

Officer Report On Planning Application: 19/00273/OUT

Please note – this application has now been withdrawn from this agenda and will be considered at a future meeting.

Proposal :	Outline application for the development of up to 35 dwellings with all matters reserved except access including the demolition of the existing building and highways works to Claycastle.
Site Address:	Bay Tree Farm Claycastle Haselbury Plucknett TA18 7PE
Parish:	Haselbury Plucknett
PARRETT Ward (SSDC Member)	Vacancy
Recommending Case Officer:	Colin Begeman
Target date :	30th April 2019
Applicant :	Mr Keating
Agent: (no agent if blank)	Boon Brown Architects Motivo Alvington Yeovil BA20 2FG
Application Type :	Major Dwlg's 10 or more or site 0.5ha+

REASON FOR REFERRAL TO COMMITTEE

This application is referred to the Regulation Committee for determination after being recommended for refusal by the Area West Committee for the following reasons.

It was resolved to refuse the application contrary to the officer's recommendation for the following reasons:

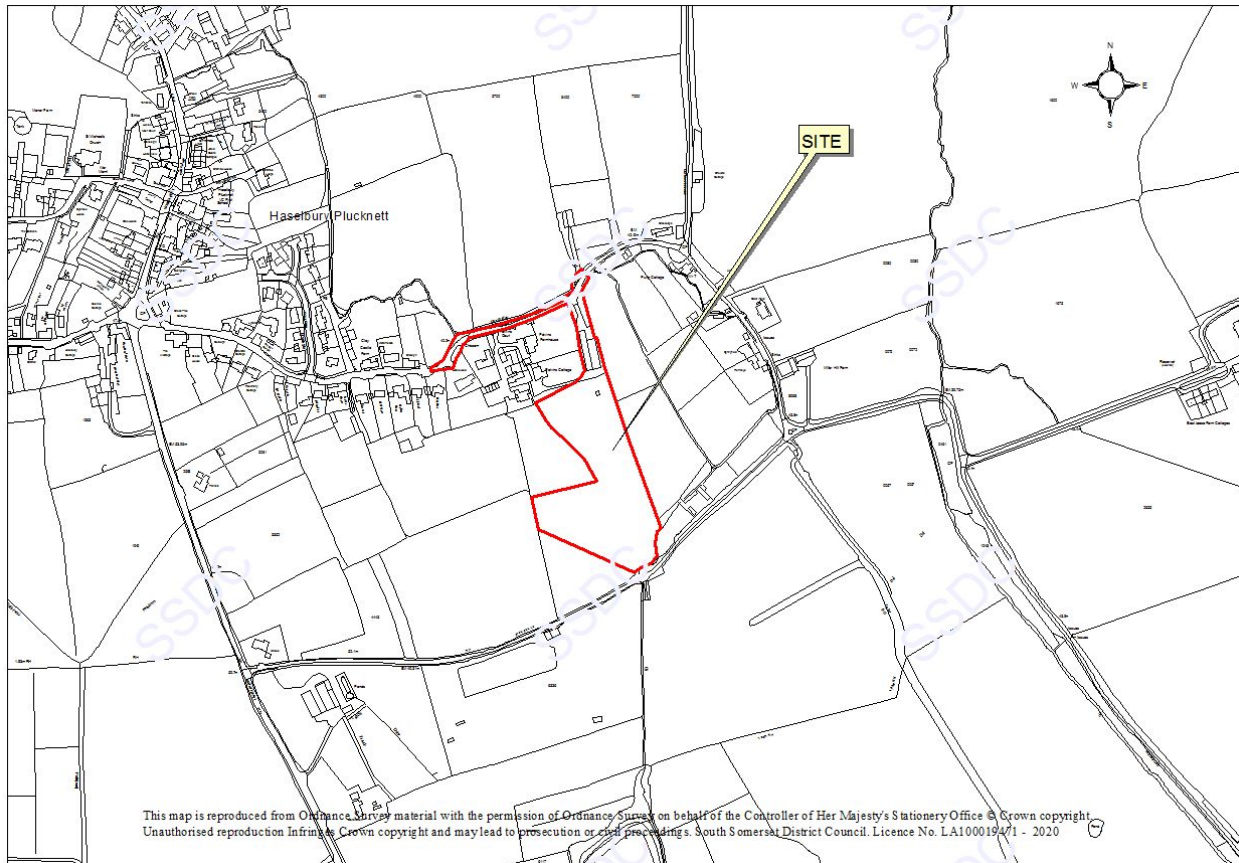
1. The proposal would have a detrimental impact on the character of the village and landscape. The resultant demonstrable harm is not outweighed by the benefits and therefore the scheme is contrary to policies SS2 and EQ2 of the South Somerset Local Plan (2006-2028) and Chapter 15 of the NPPF.

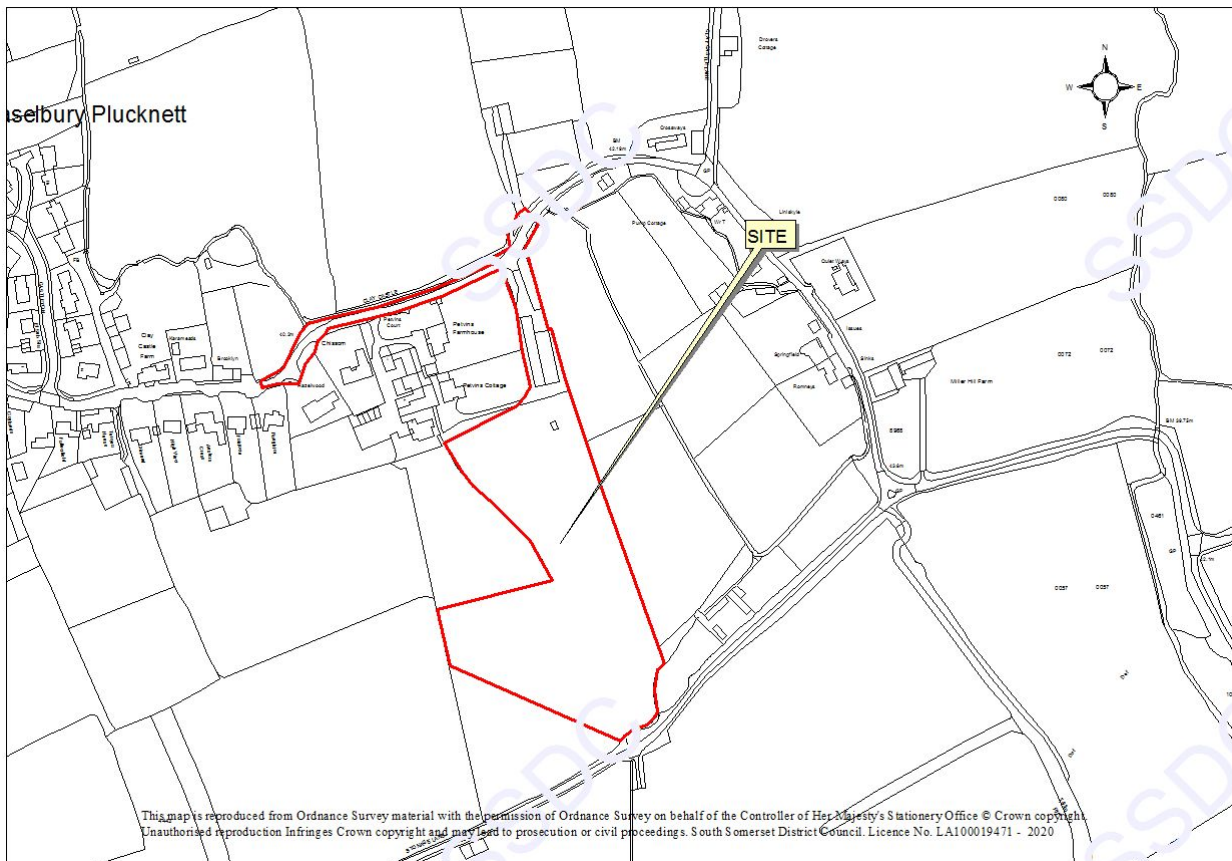
Under the Council's protocol procedure this application has been 2-starred under the Scheme of Delegation for referral of applications to the Regulation Committee for determination.

In collective agreement with the Leader, Portfolio Holder, Area Chairs, Director (Service Delivery), Monitoring Officer, and Lead Specialist (Planning) all major applications will be 2 starred for the immediate future to safeguard the Council's performance, pending a more substantive review.

The Area Committees are still able to approve and condition major applications. However, if a committee is minded to refuse a major application, whilst it will be able to debate the issues and indicate grounds for refusal, the final determination will be made by the Regulation Committee.

SITE DESCRIPTION AND PROPOSAL





This application seeks outline permission for up to 35 dwellings with all matters reserved except for access including demolition of existing buildings. The application seeks to agree on the detailed matter of access with all other matters, including layout, scale, appearance and landscaping, reserved for later consideration.

The site consists of agricultural fields totalling approximately 1.9 hectares in size and is located on the eastern side of Haselbury Plucknett. The site is bounded mostly by open fields except to the north-west by existing residential development. The site accesses on to Clay Castle to the north with the vehicular access for the development proposed via this road. On the opposite side of this road is further open fields.

The application site is a relatively level site and the fields are contained by hedgerows on the eastern boundary. The site is not located within any areas of special designation, conservation areas or wildlife/habitat designations. There are no heritage assets in the immediate locality and the site is located within Flood Zone 1.

This application is supported by:

- Design and Access Statement
- Planning Statement
- Flood Risk Assessment (FRA)
- Infiltration SuDS GeoReport
- Geophysics Report
- Transport Statement
- Travel Plan
- Ecology report

HISTORY

90/01123/OUT Erection of Bungalow (outline)
Refused 24th October 1990

03/01862/COU Description Change of use of wooden barn for use as packing/dispatching of flowers for web based business (GR 347691/110604)
Permitted with conditions

04/01864/FUL Variation to Conditions 3,4,5 and 11 of application 03/01862/COU
Refused 16th September 2004
Appeal allowed 12th May 2005

07/02210/COU Change of use of wooden barn for use as packing/dispatching of flowers for web based business (renewal of 03/01862/COU)
Permitted with Conditions 18th March 2008

08/03912/S73 Description Application to vary condition 05. of decision notice 07/02210/COU dated 18.03.08 to permit more than one collection of goods per day on 3 occasions per year, Valentine's Day, Mother's Day and Christmas.
Approved with Conditions 04th December 2008

10/00203/S73 Application to vary condition 07 and 08 of planning permission 08/03912/S73 dated 04.12.08 to allow flower delivery on Sundays between 5pm and 10.30pm
Refused 11th March 2010

10/03089/S73 Application to vary conditions No. 02 of planning approval 08/03912/S73 dated 4/12/2008 to include alcoholic drinks to be sold
Refused 22nd September 2010
Appeal Dismissed 20th January 2011

12/01323/S73 Application to vary conditions No. 02 of planning approval 08/03912/S73 dated 4/12/2008 to include alcoholic drinks to be sold
Permitted with Conditions 19th June 2012

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.

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

SS1 - Settlement Strategy

SS2 - Development in Rural Settlements

SS4 - District Wide Housing Provision

SS5 - Delivering New Housing Growth

SS6 - Infrastructure Delivery

EP3 - Safeguarding Employment Land

HG3 - Provision of Affordable Housing

HG5 - Achieving a Mix of Market Housing
TA1 - Low Carbon Travel
TA4 - Travel Plans
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
EQ1 - Addressing Climate Change in South Somerset
EQ2 - General Development
EQ3 - Historic Environment
EQ4 - Biodiversity
EQ5 - Green Infrastructure
EQ7 - Pollution Control

National Planning Policy Framework - March 2019

Part 2 - Achieving sustainable development
Part 5 - Delivering a sufficient supply of homes
Part 8 - Promoting healthy and safe communities
Part 9 - Promoting sustainable transport
Part 11 - Making effective use of land
Part 12 - Achieving well-designed places
Part 14 - Meeting the challenge of climate change, flooding and coastal change
Part 15 - Conserving and enhancing the natural environment
Part 16 - Conserving and enhancing the historic environment
Part 17 - Facilitating the sustainable use of minerals

Planning Practice Guidance (PPG)

Other

Somerset County Council Parking Strategy (September 2013)
Somerset County Council Highways Development Control - Standing Advice (June 2017)

CONSULTATIONS

The responses from the following consultees are provided below in summary form only, for the most part. Where not included below, the full responses are available on the public planning file.

Haselbury Plucknett Parish Council:

Objects to the application for the following reasons:

- The site of the proposed development is prone to flooding and there are no practicable means to prevent it. In fact, the development would increase the risk. As a consequence it would not be possible to insure properties built on the site, nor would mortgages be forthcoming. The properties of the Applicant and his neighbours to the west would also be made unsaleable. Finance to develop the site would not be available and no developer would contemplate its purchase. Householders would be left facing the distressing possibility of their homes being flooded.
- No marketing statement showing active marketing.
- Loss of employment use.
- Adverse impact on Listed Buildings setting
- Disregard to LP policy preventing new development outside development boundaries
- Contrary to the Village Design Statement regarding ribbon development

- Increase in volume of traffic will result in material harm to the amenity of neighbouring properties
- Existing dangerous highway conditions would be made worse
- Loss of ecology habitat and pollution to the Small Brook
- If after 18 months of marketing there are no suitable tenant the Parish may be willing to consider housing on the Brownfield part of the site.

24th May 2019

Parish confirms the instruction of a topo survey to verify the information submitted by the applicant in relation to highways.

27th May 2019

Parish submits a further substantial objection document concluding that:

The highways/transport part of the Application and Supporting Documents is based on distorted readings of policy, false and misleading data, illogical conclusions and absurd arguments. The traffic generated by the proposed development represents a danger to the safety of residents and highway users and would cause a profound loss of amenity. The proposed mitigation measures are unworkable and would create new hazards. Its defects cannot be remedied by the imposition of conditions.

Taking all the relevant facts into account and discarding those arguments put forward which are not relevant or are ill-founded the only logical conclusion is that this ill-advised Application must be refused on highways grounds alone.

7 June 2019

Parish responds to the updated information regarding highways:

The Parish commissioned a topo survey of the road which shows that the road is narrower than implied by the applicant and have suggested changes to the conditions proposed by the Highway Authority.

1 July 2019

The Parish submit a further document concluding that:

The Flood Risk Assessment is inadequate and fails to address the issues

The Surface Water Drainage Strategy will not work.

The development fails to comply with adopted policy

19 September 2019

The Parish submit a further document that questions the validity of the Highway Authorities consultation response.

25 October 2019

The Parish submit a further document questioning the validity of the applicant's and the Council's Ecologist views concluding that:

It remains the case that this development would destroy a pleasant meadow in the countryside and replace it with a speculatively built housing estate, along with the destruction of wildlife habitat, biodiversity, visual and recreational amenity, noise, air and water pollution, and increased traffic, flood risk and carbon emissions. No conditions, no LEMP and no amount of bird and bat boxes, bee bricks etc., etc., can fix this. I continue to object to this application.

12 November 2019

The Parish Council has become aware of reports that have only just been published from the LFA and the Flood Authority.

Given the length of time, it has taken for SSDC to publish this information, we would request that no further action is taken until we have had time to consider and respond to this new information.

We anticipate that this will take no longer than two weeks.

25 November 2019

The Parish Council submitted a further document objecting to the application.

The Parish is concerned that the publication of documents relating to flooding issues were not made available sooner and could prejudice the decision making on the application.

The document concludes that:

The site of the proposed development is prone to flooding and there are no practicable means to prevent it. In fact the development would increase the risk. As a consequence it would not be possible to insure properties built on the site, nor would mortgages be forthcoming. The properties of the Applicant and his neighbours to the west would also be made unsaleable. Finance to develop the site would not be available and no developer would contemplate its purchase. Householders would be left facing the distressing possibility of their homes being flooded.

North Perrott Parish Council:

It has been the policy of NPPC since the adoption of the VDS to strive to keep the area between the villages of North Perrott and Haselbury free from ribbon development that might lead to the eventual merging of our two communities and not to increase traffic using Stonage Lane, which is both very narrow and has a dangerous junction with the A3066

County Highway Authority:

No objection subject to conditions

8 April 2019

The Highway Authority is not against the principle of the development, however, the applicant should look to address the Highways concerns.

29 May 2019

Having regard to the clarifications provided in the additional information, this Authority is content that as submitted the proposal will not lead to a severe impact on the highway infrastructure as detailed in Manual for Streets and therefore have no grounds for objection.

However, because a certain level of intensification will be realised in the event of planning permission being granted, the conditions should be imposed.

2 September 2019

Further to recent correspondence on this matter, I have received the email below and in order to confirm the Highway Authority position would offer the following comments.

This application is for up to 35 residential units. The national database (TRICS) contains trip levels associated with different development types and these figures are accepted by the Highway Authority. This development proposal is likely to generate in the region of 20 vehicles in the peak hour which equates to 1 every 3 minutes.

It is recognised that the Parish Council have undertaken a survey of the lane which shows there are contradictions between the different information provided. Manual for Streets states that a distance of 4.1m is adequate for two vehicles to pass. It is stated that there are only 2 section where this distance is available. However, the table provided on the survey drawing shows a number of different locations where 4.1m is available especially between W160 and W200,

This Authority has to take account of all mitigation factors including;

- The proposed mitigation measures to provide widened carriageway and provide visibility splays,
- The existing vehicle access points which are covered by highway rights and add to the passing places along the road,
- The fact that the site was used for a number of years as a flower business and the applicant confirmed the business generated the following vehicle movements:
 - 15 - 20 staff-related movements per day
 - An average of 15 ford transit type courier drops per week
 - One daily flower delivery lorry
 - One 7T Royal Mail lorry collection vehicle
 - 10 miscellaneous visits (professional people, etc.)

In this regard, when assessed against local and national policies this Authority is content that the mitigation measures suggested which can be secured via planning condition means the impact of this development proposal will not be severe.

SSDC Highway Consultant:

Refer to SCC advice.

SCC Rights of Way:

No objections subject to conditions

SCC Education (EdA):

No objection and no contributions required.

We currently have capacity in the schools in this area so will not require contributions.

CPRE Somerset:

Objects on the grounds that:

- Harmful to the character of the area and the separation of North Perrott and Haselbury
- Limited information regarding assets of heritage value
- Limited account has been taken of the Haselbury Plucknett Village Plan or the North Perrott Village Plan.
- Represents a 64% increase in housing stock
- No robust engagement by the applicant with community

- Site is prone to flooding and will lead to more flooding and inadequate capacity for sewage
- Inadequate access
- Ecology issues

SSDC Housing:

Adopted affordable housing policy to be applied

SSDC Open Spaces Officer:

No requirement as less than 50 dwellings.

SSDC Community, Health and Leisure:

Requires a contribution of £55,406 or £1,583 per dwelling

NHS England:

No comments received.

Police Designing Out Crime Officer:

No objection subject to comments:

- Please consider repositioning the PROW to go in front of units 33, 34, and 35 to remove the alleyway to the rear of the properties. Rear alleyways can be considered crime generators as they allow anonymity to the criminal
- Maintenance Path - Please reconsider providing this access to the rear of properties. It is unlikely to be managed efficiently thus allowing access to a number of units. They can often be used as dumping grounds for household and garden rubbish.

Officer Comment: - this is an outline application and these matters can be dealt with at the Reserved Matters stage.

Somerset Waste Partnership: No comments.

Historic England: Do not wish to comment

Natural England: Do not wish to comment.

SSDC Ecologist: No objection subject to conditions

18 September 2019

The Ecologist requires further information before suggesting conditions

1 October 2019

The Ecologist comments on the updated ecology information:

I have now reviewed the latest ecological response from encompass, and following a meeting with encompass, boonbrown and the applicant, can confirm that I am satisfied with the avoidance, mitigation and compensation proposals subject to conditions:

Somerset Wildlife Trust: Fully support the proposals for Mitigation and Enhancement in the survey, and in particular the recommendations in respect of bat and bird boxes and external lighting which should be included in the Planning Permission if it is decided to grant Planning Permission.

SSDC Tree Officer: No comments received.

SSDC Environmental Protection Officer: No observations.

SW Heritage Trust Archaeologist: No objection

25 February 2019

Require further information regarding archaeology comprising geophysical survey and where appropriate a trial trench evaluation prior to determination.

24 April 2019

The geophysical survey has identified features that require further investigation which can be controlled by conditions attached to any permission granted.

Environment Agency: No comment received.

Lead Local Flood Authority (County Drainage): No objections subject to a condition to secure the detailed design at reserved matters stage.

11 March 19

Thank you for consulting with the LLFA on this application. We have objected to the proposed development due to the following reasons:

1. We require information regarding existing rates of runoff and a commitment to a minimum 30% betterment on those rates.
2. We note surface water is to be discharged to a soakaway. These should be designed and constructed in accordance with Building Research Digest 365. We would expect to see a fully implementable alternative drainage strategy before any permission is granted, should soakaways subsequently prove unviable. In the absence of infiltration measures, we will always prefer surface drainage features (ponds, swales etc), as these are more likely to offer multiple benefits such as improved water quality, biodiversity and amenity and are generally easier to maintain. Opportunities to manage water throughout the development site are welcomed, using a SUDS management train approach.
3. The FRA acknowledges that there is a surface water flow path through the site, which is shown on the long-term flood risk maps, but argues that the topography of the site and the existence of a ditch in the south eastern corner mean that flow would instead head east and would not impact the site unless those systems were overwhelmed. Further detail is needed to confirm the mechanism of surface water flooding here, and how this will subsequently inform the design and layout of the development.
4. We note that the exceedance routes predict that the surface water will drain onto Clay Castle road, the EA flood risk map appears to show a high risk of surface water flooding along this road already. We are aware of surface water flooding incidents that have occurred on the highway near the site. Therefore, exceedance routes must be adequately controlled onsite for all events up to and including the 1 in 100 years (+40% climate change) event. Opportunities to slow flow through the development should be explored.
5. We also note the quote: "All surface water drainage components within the site will be designed to a 1 in 30-year standard, plus a 10% additional allowance for climate change, and be tested

for the 1 in 100-year (plus 40% climate change) rainfall event to ensure that exceedance flows do not impact on property". The drainage system should be designed so that no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event and flooding during storm events exceeding the 1 in 100yr (plus 40% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties.

10 June 2019

Thank you for consulting the LLFA on this application. There is clearly understandable local concern about the impact that the development will have on the existing flooding problem on Claycastle. However, as outlined in our previous response we've asked for a betterment on the existing greenfield runoff rates for the development. This is not something we generally request on greenfield sites, and whilst it may not fully resolve the current flooding situation, it could allow the development to offer some improvement over it. The developer has not to date really discussed the existing problems locally on Claycastle, or what is causing them (i.e. blockages, maintenance etc), and how the development may impact if adequate measures are not put in place. An assessment of existing flow patterns through the site should be undertaken, understanding how the site naturally drains - some flow would appear to go into the watercourse near Stonage Lane, but the majority flows to Claycastle. Any flows originating outside of the site, but which utilises the site as a flow route should also be taken into account within any calculations.

There is an underplay of the hydrology here. The FRA refers to 'ditches', but these are functioning watercourses. Following site visits undertaken by colleagues suggest these may have a high value in terms of ecology and water quality. The developer must take account of this in any design proposals. The developer seeks to connect any flow not infiltrating to ground to the watercourse along Claycastle, and it is not clear if there is an existing connection here or whether a new connection will be sought. The latter would require Land Drainage Consent from the LLFA.

We note the use of soakaways on part of the development and suggest that if the scheme is going to be based around this that further work is undertaken to understand implications of groundwater levels and local hydrology/geology - or alternative strategy sought, that seeks to slow flow through the site towards the outfall. We refer to Highways comments with regards to there being potentially insufficient space for soakaways given the easement requirements around buildings and roads and support this. The drainage design suggests the use of a swale, but this does not accord with the architect's outline layout plan which shows dwellings where the swale would need to be. Therefore, the design and density of the development may need to be amended to ensure an appropriate, sustainable and implementable scheme can be provided. The swale would need careful design to ensure there is no risk to existing properties in the vicinity. The drainage design is not clear how runoff on the access road into the site will be managed.

It is important to stress that flooding resulting from the 1 in 100 years (+40% climate change) event must be managed within the site boundary. The FRA is not clear in this respect.

27 June 2019

Thank you for email your comments are noted. Where there are particular flood or drainage concerns we try to agree as much detail upfront as possible and minimise the use of conditions. This is to avoid the risk of a site receiving outline approval that can then not be satisfactorily drained. Given the work you have undertaken, I agree we have taken these discussions as far as we can at this stage.

We will be suggesting a suitable condition for the LPA.

11 July 2019

LLFA provides a condition to be part of the planning permission

Somerset Drainage Board Engineer: No comments received.

REPRESENTATIONS

133 written representations have been received raising the following concerns and observations:

- Flooding is a major concern and the proposed use of a condition to secure mitigation measures will not work.
- The applicant has failed to demonstrate that there is a viable, safe and inclusive pedestrian access to the proposed development site.
- Roads unable to cope with the additional traffic
- No low-cost homes
- The land owned for the proposed passing places are under private ownership
- No policy support
- Change the character of the area
- The PROW owner (outside of the applicants control) has stated that he would not allow the footpath to be upgraded.

Applicant's Case

CONSIDERATIONS

Principle of Development

Haselbury Plucknett is identified as a Rural Settlement in the local plan, which will be considered as part of the countryside to which national countryside protection policies apply, subject to the exceptions identified in Policy SS2.

This approach does not preclude development. The NPPF promotes sustainable development in rural areas, with housing and employment to be located where it enhances or maintains the vitality of rural communities.

The adopted Local Plan states that the future delivery of housing and economic activity in rural locations needs to carefully balance the sustaining of communities against protecting and enhancing the rural environment. The rural lifestyle provided by the many small villages and hamlets in South Somerset is one of the unique qualities of the district, and in turn, creates a range of challenges and opportunities that require delicate management.

Evidence indicates that rural areas experience higher property prices and corresponding issues associated with housing affordability. These areas are usually populated by an increasingly aged population and can suffer from socio-economic effects stemming from rural isolation, a low-wage economy, and poor transport (especially public transport) links. At the same time, these areas provide attractive, tranquil environments promoting a higher quality of life, support diverse and innovative economic activity and foster a strong sense of community.

Reflecting on the Taylor Review (2008) and the NPPF, it is clear that a thriving rural community in a

living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. Rural housing plays a crucial role in maintaining the viability of these local facilities.

Furthermore, it is important that planning does not pre-determine the future of rural communities by only assessing communities as they are now and not what they could be. In too many places this approach writes off rural communities in a 'sustainability trap' where development can only occur in places already considered to be in narrow terms 'sustainable'. The question that should be asked is: "how will development add to or diminish the sustainability of this community?" This requires a better balance of social, economic, and environmental factors together to form a long term vision for all scales of communities.

Policy SS2 seeks to ensure the development needs of Rural Settlements can be met, whilst restricting the scale of such growth to be consistent with the spatial strategy of focusing development at Yeovil, the Market Towns, and the Rural Centres.

The Rural Settlements tier of the settlement hierarchy covers a range of settlements that vary widely in size, role, function, local priorities, and constraints. Therefore, the interpretation of Policy SS2 will depend on applying these factors in considering proposals at each individual settlement; for example, a proposal that is acceptable in one of the larger Rural Settlements such as Templecombe, which has a relatively strong employment function and good sustainable transport links with the presence of a railway station, will be different to a smaller Rural Settlement such as Compton Dundon which does not have these features.

The criteria for residential development within in Rural Settlements set out in the Local Plan states:

The NPPF states that policies should take into account the need to provide housing in rural areas, in order to enhance or maintain their sustainability; and although the focus should be on existing towns and identified service centres, some new housing should be provided to meet identified local need in other villages.

It is important to ensure that the occupiers of new homes in Rural Settlements are able to live as sustainably as possible by having easy access to basic facilities that provide for their day to day needs. Therefore, new housing development should only be located in those Rural Settlements that offer a range (i.e. two or more) of the following services, or that provide these within a cluster of settlements:-

- local convenience shop;
- post office;
- pub;
- children's play area/sports pitch;
- village hall/community centre;
- health centre;
- faith facility; and
- primary school.

Housing proposals should also, where possible, demonstrate how they would support existing facilities. The NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

Housing proposals will need to fully explain how they contribute to meeting local need. This could be via delivering affordable housing, low-cost market housing, or a different form or type of housing which is in limited supply for locals (e.g. small bungalows for elderly local households to move to and remain in the village, or two-bedroom accommodation for young households). It will generally be expected that

affordable housing is included as part of housing schemes proposed at Rural Settlements. The NPPF gives greater flexibility for local councils to set their own approach to delivering housing in rural areas. This includes considering whether allowing some market housing would enable the provision of significant additional affordable housing to meet local needs.

Residential proposals in Rural Settlements will be expected to achieve a better overall variety of housing in the settlement and result in a more balanced community with better prospects for local people to obtain affordable housing and/or access a wider range of market housing and have regard to Policy HG5, Policy HG3 and Policy HG4.

Policy SS5 sets out the scale of housing development that should be delivered in the Rural Settlements tier of the settlement hierarchy.

At the present time, SSDC cannot demonstrate a five-year housing supply. In these circumstances, paragraph 11 of the National Planning Policy Framework states that policies that are relevant to the supply of housing, i.e. Local Plan Policies SS1, SS2, SS4 and SS5, are to be considered to be out of date. It further advises that under these circumstances planning permission should be granted unless:

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

The 35 dwellings proposed are significant in relation to the size of Haselbury Plucknett and do lead to a substantial increase in the number of dwellings within the village. The ongoing inability of South Somerset District Council to demonstrate adequate provision of housing land does need to be given appropriate weight. It is not considered that the resulting housing numbers would conflict with the overall housing distribution strategy set out within the Local Plan.

When considering the planning balance of this proposal it should be recognised that the additional market (up to 23) and affordable housing (up to 12) that will be provided will make a positive contribution towards meeting SSDC's five-year housing supply and should be accorded considerable weight in favour of the scheme. It represents an extension of the village in landscape perspective terms, given its location on the edge of the existing built development, and its close proximity to the settlement's centre and local facilities.

On the basis of the above, it is not considered that the scale of growth would undermine the settlement strategy set out within the Local Plan, or that in this instance create such a significant character concern as to outweigh the proposal's benefits. The site relates to surrounding built development and is within walking distance to the village centre and facilities. The benefits that would arise from the scheme in terms of its positive contribution towards meeting the district's 5-year housing supply requirements as well as providing a good mix of market and affordable dwellings are significant. For these reasons, the proposal is considered to represent a sustainable form of development that is acceptable in principle.

Haselbury Plucknett Village Plan May 2014

While the Village Plan has no status as a statutory document it can be considered as a material consideration of limited weight in determining applications.

The village plan found that there are concerns regarding transport and new development.

It identifies that traffic and road safety was a key issue in all village plan meetings and that the top three problems are lack of pavements, speed of traffic and speed/volume of tractors.

In terms of residential development, the plan finds that small scale developments of less than ten dwellings and conversion of barns and single dwellings to be the most favoured approach. The preferred location of development was primarily infill with the next favoured location for edge of village followed by no development.

There was a strong desire for affordable housing and starter homes followed by elderly accommodation. The next favoured approach was no further homes needed.

In terms of new commercial development, the plan states that small offices/industrial units are not welcomed by the majority who responded.

The application in part complies with Plan in that it provides much needed affordable homes and removes an existing business. The proposal will provide for policy-compliant parking within the site.

The proposal does not comply with the view of the plan that; residential developments of more than 10 dwellings should not be allowed.

Impact on the local landscape, visual amenity and density

The site comprises an edge of settlement agricultural fields which is bounded by the existing built environment of Clay Castle to the north and open field to the east and west with Stonage Lane to the south. Further to the east are a small group of houses fronting Clay Castle. The proposal would clearly and awkwardly project into the landscape from a village form that is predominately linear along historic roads and lanes, creating what could be described as a back-land form of development without any meaningful road frontage, permeability or legibility. However, from a visual character perspective the site is reasonably flat and in terms of long-distance views are limited due to the topography of the surrounding landscape character.

This assessment shows that the proposal represents a very delicate balance between acceptability and refusal on visual character grounds.

The scheme proposes a density of approximately 23 dwellings per hectare (worked out based on the net developable area of 1.5 ha) while representing a low-density scheme it is comparable with surrounding development. The application is in outline at this stage and as such, the layout plan provided is indicative only, however, it sets out how a scheme of this density/scale might be achievable on the site and how it would relate to surrounding development.

The scheme indicates the retention of the existing field hedgerows with increased tree planting providing a buffer between the new housing the existing housing to the north. The indicative layout plans indicate a mix of detached, semi-detached and terraced houses which would reflect the general makeup of housing types with the village.

It is not considered that development of this type and at this density is inappropriate in principle in this location. The layout, house types, density and landscaping proposals would be fully considered at the reserved matters stage.

Residential Amenity

The indicative layout offers an arrangement that allows future residents and existing neighbouring residents to enjoy a good level of residential amenity and there is no apparent reason why an acceptable scheme could not be achieved that would avoid causing any demonstrable harm to existing local residents in this regard. It is acknowledged that the outlook of adjacent neighbouring residents will be

altered to a degree by the development, however, the loss of view cannot justify withholding planning permission. Overall this outline scheme raises no substantive residential amenity concerns.

Access and Highway Safety

The key concerns raised locally in respect of this proposal relate to existing reservations they have in relation to highway safety from an increase in traffic along Clay Castle and into the village. Concerns have been raised at a local level to the highway authority about the width and arrangement of this road which they state is too narrow and poorly aligned to be able to accommodate existing traffic levels through the village. Their concerns are that the current proposal, which will obviously generate additional traffic on the local highway network, will exacerbate this problem which they feel is already unacceptable for safety reasons for both vehicles and pedestrians.

Whilst these local concerns are acknowledged the Highway Authority has not raised any objection to this scheme based on traffic generation and compatibility issues with the local highway network.

The application is supported by a Traffic Statement which when scrutinised by the Highway Authority concluded that this proposal would not give rise to any capacity issues in regard to the local highway network.

The development is to be served by a single new vehicular access leading on to Clay Castle. The proposal includes a 5m wide access and the provision of a 2m wide pavement into the site.

There is a Public Right of Way that runs through the site and links into the village. The surface of the right of way within the applicant's control will be improved and a financial contribution towards the improvement of the right of way into the village has been offered. This would be secured through a Section 106 Agreement.

The Highway Authority has agreed that the visibility splays in either direction for the new estate access is acceptable and this matter will be secured by condition.

The Travel Plan is a matter that the Highway Authority has requested be secured through a condition.

In all other respects and as a matter of principle the Highway Authority has no objections to this proposal subject to a number of conditions being imposed to secure certain detailed matters, all of which form part of the officer's recommendation. On this basis, the proposal is considered to be acceptable from a highway safety point of view.

Flooding and Drainage

Major concerns have been raised by neighbouring properties and village residents regarding flooding and have provided considerable evidence that the site and neighbouring roads are subject to flooding. They have also expressed concerns that the solutions for the prevention of surface water run-off and flooding cannot be successfully mitigated and that a conditional permission would not resolve this.

The site is located within Flood Zone 1 and as such is considered to be at the lowest risk of flooding. The application is supported by a Flood Risk Assessment (FRA) which includes an overarching drainage strategy for the scheme based on sustainable drainage techniques. The Lead Local Flood Authority (LLFA) has raised no concerns in relation to these details and subject to a condition to secure a detailed drainage strategy, based on the final detailed layout to be agreed at reserved matters stage, they have no objection to this development. On this basis of this advice from the Council's professional advisors, the proposal is not considered to raise any significant flooding or drainage concerns.

Ecology

The application site comprises agricultural fields that are bounded by hedgerows. The site is located within a protected species consultation zone.

This application is supported by an Ecological Assessment. The Council's Ecologist has reviewed these details and concludes that the information provided makes sufficient provision for mitigation and compensation of the impact of the development and biodiversity enhancements, as required by the NPPF.

The Council's Ecologist is aware that the application is in outline and that matters of layout and landscaping are to be considered later under reserved matters. On this basis, the Ecologist has acknowledged that the matters raised can be dealt with appropriately through the use of a condition. Accordingly, a condition requiring a landscape and ecological management plan (LEMP), as recommended by the Ecologist, forms part of the officer's recommendation and for these reasons, the proposal is not considered to give rise to any substantive ecology concerns.

Heritage

The South West Heritage Trust were consulted as to the impacts of the development on any archaeology in the area. An archaeological survey was requested and carried out. On the basis of the survey, no objections were raised to the proposal, subject to a condition to secure a programme of archaeological investigations prior to the commencement of the development.

There are neighbouring listed buildings near the site however it is considered their setting will not be affected by the proposed development.

Planning Obligations

This scheme generates the following planning obligations in order to make to mitigate its impacts / meet the requirements generated by this additional housing. The applicant has agreed to all of these obligations and which need to be secured through an appropriate Section 106 Agreement.

Education

County Education has commented that is no requirement for a contribution because there is capacity in schools in this area.

SSDC Community, Health and Leisure, and County Education

The SSDC Community, Health and Leisure department seeks contributions totalling £55,406 towards local facilities which equates to £1,583 per dwelling and comprises £35,541 contribution towards local facilities (contribution towards enhancing the existing play area at The Park, Haselbury Plucknett Recreation Ground and contribution towards enhancing the existing youth facilities at The Park, Haselbury Plucknett Recreation Ground), £19,316 in commuted sums and £549 as an administration fee.

Open Space

No requirement as less than 50 dwellings

Affordable Housing

SSDC Strategic Housing requirement is on the basis of adopted policy requirements for 35% affordable housing to be split 80:20, social rent: intermediate product. This equates to 12 of the proposed 35

dwelling being affordable, of which 10 would be for social rent and 2 for other intermediate affordable housing.

It is expected that the units would also comply with the minimum space requirements specified by Strategic Housing.

Community Infrastructure Levy (CIL)

The proposed development will also be liable for Community Infrastructure Levy (CIL) payments.

Planning Balance and Conclusion

Given the lack of technical objection from the consultees, the principle of development on this site is a finely balanced decision that requires assessing the harm to the character of the village and landscape setting and balancing the benefits of the proposal.

When considering the planning balance of this proposal it should be recognised that the application site is located on the edge of the existing built form of the village. Haselbury Plucknett does not have development area as identified within the Local Plan and should be considered as open countryside for planning purposes. This, however, does not preclude development that is justified by Policy SS2 and takes into account the continuing absence of a five-year housing supply and as such Local Plan policies that seek to constrain/control housing growth should be considered to be out of date.

The proposal will result in additional market and affordable housing that will make a meaningful and positive contribution towards meeting SSDC's five-year housing requirements, a matter that must be given substantial weight in its favour.

The local concerns raised regarding the existing local road network are noted. However, the Highway Authority has been clear in their opinion that this proposal will not result in any capacity issues on the local road network that warrants refusing this application. Local evidence has been provided to challenge the Council's Highway Authority's professional views, as such it must be concluded that the proposal will not lead to any new severe highway safety concerns in this regard.

Significant local concerns have been raised regarding flooding matters however this has not convinced the LLFA that the issues are so severe as to warrant an objection however have requested conditions to mitigate against flooding and surface water drainage.

With regard to the harm that has been identified with respect to the visual character, it is considered that the benefits of the scheme outweigh that harm. It is, however, a matter for the committee as decision-maker to attribute the appropriate weight to the factors set out here. Other matters including ecology, drainage, residential amenity and the historic environment have been identified as being acceptable and do not justify withholding outline planning permission and the agreement of the details of means of access.

All outstanding matters of detail would be adequately assessed at reserved matters stage or by the agreement of details required by condition. The applicant has agreed to pay the appropriate contributions and provision of the other obligations sought through a Section 106 Agreement.

Therefore, notwithstanding the local concerns raised, the proposed development is considered to represent an appropriate and sustainable form of development that accords with the aims and objectives of the relevant policies of the South Somerset Local Plan and the National Planning Policy Framework.

Accordingly, the application is recommended for approval.

RECOMMENDATION

The application be approved subject to:-

- (i) The prior completion of a Section 106 planning obligation (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued, to secure the following:
- (a) A contribution of £55,406 (or £1,583 per dwelling) towards recreational infrastructure, to the satisfaction of the Director of Strategy & Commissioning broken down as:
 - £35,541 towards the provision of Local Facilities;
 - £19,316 towards offsite contributions;
 - £549 as an administration fee.
 - (b) At least 35% of the dwellings as affordable dwellings with a tenure split of 80:20 in favour of rented accommodation over other intermediate types, to the satisfaction of the Strategic Housing Officer.
 - (c) A contribution towards the upgrading and surfacing of the Public Right of Way Y 11/40 and Y 11/39 into the village

and

- (ii) Conditions as set out below:
01. Notwithstanding the local concerns, the provision of up to 35 houses in this sustainable location would contribute to the council's housing supply without demonstrable harm to the local landscape, the character of the settlement, residential or visual amenity, ecology, archaeology, flooding and drainage or highway safety, and without compromising the provision of services and facilities in the settlement or the settlement hierarchy set out in the Local Plan. As such the scheme is considered to comply with the aims and objectives of policies SD1, SS1, SS4, SS5, SS6, HG3, TA1, TA4, TA5, TA6, HW1, EQ1, EQ2, EQ3, EQ4, EQ5 and EQ7 of the South Somerset Local Plan (2006-2028) and the provisions of the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

01. Details of the appearance, landscaping, layout and scale (herein called the "reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

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

02. All reserved matters shall be submitted in the form of one application to show a comprehensive and coherent scheme with respect to appearance, landscaping, layout and scale to the local planning authority before the expiration of three years from the date of this permission, and before any development is commenced on site. The development shall begin no later than three years from the date of this permission or not later than two years from the approval of the reserved matters application.

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

03. The site hereby approved for development and access works shall be as shown on the drawing numbers

3895/0001
3895/0002 A
3895/0003 A
SPA_01 P2

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

04. The development hereby permitted shall comprise no more than 35 dwellings.

Reason: To ensure that the level and density of development is appropriate to the location and commensurate with levels of contributions sought in accordance with policies SD1, SS6, HG3 and HW1 of the South Somerset Local Plan.

05. Before any work is commenced a programme showing the phasing of the development shall be submitted to and approved in writing by the Local Planning Authority. Following such approval and commencement of the development hereby permitted the works comprised in the development shall not be carried out otherwise than in complete accordance with such approved programme or such other phasing programme as the Local Planning Authority may in writing subsequently approve.

Reason: For the avoidance of doubt as to the potential impacts on the local road network and the relative timescales involved, in the interests of highway safety and efficiency and in accordance with policy TA5 of the South Somerset Local Plan.

06. No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

- Construction vehicle movements;
- Construction operation hours;
- Construction vehicular routes to and from site;
- Construction delivery hours;
- Expected number of construction vehicles per day;
- Car parking for contractors;
- Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- A scheme to encourage the use of Public Transport amongst contractors;
- Measures to avoid traffic congestion impacting upon the Strategic Road Network; and
- On-site vehicle wheel washing facilities.

Reason: To ensure all works are undertaken with a little impact on the highway network as possible, in the interests of highway safety and efficiency and in accordance with policy TA5 of the South Somerset Local Plan.

07. The proposed access and highway improvements scheme shall be constructed in accordance with details shown on the submitted plan, drawing number 3895/0002 Rev A, and shall be available for use prior to occupation of the first dwelling. Once constructed the access shall be maintained thereafter in that condition at all times.

Reason: In the interest of highway safety to accord with Policy TA5 of the South Somerset Local Plan (2006-2028).

08. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before occupation and thereafter maintained at all times.

Reason: In the interest of highway safety to accord with Policy TA5 of the South Somerset Local Plan (2006-2028).

09. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: In the interest of highway safety to accord with Policy TA5 of the South Somerset Local Plan (2006-2028).

10. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: In the interest of highway safety to accord with Policy TA5 of the South Somerset Local Plan (2006-2028).

11. The dwellings hereby permitted shall not be occupied until suitable parking facilities for each dwelling in accordance with current policy standards have been provided in a position approved by the Local Planning Authority. The said spaces and access thereto shall be properly consolidated and surfaced, and shall thereafter be kept clear of obstruction at all times and not used other than for the parking of vehicles or for the purpose of access.

Reason: In the interest of highway safety to accord with Policy TA5 of the South Somerset Local Plan (2006-2028).

12. The new development shall not be commenced until a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. No part of the new development shall be occupied prior to implementation of those parts identified in the Approved Travel Plan as capable of being implemented prior to occupation. Those parts of the Approved Travel Plan that are identified therein as capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

Reason: In the interest of highway safety to accord with Policy TA5 of the South Somerset Local Plan (2006-2028).

13. There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43 metres to the west, and 36

metres to the east. Such visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be maintained at all times.

Reason: In the interest of highway safety to accord with Policy TA5 of the South Somerset Local Plan (2006-2028).

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

These details shall include: -

- Flood water exceedance routes both on and off site and measures implemented to address this risk, Note, no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100yr (plus 40% allowance for climate change and 10% allowance for urban creep) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties.
- Information about the design storm period and intensity, discharge rates and volumes including any flows which originate offsite (both pre and post development), temporary storage facilities, means of access for maintenance (6 metres minimum), the methods employed to delay, and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.
- Infiltration testing, soakaway detailed design and construction in accordance with Building Research Digest 365. Soakaways must be located more than 5m from building and road foundations
- Details of construction phasing (where appropriate) and information of drainage systems to be used during construction of this and any other subsequent phases.
- A management and maintenance plan of the drainage system for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition.

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained throughout the lifetime of the development, in accordance with National Planning Policy Framework (July 2018) and the Technical Guidance to the National Planning Policy Framework.

15. Before the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Planning Authority. The WSI shall include details of the archaeological investigation, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme.

Reason: To ensure that adequate opportunity is afforded for investigation of archaeological or other items of interest to accord with Policies EH3 of the South Somerset Local Plan (2006-2028).

16. No building shall be occupied until the site archaeological investigations have been completed and post excavations analysis has been initiated in accordance with the Written Scheme of Investigation approved under the Programme of Works Condition and the provision made for analysis, dissemination of results and archive deposition has been secured

Reason: To ensure that adequate opportunity is afforded for investigation of archaeological or other items of interest to accord with Policies EH3 of the South Somerset Local Plan (2006-2028).

17. A landscape and ecological management plan (LEMP) shall be submitted to and be approved in writing by the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following:

- Description and evaluation of features to be managed.
- Ecological trends and constraints on site that might influence management.
- Aims and objectives of management.
- Appropriate management options for achieving aims and objectives.
- Prescriptions for management actions, including:
- Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- Details of the body or organization responsible for implementation of the plan.
- On-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies)/new residents responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To ensure the development contributes to the Government's target of no net biodiversity loss as set out in the National Planning Policy Framework; South Somerset District Council Local Plan - Policy EQ4 Biodiversity; and the council's obligations for biodiversity under the Natural Environment and Rural Communities Act 2006.

18. The proposed new residential development shall include 16amp electric charging points for electric vehicles, accessible to all residences, details of which shall have been submitted to and approved in writing by the Local Planning Authority prior to any part of the development hereby permitted being first occupied, as required by Policy TA1 (ii) (low carbon travel) of the adopted South Somerset Local Plan and paras 35, 93 and 94 of the NPPF. Once approved, such details shall be completed and maintained in accordance with the details and timetable agreed.

Reason: To ensure that the development is resilient and sustainable in accordance with policy TA1 of the South Somerset Local Plan (2006-2028) and the provisions of the National Planning Policy Framework.

Informatives:

01. Please be advised that approval of this application by South Somerset District Council will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge

on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice.

You are required to complete and return Form 1 Assumption of Liability as soon as possible and to avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place. Please complete and return Form 6 Commencement Notice.

You are advised to visit our website for further details <https://www.southsomerset.gov.uk/cil> or email cil@southsomerset.gov.uk.

02. For all works which affect the highway, or which will be put forward for adoption as highway maintainable at public expense, full technical and construction details will be subject to a suitable agreement with the Highway Authority under s278 and s38 of the Highways Act 1980.