

## Officer Report On Planning Application: 18/03454/OUT

<b>Proposal :</b>	Outline application for the erection of two dwellings with garaging.
<b>Site Address:</b>	Land Adj Winterhay Lane Farm The Beacon Ilminster
<b>Parish:</b>	Ilminster
<b>ILMINSTER Ward (SSDC Member)</b>	Cllr Val Keitch; Cllr Brian Hamilton
<b>Recommending Case Officer:</b>	Louisa Brown
<b>Target date :</b>	18th December 2018
<b>Applicant :</b>	Mr G Pearce
<b>Agent: (no agent if blank)</b>	Paul Rowe Architectural Services CAPARO 11 Mervyn Ball Close CHARD TA20 1EJ
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL TO COMMITTEE:

This application is back before committee due to it being deferred at the July committee meeting. The deferral was at the request of members to allow time for the submission of more detailed information on the access arrangements. Amended plans showing changes to the access and a highway report have been submitted to the Local Planning Authority and sent out for consultation, a verbal update on any comments received will be given within my presentation. My original report is set out below.

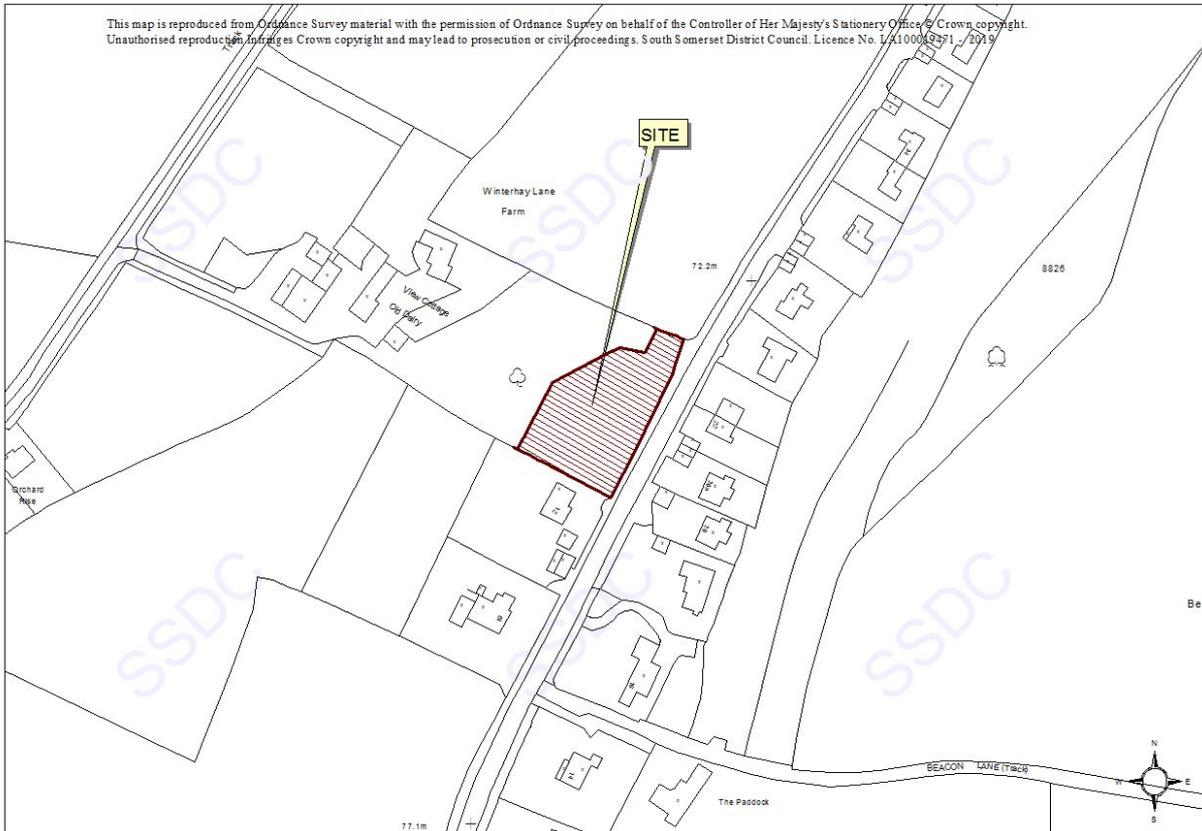
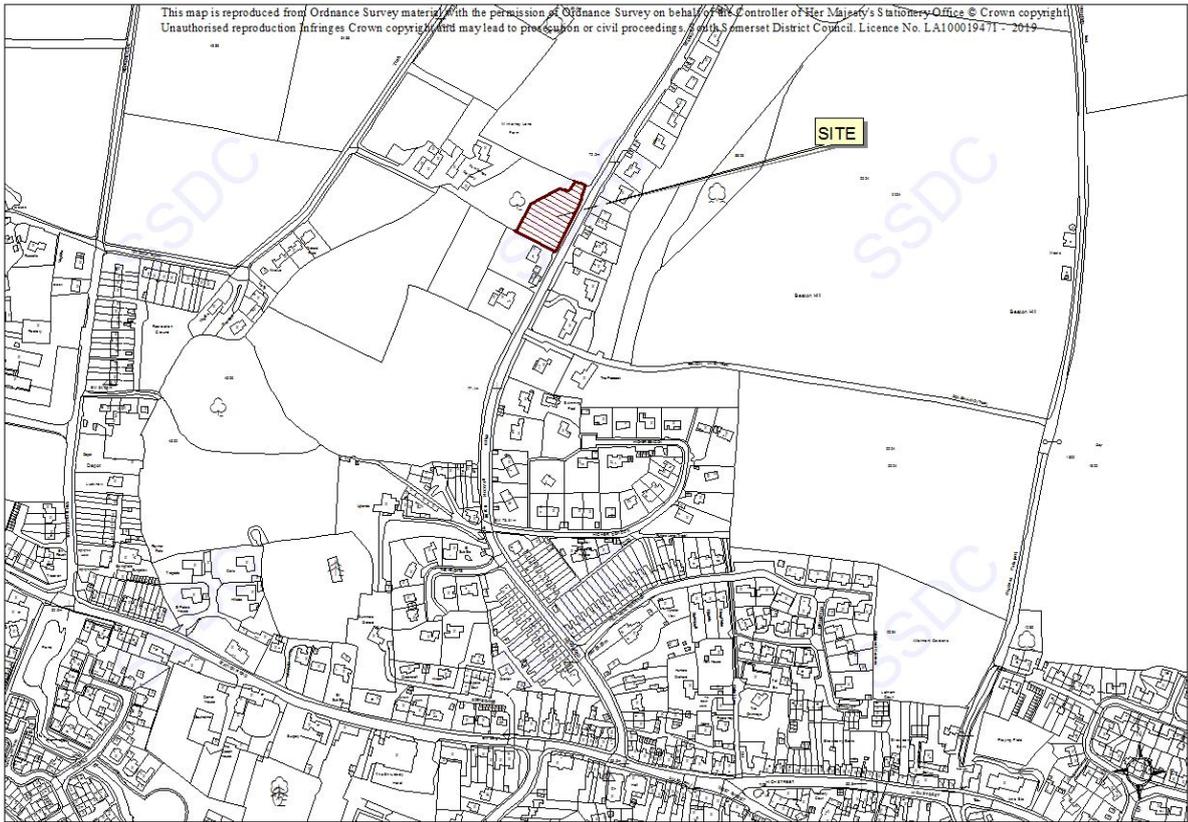
### SITE DESCRIPTION AND PROPOSAL

This is an application seeking outline planning consent with all matters reserved except access for the erection of 2 no. dwellings at Land adj. Winterhay Lane Farm, The Beacon, Ilminster.

The site is located on the western side of the main highway on a steeply sloping site, running down from the highway to Winterhay Lane Farm.

There are two detached dwellings to the southwest of the site and opposite the site to the southeast the street is made up of predominantly detached dwellings of various styles and age.

The site is on the fringes of Ilminster and to the north of the town centre.



## **HISTORY**

No planning history for applications at the site

## **POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, and 12 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.

The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the adopted local plan now forms part of the development plan. As such, decisions on the award of planning permission should be made in accordance with this development plan, unless material considerations indicate otherwise. Legislation and national policy are clear that the starting point for decision-making is the development plan, where development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

South Somerset Local Plan (2006-2028) Policies:

- SD1 - Sustainable Development
- SS1 - Settlement Strategy - identifies Horton as a Rural Settlement
- SS2- Development in rural settlements
- SS4 - District Wide Housing Provision
- SS5 - Delivering New Housing Growth
- SS6 - Infrastructure Delivery
- HG4 - Affordable housing contributions
- TA1 - Low Carbon Travel
- TA5 - Transport Impact of New development
- TA6 - Parking Standards
- EQ2 - General development
- EQ3 - Historic Environment
- EQ4 - Biodiversity
- EQ5 - Green Infrastructure

National Planning Policy Framework

Chapter 2: Achieving sustainable development

Chapter 5: Delivering a sufficient supply of homes

Chapter 9: promoting sustainable transport

Chapter 12: achieving well designed places

Chapter 15: conserving and enhancing the natural environment

National Planning Practice Guidance

Design

Other Material Considerations

Somerset County Council Parking Strategy (March 2012)

Somerset County Council Highways Development Control - Standing Advice (June 2013)

## **ENVIRONMENTAL IMPACT ASSESSMENT**

None required

## **CONSULTATIONS**

Iminster Town Council:

Recommend approval

SCC Highways:

Referred to standing advice

Tree Officer:

No comments received

Ecologist:

No objection raised, recommended conditions.

South West heritage trust (Archaeology):

No objection

## **REPRESENTATIONS**

Twelve neighbours were notified and a site notice displayed. One letter of representation was made raising concern of visibility to be looked at and hedge height. Seven letters of support have been received referring to the development being good on this unused land, the need for housing and the proposal will enhance the area and landscaping.

Four letters of objection have been received, in summary the issues raised were;

- Site is a green field site and too small for the development
- Will set a precedent for further housing in this location
- Adversely affect landscape character
- Ilminster has just had new housing approved
- Difficult and dangerous access
- Doubtful that the new orchard would be planted and maintained
- Engineering works required would be a challenge and result in a lot of concrete
- Concern over foul drainage.
- Loss of agricultural land
- Not within a designated area for housing expansion in Ilminster
- If hedges reduced in height then development will be seen from the road

## **CONSIDERATIONS**

The main issues to assess as part of this application is the principle of housing in this location and the proposals impact on visual amenity, landscape character, residential amenity, and highway safety.

### **Principle of housing in this location:**

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

However, the lack of a five-year housing land supply means that policies relating to the supply of housing should not be considered up-to-date. As such, proposals for residential development fall to be determined in light of Paragraph 11 which states that where development plan policies are out-of-date planning permission should be granted unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole.

Having regard to the above, the planning merits of the proposal are considered against the aims of the

NPPF and these considerations are set out below:

**Sustainability of the settlement:**

The general principle of additional housing within Ilminster is acceptable and complies with policies SD1, SS1, SS4 and SS5 of the South Somerset Local Plan, as it will contribute to housing provision and growth in a primary market town. This is subject to its compliance with other local plan policies.

It is considered that the principle of the development would comply with the NPPF and thus policies SD1, SS1, SS4, and SS5 of the South Somerset Local Plan.

**Visual amenity and Landscape character:**

The plans show an indicative layout for two dwellings utilising the existing access to the field. In order to facilitate the works it is considered that extensive engineering works will be required due to the steep slope within the site, this is demonstrated on the submitted concept section plan.

There has been no topography plan submitted and it is considered that it has not been demonstrated that the dwellings can be located on this site whilst creating a quality of place, given the extensive engineering required which would have a detrimental impact on the visual amenity and landscape character.

The submitted Landscape Statements states; 'Housing is less prominent to the west of Beacon on the steeply sloping hillside. A number of fields provide a degree of separation between the ribbon development along the road from the linear development at Winterhay Lane, on the lower ground below the hill. This maintains the relatively open character of Beacon Hill.' This statements reinforces the importance of the open character of the area on the western side of the Beacon. To mitigate some of the impact the Landscape Statement states, 'Hedgerow trees are proposed within the plot boundaries and a reinstatement of the orchard in the lower part of the field.' The conclusion states 'there is a degree of visual exposure in the surrounding landscape to the south west, west, north west and north,' and that with additional planting mitigation 'the effect on the views can be moderated.' However the plan on the front cover of the Design and Access Statement shows the orchard area to be planted within the red site line, this is not shown on the submitted location plan. On the submitted plans the red site line does not go around the area to have the orchard planting in and as such landscaping within this area is not within control of this application or any future reserved matters application.

The comments made within the Landscape Statement have been taken into consideration, however it is considered that even though the views may be moderate with additional landscaping the development would still be visible within this sensitive location and some of the landscaping proposed is not shown within the red site line. Advice has been given at pre-application stage that the site is particularly sensitive in landscape terms, being on elevated and sloping land.

A landscape study by SSDC has been undertaken in the past as part of the emerging Local Plan to assess if this area of Ilminster could be developed and at that time the land was identified as being particularly sensitive, and in landscape terms, is not a site that would be supported for development. The site has far reaching views from the A303. Additional land was identified for housing in Ilminster and this has been allocated within the adopted Local Plan, for which housing of 400 units has been approved at committee.

This outline is submitted with the access to be considered. There is concern that the necessary changes required to the existing access point in regard to engineering works and implementation of visibility splays will have a detrimental impact on the character of the area and landscape. There are no plans submitted showing how works to the access will be undertaken or the extent of the visibility splays required and as such the level of impact this would have.

Notwithstanding comments received it is considered that there is a lack of information to demonstrate

that the access would not be harmful to the character of the area and landscaping, by reason of the engineering works required and visibility splays. Furthermore it is considered that the principle of two dwellings in this location could not be designed in such a manner as to not adversely affect visual amenity, the character of the area and landscape character, in this elevated and visually sensitive location and as such is not in accordance with policy EQ2 of the South Somerset Local Plan and the NPPF.

**Residential Amenity:**

The proposed plans are indicative only and as such the layout of the properties and detailed matters such as the position of windows will be considered at the reserved matters stage. However it is considered that 2 no. dwellings could be accommodated within the site without adversely impacting upon neighbouring residential amenity, given the size of the site and the indicative layout shown.

It is not considered that a development of two dwellings would result in unacceptable levels of noise and disturbance to neighbouring properties.

Notwithstanding comments received it is considered that this site can be developed without adverse impact upon neighbouring properties and is therefore in accordance with Policy EQ2 of the South Somerset Local Plan 2006-2028.

**Ecology:**

The ecologist has raised no objection subject to recommended conditions to address biodiversity.

It is considered that the proposal is in accordance with policy EQ4 of the South Somerset Local Plan.

**Highway safety:**

This outline application has been submitted with the access to be determined. The plans show that the existing access will be utilised, however there are no plans submitted showing the extent of work to the access in regard to visibility splays and gradient of the access, which is considered essential in this sensitive location.

The Design and Access statement refers to the application having engaged the services of a highway consultant and that they have adhered to the advice given, however no formal highway report has been submitted or plan showing detailed work to the access.

Somerset County Council Standing Advice requires for this site the following:

- a gradient of the access not in excess of 1:10
- an access width of 5 metres for the first 6 metres of the access
- visibility splays based on traffic speeds of 30mph

The agent has been sent new guidance as part of the Agents Forum in regard to SSDC Highway Access and Parking Guidance, within that guidance it states;

"The following guidance is provided to assist applicants to ensure that their submitted plans whether at pre-application stage or formal application submission show the appropriate levels of detail in respect of the proposed access arrangements and on-site parking/turning facilities for new development schemes. The guidance also applies to both Full and Outline (where 'access' is not a reserved matter) applications.

Failure to provide the requisite level of detail may result in the planning application being refused without negotiation on the grounds that insufficient information has been submitted to the local planning authority for it to properly assess the highway safety implications of the development proposal."

It is considered that it has not been demonstrated that the proposed access, that forms part of this outline application, accords with the relevant highway standards.

In regard to sustainability it is considered that the site is within a sustainable location as the town is within walking distance and there are pavements to provide safe access.

It is considered that there is insufficient information to demonstrate that the access does not adversely affect highway safety in accordance with the Somerset County Council Highways Development Control - Standing Advice (June 2013), Policy TA5 of the South Somerset Local Plan 2006-2028 and the NPPF.

**Affordable Housing Contributions and CIL:**

Following the recent court of Appeal decision, South Somerset District Council will not be seeking affordable housing contributions from schemes of 10 or less dwellings or where the gross floor area of buildings is less than 1000 sq. m. in line with the statement made by the Minister for Housing and Planning.

The proposal will be liable for CIL at reserved matters stage.

## **RECOMMENDATION**

### **Refuse**

For the Following Reasons

01. The principle of two dwellings in this location could not be designed in such a manner as to not adversely affect visual amenity, the character of the area and landscape character, in this elevated and visually sensitive location and is contrary to the aims and objectives of policy EQ2 of the South Somerset Local Plan. The adverse impacts of the proposal would significantly and demonstrably outweigh the benefits and the development is contrary to advice contained within the NPPF.
02. There is insufficient information to demonstrate that the access will not adversely affect highway safety and is contrary to the Somerset County Council Highways Development Control - Standing Advice (June 2013), Policy TA5 of the South Somerset Local Plan 2006-2028 and the NPPF.
03. There is insufficient information to demonstrate that the access would not be harmful to the character of the area and landscaping, by reason of the engineering works required and visibility splays and is contrary to the aims and objectives of policy EQ2 of the south Somerset Local Plan (2006-2028) and the NPPF.

### **Informatives:**

01. In accordance with paragraph 38 of the NPPF, the council, as local planning authority, approaches decisions on proposed development in a positive and creative way, working proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area 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 pre-application advice was sought in 2013, 2016 and 2018 and it was stated that as a Local Planning Authority an application to develop the land would be resisted, based on its adverse impact on the landscape character. The most recent pre-application advice further stated the need to demonstrate that the improvements to the access would not be detrimental.

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