should generally have the support of the local community following robust engagement and consultation. The applicant refers to the proposal as being consistent with the Parish Plan, and indicates that local consultation has been undertaken. It is noted that the Parish Council support the scheme.

The applicant indicates that the housing mix being proposed (2 and 3 bedroom dwellings) is currently under provided, and a local desire for developments of under 10 dwellings that would provide housing for young people and small families is set out in the Parish Plan. Ideally, an element of affordable housing should be sought under Policy SS2 to "meet identified housing need", although this is not a pre-requisite.

Overall, the proposal is contrary to saved Policy ST3 in the adopted Local Plan but this policy is in a time-expired plan, and is not fully consistent with the NPPF. The proposal seeks to be consistent with the Parish Plan and attain local support, in line with eLP Policy SS2, and is broadly compliant with the NPPF (para 54, 55) in providing rural housing to reflect local needs. Therefore, I do not raise an objection on planning policy grounds."

SSDC Landscape Architect -

"The application site lays off Coombe Hill, which runs to the north of the village centre. Keinton Mandeville is primarily a linear settlement, with the core of the village aligned on the B3153 (High and Castle Street) and Queen Street, which for most part are characterised by single-depth residential plots, many of which represent the historic core of the village. The main village area is concentrated to the south of the B3153, and west of Queen Street. Whilst Coombe Hill is effectively a 'fourth arm' off the junction of the above streets, it is one that extends north from the established street axis, yet is not characterised by built form beyond the plot-depths of High Street, such that the historic core of the village lays immediately alongside its rural edge in this location, which is a distinctive element of Keinton's settlement character. I also note that the site is one of a number of small narrow fields that are highly characteristic of this quarter of the village, and which also assist in buffering the village edge from the wider countryside, to act as a traditional setting to the village.

The recently published PPG (Natural Environment) has re-iterated the necessary role of landscape character assessment in planning for change due to development without sacrifice of local character and distinctiveness. An understanding of landscape character is also utilised to help determine a view on what may - or may not - be acceptable in terms of development form in any particular landscape. It is this capacity of landscape character assessment to inform appropriate development that is pertinent to this application. Characterisation is about what is distinctive and particular in a place, and the expression of a settlement's historic origins and expression of settlement is a matter to which much greater weight is given when judging new form, rather than recent, unsympathetic, and sporadic modern development.

Whilst the proposal before us abuts existing built form to the south, it otherwise intrudes into the fields that lay beyond the village's north edge, and extends beyond, and is clearly at variance with, the strong emphasis of the main B3153 (High and Castle streets) and its established north edge. Consequently, as this proposal is poorly-related to the character of the historic built edge of Keinton Mandeville; erodes the small field and paddock network that characterises the north side of Castle Street; and obtrudes into open land at variance with the established development pattern, I consider that it fails to meet the advice of the PPG (natural environment) similarly our own local plan saved policy ST5 para 4. Consequently I believe there are landscape grounds upon which to base a refusal of this application. I would add that similar issues were raised and debated by the recent appeal decision for land east of Queen Street (paras 15-18) and many of the points made by the Inspector in dismissing the appeal are pertinent here.

I also note that the present roadside hedge will be disrupted by access arrangements, which will result in its removal. The landscape report offers the option of translocation, and whilst this creditably preserves the feature, the enclosed character of the lane will be eroded, which is a

further, if slight, adverse character impact.

If you are minded to approve this application, I can advise that in most part the landscape proposal is appropriate. The only change I would recommend is the removal of the betula from the proposed hedging, and its substitution by a hedge species, either hawthorn or field maple, or further planting of the fruit species suggested elsewhere."

SSDC Community, Health and Leisure - Contributions of £25,778 towards local facilities, £9,599 towards strategic facilities, £4,513 as commuted sums, and a £399 administration fee are sought. This equates to an overall contribution of £40,289 or £5,036 per dwelling.

SSDC Environmental Protection Unit - Notes that the site lies adjacent to potentially contaminated land, which may have been filled with waste which may produce gases. He therefore recommends that a condition is imposed on any permission issued to ensure appropriate surveys and any necessary mitigation is carried out.

SSDC Ecologist - He noted the submitted ecological survey, but disagreed with its findings in relation to the presence of badgers near the site. He confirmed that he had visited the site and has seen two possible setts within 1 metre of the north boundary of the site. However, he concluded that there were not any main setts close to the site and as such he does not consider badgers represent a major constraint to the proposed development. That said, he is of the opinion that works within 20 metres of the north boundary and the proposed hedge translocation has the potential to damage badger setts, and as such a condition requiring further survey and appropriate mitigation should be imposed on any permission issued. He also recommends the use of a condition to protect slow worms during development.

Wessex Water - Notes that new water supply and waste connections will be required from Wessex Water, and gives advice as to how this should be achieved.

SCC Archaeology - No objections

REPRESENTATIONS

Letters of support have been received from the occupiers of two properties in Keinton Mandeville, four properties in Somerton, three properties in Street, five properties in Glastonbury, one property in Kingsdon, one property in Butleigh, one property in Tintinhull, one property in Cucklington, one property in East Lydford, one property in West Lydford, and one property in Compton Dundon. One letter of support was received a financial business in Yeovil and one from an estate agent in Shepton Mallet. Support was expressed for the following reasons:

- Good opportunity to support the young in keeping close to the family with affordable housing as a stepping stone to full ownership.
- Will provide small houses for young and old people to stay in the village.
- The location is very central to the hub of village life.
- The village and rural South Somerset generally is lacking in small affordable houses, which the scheme offers.
- The occupiers will support the village financially by putting children in the school and supporting local businesses and services.
- The scheme is well designed with large gardens, and in keeping with the area.
- The location is not outside the village line and does not overlook or intrude onto any nearby established properties.
- The scheme is safer being away from the main road.
- Bungalows will allow the elderly to downsize, freeing up other houses in the village.

- The village should centralize not keep expanding in a linear fashion. North is the obvious direction to grow the village.
- The applicant has successfully developed elsewhere and is very mindful of local people's thoughts and needs.
- There is an obvious need for affordable housing in the village.
- The bungalow it will replace [sic] is beginning to look tired, so the proposal will enhance the entrance to the village.

Letters of objection were received from the occupiers of two properties in Keinton Mandeville. Objections were raised on the following grounds:

- The application does not include reference to the presence of badger setts to the north boundary of the site and on the land to the east of the site, which also provides habitat for voles, adders, grass snakes and slow worms.
- The increased hard surfacing will increase the risk of flooding on the objector's land.
- Pedestrian access from the site to the main village may not be safe as the road is narrow with no footpath.
- The submitted information is inaccurate in the following ways:
 - One of the mentioned public houses is now an occupied dwelling not just 'currently closed'
 - There is no convenient bus service operating for people wish to travel to and from work in local towns and villages
 - The post office, bakery and one of the pubs mentioned have no existed for several years
 - High speed broadband is not currently available with no plans at present to upgrade the speed.
 - The visual impact will not be contained towards the objector's paddock
 - The land adjacent is a traditional orchard, as was the application site
 - There is no hedge between the application site and the objector's paddock.
 - The supporting landscape proposals do not ameliorate the negative impact that the proposal will have on the rural nature of this part of Coombe Hill.

APPLICANT'S CASE

"Whilst the proposal will inevitably have some degree of impact on the open countryside, this has been mitigated as far as possible by the well screened nature of the site and its location on the edge of an already developed area of the village.

Clearly, great weight should be given to the provision of housing to meet local need, particularly where it remains uncontroversial and has the general support of the community.

Whilst the Council stated that they have met the shortfall in the Council's housing land supply, this is yet to be tested by the Planning Inspector and further the recent appeal decision in Barton Road, that would have otherwise been allowed if the appeal had been accompanied by a Planning Obligation, reinforces that this application, in a more sustainable and suitable location in the village should, with the added benefit of general community support, be allowed as attested by South Somerset District Councils [sic] own Planning Policy Team as per their comments aforementioned.

It is therefore considered that the benefits of this scheme outweigh any minor adverse impacts that may be identified, whilst providing dwellings, which are a size and type of dwelling in high demand in the district and particularly so in the village and community of Keinton Mandeville as identified in the Village Community Lead Plan and subsequent housing needs survey.

However, more importantly in our view, the applicant has taken care to respect the aims and aspirations of the village. The community has expressed preferences in the Local Community Plan, as to the size, appearance and targeted custom of any extension of the village. In this matter this application accords with community desires to see a small development of small and more affordable family homes, in the local vernacular and utilising a palette of local materials.

We therefore ask the Local Planning Authority to approve this scheme on its significant merits, which we believe outweigh any limited harm caused by the proposed development."

CONSIDERATIONS

The main areas of consideration are considered to be:

- History and Principle of Development
- Highways
- Visual Amenity
- Benefits
- Residential Amenity
- Planning Obligations

History and Principle of Development

An outline application for a development of the same site, indicatively similar to the current scheme, was refused earlier this year. The previous scheme was refused for the following reason:

"The proposed development will, by way of significant built form projecting into open countryside and a pattern of development failing to follow the strong linear settlement pattern established around the main village through road, would have an unacceptable adverse impact to local landscape character and settlement pattern contrary to saved local plan policies ST5, ST6 and EC3, and the aims and objectives of the NPPF. The adverse impacts are considered to significantly and demonstrably outweigh the modest benefits towards meeting the LPA's housing supply, contrary to paragraph 14 of the NPPF."

The most important consideration is whether the current scheme has addressed this single reason for refusal. However, the current application is a full application as opposed to an outline application, so elements that were not considered previously must also be considered here.

The principle of residential development of this site was considered as part of the previous scheme. The policy position of the LPA has not shifted significantly in the mean time. As such, as with the previous proposal, and notwithstanding the concerns of neighbouring occupiers in relation to principle, lack of public transport, lack of village facilities, and broadband connection speeds, it is considered that the principle of the residential development of this site is acceptable and the application therefore falls to be determined on the basis of its impacts.

Highways

On the previous scheme, as all matters were reserved for future consideration, the means of access into the site was not considered in detail by the highway authority. As the current scheme is a full application they have considered the proposals in detail, and after initial concerns, have concluded that the proposal is acceptable subject to the imposition of conditions on any permission issued to control various details. The proposed conditions are

considered to be reasonable. A neighbour has raised a concern regarding the lack of footpath to the village. Similarly, the parish have caveated their support for the proposal providing that the 30mph speed limit is extended northwards and that the provision of a pavement is secured. There will be no pavement connection to the rest of the village provided and the extension of the 30mph speed limit northwards is not within the applicant's control. However, the highway authority has fully assessed the impact of the scheme and has not raised an objection. As such, contrary to local concern, it would be unreasonable to raise an objection on highway safety grounds.

Visual Amenity

The previous reason for refusal revolved entirely around the visual impacts of the proposal, in particular the impact on the character of the local landscape. Various recent appeal decisions have been referred to by the applicant and the SSDC Landscape Architect, but the current scheme is different to all of them and should be considered on its own merits. The applicant has referred in particular to an appeal decision at a site on Barton Road (APP/R3325/A/14/2215379). Whilst the two schemes are superficially similar, the Barton Road scheme sits entirely opposite existing built form, whereas the current scheme represents an entirely new protrusion of built form into the open countryside.

The SSDC Landscape Architect was consulted as to the visual impacts of the scheme.

The SSDC Landscape Architect raised an objection to the proposed development. He noted that the village is primarily a linear settlement, with the core of the village aligned on the B3153 and Queen Street. He states that the existing residential plots on Coombe Hill sit broadly within the main east-west corridor of the B3153, with Coombe Hill not otherwise characterised by built form. He also noted that the site is one of a number of small narrow fields that are highly characteristic of this quarter of the village, and which also assist in buffering the village edge from the wider countryside, to act as a traditional setting to the village.

He concluded that the proposal is poorly-related to the character of the historic built edge of Keinton Mandeville; erodes the small field and paddock network that characterises the north side of Castle Street; and obtrudes into open land at variance with the established development pattern. He therefore considers that the proposal fails to meet the advice of the PPG (natural environment) and saved policy ST5 of the local plan.

He further noted that the present roadside hedge will be disrupted by access arrangements, which will result in its removal. Whilst he accepted that the offered translocation, would creditably preserve the feature, he stated that the enclosed character of the lane would be eroded, which would constitute a further slight adverse character impact.

Therefore, notwithstanding the arguments put forwards by the applicant, the proposal is considered to fail to respond local landscape and settlement character contrary to saved policies ST5 and EC3 of the local plan and the aims and objectives of the NPPF.

In all other regards it is considered that the scheme would have no other adverse impact on visual amenity.

Benefits

The proposal will provide 8 small units of accommodation, which the applicant has argued has been identified as a local housing need, by the Keinton Mandeville Community Plan (2006). It is accepted that the provision of this type of housing could indeed be a benefit to the local community. However, it is not clear that there is any evidence that such a need exists in this

particular community. The applicant cites the Community Plan, which is somewhat old and not entirely in accordance with the NPPF and the emerging local plan. Furthermore, the community plan does not expressly state that small units are required, merely that there is need for affordable housing for young people and families. The applicant has not suggested any mechanism to ensure that the proposed housing remains affordable or is even affordable in the first place, relying instead on the fact that the units are relatively small. As such, there can be no guarantee that the proposal would fulfil the locally expressed desire for affordable housing for young people and families, and little weight can therefore be placed on this particular benefit of the scheme.

The proposal will provide eight units of residential accommodation, which must in itself be seen as a benefit to the supply of housing in South Somerset. Whether this benefit alone can be argued to outweigh the landscape harm identified above is discussed later in this report.

Residential Amenity

The proposed buildings, by reason of their size, position and orientation will have no significant impact on the amenity of adjoining occupiers by way of overlooking, overshadowing or overbearing. As such the proposal is considered to cause no demonstrable harm to residential amenity in accordance with policy ST6 of the South Somerset Local Plan.

Planning Obligations

A contribution of £40,289 towards outdoor playing space, sport, and recreation has been requested. A s.106 monitoring fee of £500 has also been sought. The applicant has agreed to pay all the contributions.

Accordingly, should the application be approved a Section 106 agreement will be necessary to:-

- Secure the agreed contribution towards strategic and local outdoor playing space, sport and recreation facilities.
- Secure the agreed monitoring fee.

Subject to the applicant agreeing to these obligations the proposal would comply with saved policies ST10 and CR2 of the local plan.

EIA

The requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 have been considered. The Council is of the opinion that the proposed development will not have significant environmental effects and that no environmental statement is required for the purposes of environmental impact assessment.

Other Matters

A neighbour has raised a concern that the impact on ecology has not been properly considered, in particular the impact on badger setts and on voles, adders, grass snakes and slow worms. The SSDC Ecologist has been consulted in regard to the impacts of the development, and has raised no objections subject to the imposition of conditions to protect slow worms and badgers on any permission issues. It is therefore considered that the matter has been properly considered and that any adverse impact on any protected species would be unlikely.

A neighbour has raised a concern that the increased hard surfacing would increase the risk of flooding to their adjoining land. However, there is no reason to assume that this would be the case, and it is considered that the implementation of a suitable drainage scheme could be secured through the imposition of suitable conditions on any permission issued.

A concern has been raised that the development does not accord with the wishes of local residents as expressed in the Keinton Mandeville Community Plan in a number of respects. However, the community plan has little statutory weight as it does not form part of the development plan for the area. It can only be afforded weight where it accords with the local plan and the NPPF, against which this application has been assessed above.

On the previous scheme the applicant asserted the application site to be grade 3b agricultural land. The LPA has no evidence to dispute this assertion. As such, the proposal does not represent the loss of the best and most versatile agricultural land.

Conclusion

Given the site's location very close to the settlement limits of Keinton Mandeville, it is considered that, in principle, it is a sustainable location for development. Notwithstanding the concerns of the neighbouring occupiers, it is considered that there will be no significant adverse impact on residential amenity, highway safety, flooding, or drainage. However, it is considered that there will be a significant adverse impact on the character of the area, by way of significant built form projecting into open countryside and a pattern of development failing to follow the strong linear settlement pattern established around the main village through road, contrary to saved policies ST5 and EC3 of the local plan, and the aims and objectives of the NPPF.

These adverse impacts to the local landscape character and settlement pattern are significant and irreversible, and are considered to significantly and demonstrably outweigh the modest benefits towards meeting the LPA's housing supply.

As such, notwithstanding the support of the parish council and neighbouring occupiers, the application has not addressed the previous for refusal and is recommended for refusal.

RECOMMENDATION

That application reference 14/03788/FUL be refused for the following reason:

SUBJECT TO THE FOLLOWING:

01. The proposed development will, by way of significant built form projecting into open countryside and a pattern of development failing to follow the strong linear settlement pattern established around the main village through road, would have an unacceptable adverse impact to local landscape character and settlement pattern contrary to saved local plan policies ST5, ST6 and EC3, and the aims and objectives of the NPPF. The adverse impacts are considered to significantly and demonstrably outweigh the modest benefits towards meeting the LPA's shortfall in housing supply, contrary to paragraph 14 of the NPPF.

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 there were no minor or obvious solutions to overcome the significant concerns caused by the proposals.
