

## Officer Report On Planning Application: 19/02777/FUL

<b>Proposal :</b>	The erection of 3 No. dwellings with associated works including the creation of a new access and landscaping.
<b>Site Address:</b>	Land Adjoining Morganside, Turnhill Road, High Ham TA10 9DF
<b>Parish:</b>	High Ham
<b>TURN HILL Ward (SSDC Member)</b>	Cllr G Tucker
<b>Recommending Case Officer:</b>	Colin Arnold
<b>Target date :</b>	2nd December 2019
<b>Applicant :</b>	Mr A Roberts
<b>Agent: (no agent if blank)</b>	Boon Brown Architects, Motivo, Alvington, Yeovil BA20 2FG
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFFERAL TO COMMITTEE

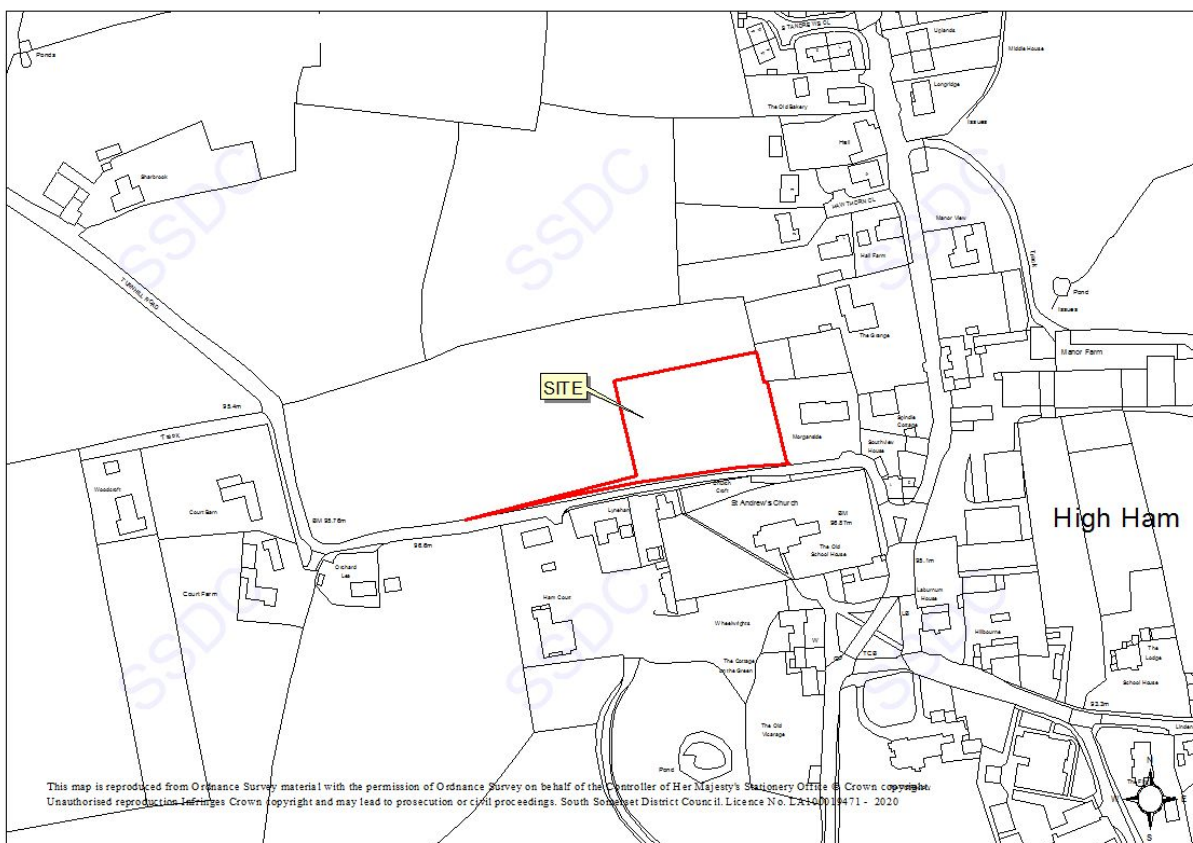
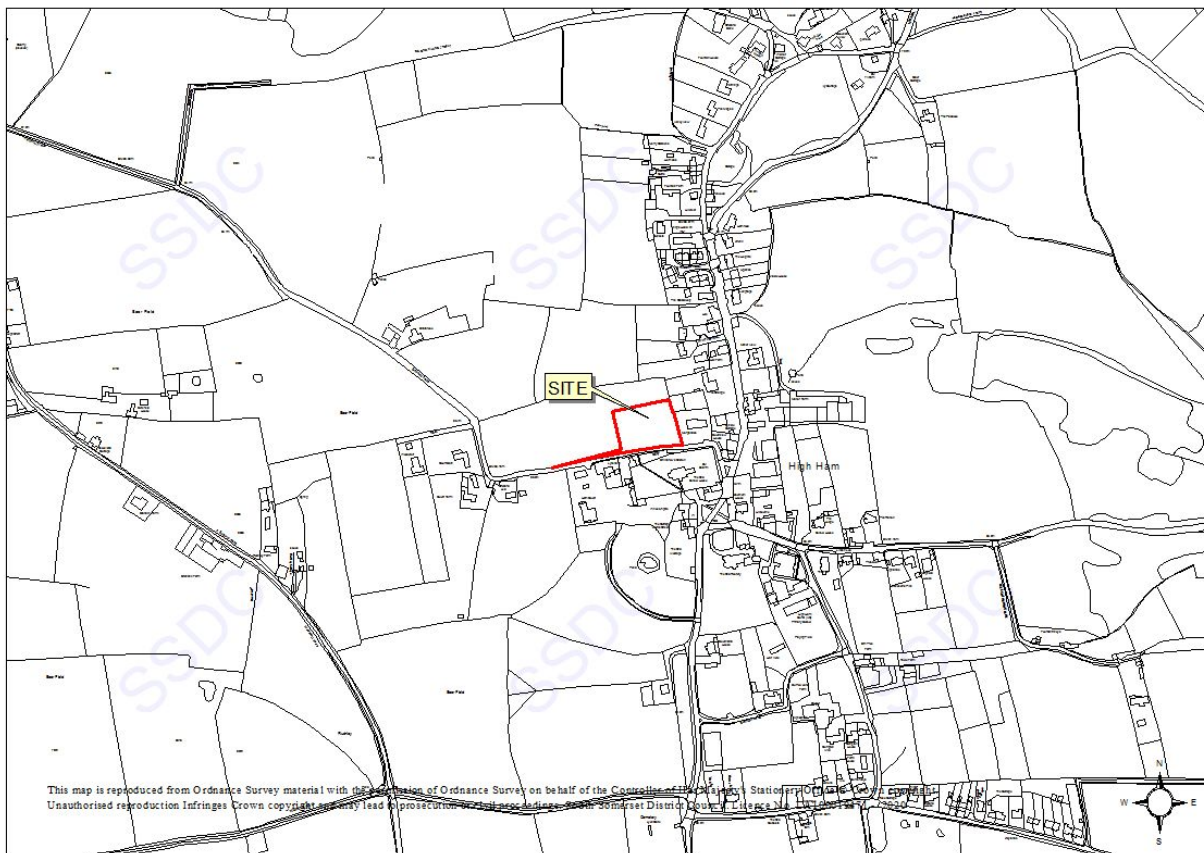
The Ward Members views are contrary to the case officer's recommendation.

In particular he considers that the application is contrary to Policies SD1, SS1, EQ2 and TA1 of the South Somerset District Local Plan:

- lack of travel plan
- development in open countryside
- lack of employment opportunities in the area
- unsustainable location
- does not reinforce local distinctiveness close to Listed Buildings
- no cycle storage.

The Area Chairman agrees with the Ward member that the application should be heard at committee

## SITE DESCRIPTION AND PROPOSAL



This is a full application for the erection of 3 No. dwellings with associated works including the creation of a new access and landscaping at Land Adjoining Morganside, Turnhill Road, High Ham, Langport.

The proposed dwellings will be constructed in a mixture of brickwork and natural stone reflecting the historic nature of their surroundings. They will have clay double roman tiles to the roofs. They will have low eaves with painted dormer windows with lead cheeks to achieve the required head heights in the first floor rooms for plots one and two.

The proposed dwellings will be constructed adjacent to but not within High Ham Conservation Area where the views from within and without are considered highly important in the assessment of this planning application.

Plots one and two are in a semi-detached arrangement whereas plot three is a detached stand-alone dwelling.

Plans were withdrawn for a similar style development was withdrawn last year to allow for improvements to the submitted plans.

## **HISTORY**

18/03691/FUL - Erection of 3 dwellings with associated works including the creation of a new access at land adj. Morganside, Turnhill Road, High Ham - Application withdrawn

## **POLICY**

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.

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

SD1, SS1, SS2, SS4, SS5, TA1, TA5, TA6, EQ1, EQ2, EQ3, EQ4

National Planning Policy Framework

Chapters 2, 4, 5, 8, 9, 11, 12, 14, 15,

National Planning Practice Guidance

Design, Natural Environment, Rural Housing, Planning Obligations

Policy-related Material Considerations

Somerset County Council Parking Strategy (September 2013)

Somerset County Council Highways Development Control - Standing Advice (June 2017)

## CONSULTATIONS

### Parish Council: objection

#### Planning comments

The principal objections of the Parish Council relate to damage to the landscape and visual impact and access concerns and lack of need.

#### LANDSCAPE AFFECT

- The project is out of keeping with the landscape in which it is embedded and is harmful to heritage assets and a conservation area. (note 1)
- Includes conservation area
- Church of St Andrew (listed I)
- The Grange (listed II)
- Church Croft
- 2 separately listed sections of historic Churchyard wall (grade II) - (Note 5)
- Failure to comply with SS2 (note 3) when no identified need
- Drainage of the land would appear to be inadequate. - Local knowledge confirms that the proposal is in the wettest part of the field. This means that this part of the field, a former quarry, has in the past been under water (at least 6") following heavy rain and the natural drainage from the higher field immediately behind it. Concern is raised regarding ridge heights should the floors be elevated to avoid the floods. Attention will also need to be given to how this water will be removed from the site as the current arrangements consist of a pipe that is located under 'The Grange' and Field Road and discharges into the Manor Farm field.

#### VISUAL IMPACT (Note 4)

- By virtue of its nature and placement it will be impossible to ignore the site from many aspects of the village.
- By its placement it will become a dominant feature of the landscape including loss of view of heritage assets.
- The footpath close to the site that is regularly used by both parishioners and others will be spoilt and enjoyment of the views from these, particularly relating to the heritage assets will be nullified.
- The points raised by the CPRE in a letter dated 31st October 2019 and submitted to the Planning Authority are wholly supported by the Parish Council

#### ACCESS CONCERNS & HIGHWAYS SAFETY

- The Parish Council's view on the Access Statement is that of a flawed piece of work that provides no meaningful knowledge of the area and its road infrastructure. It is believed that the Planning Authority could significantly prejudice the health and safety of all road users along this stretch of Turnhill Road, if approved, and would urge decision-makers to take heed of local knowledge as to ignore this could have serious consequences of an adverse nature in the future. (Note 5). There is also a highly increased risk to the churchyard wall of which 2 sections are separately grade II listed.

#### LACK OF NEED

- Contrary to SS2 of the Local Plan no need for this development has been demonstrated and it derives the Parish no benefit. The applicant's main argument in the planning statement appears to be that in the absence of a 5-year housing land supply, the development should be approved. This proposal will not make a significant contribution to that shortfall and there are no significant public benefits of 3 open market houses in this sensitive location. Together with the parish housing needs

assessment which informs the Parish Council accurately of the need, (which High Ham Community Land Trust are seeking to meet), in the Parish Council's view this development is unacceptable as the local need is not met. (Note 6)

- Further view of the Church and setting of open countryside

## NOTES

Note 1 Significant harm to character and landscape including heritage assets and conservation area.

The Parish Council is very concerned that the potential for any development on this site will introduce real harm to the character and landscape of the area. No matter what the documentation submitted contains (Note 2), the proposed site is located within the close proximity to local heritage assets and a conservation area. The Parish Council believes that it is not relevant if the local heritage assets are designated or not as the whole immediate area must be seen 'in the round' as each are important to the other in the wider setting and how they co-exist with each other must be taken seriously. The openness of the field in which the proposed site exists also contributes to the character of this location which hasn't changed for many years and is very distinct.

Any development on this site will significantly impact on this local distinctiveness and be out of context with what currently exists. The natural setting of 'Church Croft' in particular should not be compromised in any way or from any direction. Additionally, it is believed the NPPF espouses the need to be mindful that 'setting' with respect to any asset may extend beyond its curtilage. This does, therefore, equally apply to the Grade 1 Listed Church of St Andrew and the Grade II listed 'The Grange'. In the Parish Council's view any development in the historic open field opposite the conservation area would introduce negative change, which could sever the link between the heritage assets and their original setting. Additionally, the occupiers of Church Croft will have their privacy compromised and will be subject to 'overlooking'.

Note 2 - With regard to documentation and Heritage Assets

The Parish Council is really concerned with the blasé attitude that has been applied to the statements contained within the documentation which have, sadly, been allowed to inform the conclusions reached. In the Planning Statement, in respect of the heritage assets, reference is made to the heritage assessment undertaken as identifying:

"The completed assessment has identified no significant harm in respect of the significance or setting of any designated heritage assets due to the predicted effects of the proposed development. Whilst a minor impact has been assessed regarding the wider landscape setting of the grade II Listed Grange, its setting is considered to offer only a minor contribution to its overall heritage significance which is derived largely from its historical and architectural value.

Assessment of the contribution made by the site in its current form to the setting of the grade 1 Listed Church of St Andrew concluded that the designated heritage asset will not be directly or indirectly affected by the proposed development area to the north which comprises land assessed to make no major contribution to its setting or significance."

It is believed that this statement actually concludes that a degree of harm to the two heritage assets nearby, along with Church Croft 'is' introduced as a result of the proposed development. Whether the degree of harm is 'significant' or 'minor', harm is still caused and any kind of harm to these assets is unacceptable and the Planning Authority should acknowledge this. Note 1 refers to the co-existence with each other which is crucial to avoid detriment and must be taken seriously.

Not only is it a sensitive rural location, the lack of facilities, shop, bank, petrol station, cashpoint, doctors etc., requires all householders to drive, as there are no daily bus services. The application is, once again, misleading as the 850 and 903 services do not operate daily. This means that in practice, with all other practical factors, it is an unsustainable location for this application which will do nothing but cause the utmost harm to the Parish whilst not fulfilling any genuine need within the parish.

Note 3 - Failure to comply with SS2

There are an abundance of 4-bed dwellings in the High ham Community, mainly detached with a smaller

number of semi-detached. This proposal, therefore, does not meet the identified need determined in a housing needs survey undertaken within the last 2 years or so. The housing needs survey concluded that the community needed at least 5 affordable homes to allow young people with a strong connection to the High Ham community to be able to live where that strong connection exists. As a result a Community Land Trust (CLT) was formed and is making good progress and appropriate sites for 'attuned' development are being considered. This is a community led initiative that will deliver tangible benefits to local people whilst addressing the needs identified. This proposal, therefore adds no value to the community whatsoever and is not community led.

The Parish Council wish to remind the Planning Authority that High Ham is a 'rural settlement' and Policy SS1 States; "Rural Settlements will be considered as part of the countryside to which national countryside protection policies apply."

Additionally, the provisions of SS2 state:

"Development in Rural Settlements" (not market Towns or Rural Centres) will be strictly controlled and limited to that which:

1) Provides employment opportunities appropriate to the scale of the settlement;

And/or

2) Creates or enhances community facilities and services to serve the settlement;

And/or

3) Meets identified housing need, particularly for affordable housing.

Development will be permitted where it is commensurate with the scale and character of the settlement, provides for one or more of the types of development above, and increases the sustainability of a settlement in general. Proposals should be consistent with relevant community led plans, and should generally have the support of the local community following robust engagement and consultation.

Because none of the above criteria in items 1, 2 and 3 are satisfied the Parish Council suggests that it can be concluded that the proposal fails to satisfy policy SS2 of the Local Plan as it does not provide employment opportunities, enhance community facilities and services to serve the development, or meet an identified housing need, particularly affordable housing, and it is not community led. Additionally, it is clear from the number of objection letters submitted to the Planning Authority over the last year regarding the previous proposals submitted and currently, there is no support in the local community for this proposal.

#### Note 4- Visual Impact Concerns

The proposed location is one of prominence and will be very visible from a number of directions. The view from the public footpath would be adversely affected and not be as stated in the Heritage Statement provided: 'offering only a limited view towards the church, conservation area and other heritage assets'. Local knowledge confirms that the field immediately behind the proposed site in question sits at a much higher level and offers a natural vantage position to view the Church and the conservation area. Additionally, the views that currently exist from all directions will be permanently altered and this will have a detrimental impact on this long-standing natural settings.

There appears to be an element of ambiguity within the information provided. In paragraph 4.1 of the Planning Statement there is reference to a single access point serving all 3 dwellings. In paragraph 6.9 there is reference to each dwelling having a new access? Should the 3 access points be the intention, this will seem to be out of kilter with what currently exists from a street scene/local character perspective. Additionally, there appears to be confusion as to what style the proposed design follows. In paragraph 4.1 it states the dwelling have been 'designed to an agricultural aesthetic' whereas 6.14 states 'the design shifted from an agricultural aesthetic to a rural cottage vernacular.' With so many iterations on a theme, it is inevitable that some information from a previous submission gets left in the next?

The excellent letter from CPRE dated 31st October 2019 submitted to the Planning Authority is wholly supported by the Parish Council and provides a very coherent and cohesive argument against development at this location.

#### Note 5 - Access and Highways Concerns.

No amount of 'desk top studies can determine accurate assessments of the potential danger but those living in close proximity to the site can provide the most accurate assessment based on actual

experience and local knowledge including that of the high number of unreported accidents. The reliance on crash Map data is no substitute for local knowledge and experience. Many problems are regularly encountered, particularly at the Church bend section of the road which has seen HGV's stuck at this point and needing to reverse over one mile along Turnhill road to continue their journeys. Damage to the listed church wall, and adjacent property, has been caused on a number of occasions as a result of this. This confirms that this road does not have the capacity to cope with large vehicles or increased numbers of vehicles using it and there is a far increased risk of damage to the listed wall by encouraging additional traffic. The safety of road users should also be considered as paramount as this is a dangerous section of road.

Likewise, the blind junction leading into Field Road must be taken into account especially during school term-time and the impact in the opposite direction, through the hamlet of Bere, will also compound existing problems and have an adverse impact on safety. There is no substitute for local knowledge and, once again, the Parish Council would encourage the planning Authority to take these considerations seriously. The access to the site from the main parish is accessed by two 'blind' junctions at the little green. These are not suitable junctions for additional traffic.

In line with the new access point, or points, the Parish Council is very concerned to read it is the intention to 'realign a section of the hedge'. Any such intent will completely change the character of this stretch of road as well as inflict irreparable damage to wildlife. Glow worms and slow worms have been seen to exist in this area! Likewise, the suggestion in paragraph 6.9 that the widening of the road will provide great benefit in terms of cars being able to pass is absolute nonsense. Yes, it may well allow the passing of 2 cars (only cars) at the widened point proposed but this does not provide any additional benefit throughout the remaining length of single track road that Turnhill Road is.

Note 6 - The applicant's use of the Council's lack of 5-year land supply

This argument appears to be a common trend with current applications for new development received within the Parish. If applicants and their agents hold the view that a situation now prevails whereby the Planning Authority will automatically grant approval because of the lack of a 5 year land supply then, it is incumbent, once again, on the planning Authority to ensure this understanding is not as all-pervading as it appears. The authority should scrutinize every application on its own individual merits, on its compliance with local and national policies, and ensure the development is meeting a need and the planning authority should be bold enough to determine the outcome without having the fear of future appeals looming on the horizon with the potential costs to the Authority if lost.

If this is not the case, then the Planning Authority will fail to act in a fair, just and reasonable way which becomes, essentially an abuse of power and whose professional decision-making and judgement flawed. If the Planning Authority does not take heed of these considerations it will not be able to provide the professional support and guidance to communities like High Ham who are trying to maintain the very fabric of its landscape and the heritage assets it holds, whether designated or not.

Should the tilted balance be in play, with regards to the lack of 5-year land supply, the local plan policies 'must' remain relevant, and it must be understood the weight given to them will vary according to circumstances, including the extent of the land supply shortfall. (the Planning Authority has a 4 year supply) and the prospect of the significant future development taking place around the District will soon make up the shortfall.

This application, in the Parish Council's view makes no significant contribution to the shortfall, and certainly does not offer any public benefits that outweigh the damage caused by this application on the sensitive location. (refer to para 196 NPPF)

Other Notes of extreme importance to the application

As noted at the start whilst this is a new proposal the Parish Council feels there is no fundamental change to the position, in terms of opposing it, presented over 12-months ago and again following amendments submitted last spring. From an initial public consultation exercise consisting of 14 houses on the site - 5 affordable 9 open market, to the submission of 3 gigantic luxury detached homes that looked totally out of place in their setting, resulting in a further amendment that was eventually withdrawn

after many months. The latest iteration brings us to this entirely new application submitted on a reduced scale, with the proposed dwellings located in an entirely different part of the field. However, it should be noted that despite the reduced scale, it is believed the cumulative impact of incremental changes may have as great an effect on the significance of the existing heritage assets/conservation area as a large scale change. The reduced scale, along with the design change is irrelevant as there should be no development of any kind in this location. The revised location does introduce additional concern to the Parish Council regarding the potential for the whole field to be developed should the principle for development be established. Should this be the outcome, this historical part of our parish would be changed forever and represent 'urban sprawl' in a countryside location. The Planning Authority should visit 'Fountain Road' area of the community and see first-hand how the landscape has moved from its original rural setting to one of urbanisation.

#### HIGHLIGHTING CONCERNS AND PARALLELS WITH 17/04870/OUT

With reference to 17/04870/OUT and the outcome of the appeal that was determined on 6th March 2019 (appeal ref APP/R3325/W/18/321183). The appeal was dismissed and much is pertinent to this planning application (19/02777/FUL) as one of the purposes of the Inspectors investigations was to determine the effect of the proposed development on the character and appearance of the area, including the setting of grade II listed Windsor Farm. (A listed building within our Parish.)

The Parish Council would draw the Planning Authority's attention to what it believes are very salient points and, for ease, the salient points of the appeal notice are provided as they appear with the relevant paragraph numbers as follows:

"15. Given the scale of the proposal in respect of the setting of the listed building, I consider that the harm would, in the terminology of the revised Framework, "be less than substantial". Nevertheless, being mindful of the statutory duty in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, great weight should be given to its conservation. Any harm to, or loss of, its significance as a designated heritage asset should require clear and convincing justification.

16. As I have found that the proposed development would cause less than substantial harm, this should be weighed against any public benefits. The provision of two additional dwellings would only make a limited contribution to local housing supply in the area. The appellant's Design and Access Statement also refers to highway safety benefits as a result of the proposed removal of 4 hedgerows. However, I have seen no firm evidence to show the extent of any pre-existing problems in this regard and I therefore attach limited weight to any such public benefits.

17. Overall, the public benefits would not therefore outweigh the great weight that I am required to attach to the conservation of the setting of Windsor Farm.

20. I recognise that historically the roadside boundaries were demarcated by metal railings and I saw the remains of these on my site visit. Nevertheless, it does not follow that their repair and reinstatement would now be appropriate and although the appellant characterises the proposed removal of hedgerow as much needed maintenance, it would in my judgement have a deleterious effect on the character and appearance of the area.

22. Drawing this main issue to a conclusion, I find that the proposed development would fail to preserve the setting of the listed building and would cause less than substantial harm to its significance as a heritage asset. In the absence of any public benefits to outweigh this harm, it would conflict with SSLP Policy EQ3 which seeks to safeguard or where appropriate enhance the significance, character, setting and local distinctiveness of heritage assets. For the same reasons, it would conflict with Section 16 of the revised Framework.

22. Furthermore, the location of the appeal site on the edge of the village and removal of hedgerows would represent an unacceptable intrusion into the countryside contrary to SSLP Policy EQ2 which requires development proposals to conserve and enhance the landscape character of the area and reinforce local distinctiveness.

The proposal would also give rise to less than substantial harm to the setting of a Grade II listed building



which would not be outweighed by public benefits and would be harmful to the character and appearance of the wider area.

30. For the reasons given, and having regard to all other matters raised, the appeal should be dismissed".

The Parish Council believe that there are many parallels to the application (18/03691/FUL) under consideration with that of the appeal decision (17/04870/OUT) and would, once again, urge the Planning Authority to be mindful of the appeal determination, the principles that underpinned this reasoning and attach sufficient weight to the professional judgement applied.

The Parish Council believes, therefore, that it is incumbent on the Planning Authority to take due cognisance of the Planning Inspectors findings as there are many parallels with the proposals being considered in this application. Likewise, consistency of approach and application of the principles that underpin the planning policies that apply, would instil greater confidence amongst the general public that the Planning Authority is actually undertaking its responsibilities in a fair, measured and professional manner

#### CPRE

CPRE Somerset wishes to OBJECT to this proposal for the following reasons:

1. Harm to village character and its landscape.

We consider that the development site is part of an intact high quality village landscape, and that it forms an important component of the setting of the Conservation Area.

The openness of the field in which the proposal is located contributes to the distinctive character of this part of the village, and to the significance of the Conservation Area. This openness would be substantially impacted by the proposed development, and the village setting would be harmed accordingly.

The narrow single lane forms a clear and historic edge to the Conservation Area. The proposal represents unplanned urban sprawl into open countryside. The historic edge of the village and its conservation area would be blurred by this proposed development, thereby adversely impacting local distinctiveness and failing to respect local context.

The Planning Statement notes that the site falls within the 'Moor Fringe' character area of the Fivehead and Ham Hill Escarpments, Valley and Moors landscape area ( 'The Landscape of South Somerset, 1993'). Its opinion is that 'the proposed modest development would not adversely impact upon the main characteristics of the landscape area'. However the text of the 1993 publication explains (on p.15) that one of the characteristics of the Moor fringe character area is that 'hedges are usually species rich and fields are sometimes long and thin emphasising the flow of the slope'. The field in which the proposed development site lies is long and thin, and thus highly characteristic of the landscape area. Furthermore the proposed development site is entirely filled with evidence of medieval farming strips (ridge and furrow). The housing would truncate the field by at around a third, leaving an isolated section arguably too small for productive use and thus vulnerable to further planning applications.

The proposed development would occupy a prominent position in the field, and be highly visible from the footpath running east-west to the north of the site. We do not agree that the footpath 'affords very limited views across the site of the church due to the intervening substantial mature hedgerow boundary' (Heritage Statement, para 4.46), nor would this be the case in winter months.

There are multiple other viewpoints of the conservation area from the north and north-west. The proposed development would restrict many of these views, and thereby detract from its significance.

This can be understood in Photo 1, taken from the north -west corner of the field looking back to the conservation area (Planning Statement). The middle distance in front of the conservation area would be filled with the development, restricting the view which has remained largely unchanged for centuries.

Furthermore we consider that the views from both the east and west side of Turnhill Road will be permanently altered by this proposal.

In para 4.1 of the Planning Statement it is stated that the proposed dwellings have been 'designed to an agricultural aesthetic replicating converted barns', whereas in para 6.14 it is stated that 'the design shifted from an agricultural aesthetic to a rural cottage vernacular'. Notwithstanding this confusing description of the style of the dwellings, few existing houses in the village have been built in rows. The layout and relationship to the lane of the proposed development is not sympathetic to the existing residential footprint.

The setting back of hedging and the opening of three access points will give the development a suburban feel, and change the character of the lane. The Heritage Statement accepts (at para 4.45) that cartographic studies indicate that all extant hedgerows within and at the extents of the site should be considered 'important' under the Hedgerow Regulations 1997, and thus be protected from removal.

For these reasons the proposal does not conserve and enhance the landscape character of the area, neither does it reinforce local distinctiveness nor respect local context. In our opinion it is therefore not compliant with LP Policy EQ2; nor with the relevant provisions of the NPPF, including Para 127 which provides among other things that planning decisions should ensure that developments are 'sympathetic to local character and history including the surrounding built environment and landscape setting'.

## 2. Harm to the setting of heritage assets.

The planning application is accompanied by a Heritage Statement. Its conclusions regarding the proposed development are that it would have little if any adverse impact on the heritage assets. We disagree.

As regards the church, the Heritage Statement concludes that 'the wider setting of the church, in part reflective of the agricultural origins of the settlement from the early medieval period, is considered to offer a far more limited contribution to the significance of the heritage asset (than its immediate setting)' (para 5.17); and that 'the site does not form part of the setting of the church (our emphasis) due in large part to the presence of the enclosing effect of the trees within the churchyard itself and its boundary treatments' (para 6.4). However the development site occupies a prominent position immediately in front of the church. It will be highly visible from multiple viewpoints, and restrict views of the conservation area from the north. The NPPF (Glossary) defines 'setting' as 'the surroundings in which an asset is experienced and may therefore be more extensive than its curtilage'. It is clear therefore that the site does form part of the setting of the church. The wider setting is important precisely because of the agricultural origins of the settlement. The fact that the wider setting closely resembles the setting at the time the asset was constructed contributes particularly strongly to significance (see Historic England's publication: The Setting of Heritage Assets 2015, p.4). The site and the field in which it lies is an important component of the wider landscape setting due to its close proximity to the heritage assets.

As regards the Grange, the Statement concludes that 'the wider village setting, whilst of some significance in the 19thc siting of the building, is not considered a major contributor to its significance'. We disagree. As with the church, the setting of the Grange is essentially unchanged since the asset's construction, and this fact contributes particularly strongly to significance.

As regards the conservation area, the Statement states that 'the site lies outside the boundaries of the conservation area, clearly not considered to be of an appropriate level of significance to warrant its inclusion when boundaries were drawn up'. This argument ignores that all heritage assets including conservation areas have settings, whether designated or not; and that the setting is the surroundings in

which the asset is experienced. It concludes that: 'The contribution of the site to the setting and thus the character of the conservation area is assessed to be negligible' (para 5.38). However, in our view, the proposed development site lies in open countryside directly opposite and in close proximity to the conservation area, in a grandstand position for better viewing of its various assets. It would plainly occupy a prominent and highly visible position within the setting of the conservation area, due to its scale and proximity.

The Historic England publication 'Managing Significance in Decision-Taking in the Historic Environment 2015' highlights at p.8 that 'the cumulative impact of incremental changes may have as great an effect on the significance of heritage assets as a large scale change'. The planning application argues that the scale of the proposal has been reduced. However in our view any development in the historic open field opposite the conservation area would be negative change, which could sever the link between the heritage assets and their original setting.

The proposed development would destroy the ridge and furrow earthworks, which should be seen as a non-designated heritage asset of local significance and value given the agricultural origins of the settlement. The loss of this heritage asset is not assessed in the Heritage Statement, although it is admitted at para 4.41 that these earthworks were visible across the whole proposed development site in the 2013 Google Earth sequence.

The impact on two other non-designated heritage assets has not been assessed at all, namely Lyneham and Church Croft. This repeats the omission noted by the Conservation Officer in her response to the previous application.

In our view, for these reasons, the proposal is not compliant with LP Policy EQ3, as it does not safeguard or, where appropriate, enhance the significance, character and sense of place. Rather, it would result in the loss of around a third of the field in which the site lies. The field is indisputably a major component of the setting of the conservation area (given its proximity). The proposal would also result in significant adverse impacts on designated and non-designated heritage assets; and the loss of evidence of medieval farming practices within the setting of the conservation area (ridge and furrow).

### 3. Local Plan policies and the tilted balance.

The applicant's main argument in the Planning Statement appears to be that in the absence of a five year housing land supply, the development should be approved. However, even when the tilted balance is in play, the Local Plan policies remain relevant, and the weight to be given them is not dictated by government policy. It will vary according to the circumstances, including for example the extent of the shortfall (the LPA has a 4 years supply), and the prospect of development soon coming forward to make up the shortfall.

In our view, this proposal will not make a significant contribution to the shortfall; furthermore there are no significant public benefits of three open market houses in this sensitive location to justify the adverse impacts should the case officer decide that any of them represent less than substantial harm ( para 196, NPPF).

The proposal reduces the size of a key component of the setting of the conservation area (i.e. the field in which the development site lies), makes no positive contribution to the heritage assets, nor better reveals their significance. Therefore in our view the proposal is not compliant with para 200 of the NPPF.

The housing is not in the right location, it would not meet an identified housing need, it would adversely impact the setting of heritage assets, including notably the setting of the conservation area, and entail the destruction of ridge and furrow within the immediate landscape setting of an historic village with farming origins.

We trust that you will take account of our views and refuse this application.

### **Historic England:**

Thank you for your letter of 17 October 2019 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

#### Historic England Advice

Historic England provided comments on the previous application (18/03691/FUL) for three dwellings. At that time we agreed with the Heritage Statement in that the surrounding agricultural land, whilst providing the church with a degree of rural context, does not contribute in a significant manner to its setting. We therefore did not consider that a level of development in this location would cause undue harm to the church.

However, we did take the opportunity to raise concern at the scale of the proposed dwellings and disagreed with the Heritage Statement where it judged that 'No Harm is assessed overall in respect of the character of the High Ham Conservation Area'. We considered the location of the development, effectively islanded within its associated field, to be an incongruous addition to the conservation area ('The row of these three substantial houses fails to sit comfortably within the wider plot of land, and will appear at odds with the piecemeal development of the historic settlement'). Whilst we did not assess the land as contributing significantly to the setting of the church, we recognised it as a positive attribute to the rural context of the asset and the conservation area.

We have remained engaged with this proposal and have had sight of this revised location. Whilst it pulls the development in closer to the church, we consider it to offer a more appropriate, natural extension to the village/conservation area. The building types also relate more contextually to the village than the previous iterations (i.e. the original barn complex and the subsequent row of three substantial detached dwellings). As stated previously, we do not consider a small degree of development within this general location to unduly harm the setting of the church, and therefore advise that this scheme sits more comfortably with us.

#### Recommendation

Historic England has no objection to the application on heritage grounds. We consider that the application meets the requirements of the NPPF, in particular paragraph numbers 127 and 200. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.

### **SCC Highway Authority:**

I refer to the above-mentioned planning application received on 21 October 2019 and after carrying out a site visit on 5 November have the following observations on the highway and transportation aspects of this proposal:-

The application site is located to the north of Turnhill Road. This is a classified unnumbered road which subject to a 30mph speed limit. In the vicinity of the site the road width generally does not allow two-way traffic flow and footways are not present. It is lightly trafficked and on-site observations confirmed low vehicle speeds (less than 30mph) past the site due to the road geometry.

In terms of traffic impact, three dwellings would be expected to generate 2 vehicle trips during the weekday peak hours and 18 trips over the course of a day. This level of traffic generation is unlikely to have a severe impact on the operation of the local highway network, in the context of NPPF guidance.

Separate accesses are proposed for each dwelling. Visibility splays of 2.4m x 45m and 2.4m x 30m are proposed. Given the highway layout in the vicinity of the site and resultant vehicle speeds, the proposed visibility splays are considered to be appropriate and should be secured by planning condition.

The proposed site layout includes the widening of Turnhill Road in the vicinity of the proposed site accesses. Given the narrow width of Turnhill Road, the localised widening is accepted. These works will require approval in writing and dedicating as highway, along with an appropriate legal agreement/license to undertake the works. The existing telegraph poles may also need to be related in order to accommodate the proposed works. The proposed highway works can be secured by planning condition.

It is noted that sustainable drainage is proposed in the form of an ACO drain and a soakaway. If sustainable drainage is proposed, SUDs will be subject to adequate design and testing of ground suitability and the applicants are advised to carry out these tests and inform SCC of the results at an early stage. Soakaways should not be located within 5.0m of any structure including carriageway in line with current building regulations. The applicant should establish at an early stage that a suitable outfall could be provided to discharge surface water run-off from the development (permission must be sought for the outfall).

Each dwelling would provide a minimum of three parking spaces and internal turningpro vision. This level of parking provision accords with the SCC recommended optimum parking standards.

In the event of permission being granted, I would recommend that the following conditions are imposed:-

(Conditions and informatives as listed below in full under recommendation)

**SSDC Highway Consultant:**

SCC comment: see road record plan. SSDC Highways Consultant's comments: SCC has indicated that it will be providing comments and a recommendation in response to this planning application.

**SSDC Specialist - (Conservation):**

The proposed site abutting the Conservation area is relatively well sheltered. The development would be the first time for the historic envelope of village to be extended into farm land. So far new buildings in this area have been garden/orchard infill. This field is anciently enclosed land, and on the tithe map is named Church croft, an arable field in 1840, now a paddock.

There is little intervisibility from the Grade II listed church nor would there be a strong impact on the setting of the adjacent listed building, the Grade II listed early C19 villa, the Grange. In my view there is not sufficient impact on historic built heritage to recommend refusal on the grounds of harm to setting and the character of the conservation area from this proposal provided the buildings and landscaping (i.e. no tarmac drives etc.) are of appropriate materials and in keeping with the character of the conservation area.

**SSDC Environmental Health** - suggests conditions relating to construction (see below)

## **SCC Ecologist**

Crossman Associates were commissioned by Boon Brown to undertake an ecological survey of an area of land at High Ham, Somerset. The survey comprised of an ecological appraisal in April 2018. The results of the survey are as follows:

**Habitats:** The site is a rectangular area of pastureland measuring approximately 4 acres in size with boundary hedgerows. It lies in the centre of a small rural village of High Ham, Somerset.

**Amphibians:** There are no watercourses on site and no ponds in close proximity to the site up to 250 m, according to Ordnance Survey mapping.

**Badgers:** There are no badger setts on site and no badger setts were recorded in close proximity of the site where access allowed for inspection.

There is no evidence of badger foraging activity on site or evidence of badger commuting paths; however, it is considered likely that the site occupies the territory of a local badger population.

**Reptiles:** The site is mainly mown pastureland and management goes right up to the base of hedgerows and other boundary features, which reduces any suitable habitat reptiles. It is possible that the hedgerow bases provide very limited areas of reptile habitat in conjunction with surrounding habitats, particularly at the east of the site where the site adjoins gardens.

**Nesting birds:** The hedgerows around the boundary of the site provide a nesting resource and foraging resource for birds and at the time of the survey house sparrows *Passer domesticus* and greenfinches *Carduelis chloris* were recorded in association with these features.

**Dormice:** The site is considered to be suboptimal for dormice due to lack of favoured food plants, heavy management of hedgerows and the sites relative isolation within a village-edge context. Dormice prefer dense, species-rich bushy hedgerows with a diverse and wide herb layer; in contrast, the hedgerows on site are flailed so lack seeds or fruit and are manged right up to the base, so lack any significant herb layer.

In order to facilitate visibility splays a large section of hedgerow is to be translocated on site.

## **Recommendations**

To comply with local and national policy, wildlife legislation, and the requirements of the mitigation hierarchy and for biodiversity net gain, please attach the following conditions to the planning permission if granted.

### **Bats**

The proposals should avoid external lighting of the boundaries of the site, therefore please attach the following condition:

- Prior to occupation, a "lighting design for bats", following Guidance note 8 - bats and artificial lighting (ILP and BCT 2018), shall be submitted to and approved in writing by the local planning authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with South Somerset District Council Local Plan - Policy EQ4 Biodiversity.

## Badgers

Due to the potential for badgers to use the habitat on site the following informative will be attached:

- The developers are reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers or signs of badgers are unexpectedly encountered during implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

## Birds

It is likely that habitats on site will be used by nesting birds, as such the following will be conditioned:

- No vegetation removal works around the site shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the trees, shrubs and scrub and tall ruderal vegetation to be cleared for active birds' nests immediately before works proceed and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: Nesting birds are afforded protection under the Wildlife and Countryside Act 1981 (as amended). Although this is a legal obligation the law does not specify a time period - some species can breed outside the time frame given.

## Dormice

It is possible that dormice may be using the boundary hedgerows, as such the following will be conditioned:

- The translocation of the northern hedgerow shall not in any circumstances commence unless the Local Planning Authority has been provided with either:
  - a) a copy of the licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead; or
  - b) a statement in writing from the licensed dormouse ecologist to the effect that he/she does not consider that the specified development will require a licence.

Reason: A pre-commencement condition in the interest of the strict protection of European protected species and in accordance with policy EQ4 of the South Somerset Local Plan

## Reptiles

There is the potential for reptiles to use habitats on site, therefore the following will be conditioned:

- Prior to any vegetative clearance or groundworks, any vegetation in the construction area should initially be reduced to a height of 10 centimetres above ground level by hand, brushings and cuttings removed and the remainder left for a minimum period of 48 hours of fine warm weather (limited rain

and wind, with temperatures of 10°C or above) before clearing to minimise the risk of harming/killing any reptiles that may be present and to encourage their movement onto adjoining land. This work may only be undertaken during the period between March and October under the supervision of competent ecologist. Once cut vegetation should be maintained at a height of less than 10cm for the duration of the construction period. Any features such as the spoil heap on site which potentially afford resting places for reptiles will be dismantled by hand by a competent ecologist in April or August to October and any individuals found translocated to a location agreed with the Local Planning Authority prior to works commencing on site. A letter confirming these operations and any findings will be submitted to the Local Planning Authority by the ecologist responsible prior to works commencing on site.

Reason: In the interests of UK protected and priority species and in accordance with South Somerset District Council Local Plan - Policy EQ4

### Hedgerows

In order to protect hedgerows on site the following will be conditioned:

- Retained hedgerows and trees shall be protected from mechanical damage, pollution incidents and compaction of roots in accordance with BS5837:2012 during site clearance works, groundworks and construction and to ensure materials are not stored at the base of trees, hedgerows and other sensitive habitats. A 5m buffer around retained hedgerows will be established with Heras fencing.

Reason: In accordance with BS 5837:2012, NPPF 2018 and UK Government guidance on Ancient woodland, ancient trees and veteran trees: protecting them from development 2018

### Biodiversity Enhancement (Net Gain)

As enhancement and compensation measures, and in accordance with National Planning Policy Framework (NPPF), please apply the following conditions to any planning permission granted.

- A Biodiversity Mitigation and Enhancement Plan (BMEP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior commencement or prior to commencement of construction works. Photographs of the installed features will also be submitted to the Local Planning Authority prior to occupation: The content of the BMEP shall include the following:
  - a) Three Habitat 001 bat boxes or similar will be installed under the west-facing gable apex of each garage, so that the boxes face new hedgerow planting, which will provide commuting habitat and connectivity.
  - b) Three no. Schwegler 1SP or similar bird boxes will be installed under the eaves of the new dwellings.
  - c) Three bee bricks will be built into the wall about 1 metre above ground level on the south or southeast elevation of the dwelling as specified in the manufacturer's guidelines
  - d) Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site.
  - e) New hedgerows will be established between dwellings as outlined within section 4.29 of the Crossman Associates Ecological Appraisal (January 2020).
  - f) Where the landscaping scheme allows all new trees planted on site should ideally be from local native stock, such as field maple, ash, hornbeam, dogwood, spindle and beech.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 170(d) of the National Planning Policy Framework

Provided the above conditions are applied as worded, I have no objection to this application.



## REPRESENTATIONS

17 letters of objection and 1 of comment:

### Objections

- The access road to this proposal is very unsuitable for large lorries/vehicles which will need to get to the site for construction etc.
- Construction issues - my wall has been damaged several times.
- School parking could cause issues for construction traffic.
- Having already had my house damaged in the past I feel this extra traffic could damage my house structurally.
- Turnhill Road is entirely unsuitable for extra traffic
- Loss of views should the houses be built
- Adverse impact on Conservation Area - buildings too high
- The 'desk' flood risk assessment (IMA-18- 065) is quite incorrect. The corner of the field which is the proposed site, opposite Churchcroft is under about 150mm of water for much of winter months firstly, due to surface water from the surrounding land pooling at this point and secondly due to the surface drainage system of the Grange discharging onto this land.
- The consequence of this is that should houses be built on this site then they will have to be raised above this level. Thus the already imposing new buildings would dominate the existing, adjacent properties within the conservation area. Namely the church, Churchcroft, and Morganside.
- Regardless of any alterations made to the hedge at the entrance to the proposed site the access lane beyond that point on either side is very narrow and limited. It is not possible for articulated or large road transport to reach this site. Any increase in road traffic as would inevitably be caused by this development would adversely impact on the existing users.
- This proposed development would fundamentally and adversely change the nature of the centre of this village and its conservation areas.
- This proposal does not meet the criteria set out in the policy document ss2
- There is no need for this type of housing within the village it does not provide local employment opportunities nor does it enhance or create community facilities.
- Design. While different designs are visible in the village, the proposed designs are not in keeping with traditional Somerset village styles. Filling the remainder of the field with a further 11 properties will compound this with a high density area of housing not seen currently in the village. A staged approach to planning applications is also seen as slightly deceitful when the environmental study submitted as evidence references 14 properties.
- Loss of field and hedgerow
- It has to be said that just because an agricultural field is near other dwellings it does not make it a good location for building. There has been no new planning legislation regarding a free for all to build on agricultural land.
- It is clear from all the objections that the community does not want this to proceed. Feelings are running extremely high in the Parish and I strongly ask you to consider this in your thinking and refuse this application.
- The boundary of the remaining paddock shows no proposal for a new field entrance.
- There appears to be no future plan for the use of the remaining paddock, which is currently used by the local farm for keeping of sheep during lambing as well as grazing.
- Behind the proposed properties there is a narrow strip of land leading back towards the Grange, but again no apparent reason for this, I fear that it will become another trapped parcel of land with no future?
- The Ecological appraisal appears to have missed the existence of a drainage ditch which runs along the boundary with Turn Hill.
- The proposed design, there appears to be no continuity between the semi-detached and the

detached design proposals. Both of which are out of scale with Church Cottage opposite.

- Ecology Appraisal does not relate to the current proposal and gives scant regard to the local wild life that includes a wide variety of bird life and other mammals including Bats that roost in the area around the Church and are regularly seen flying in the area.
- Total invasion of my privacy
- The proposed development makes provision for 10 resident cars to add to the existing traffic close to the difficult corner. In addition there will be service, utility, trade vehicles and other visitors. It would cause a substantial increase in traffic on a narrow, winding road with a sharp, blind corner on the West side of the site.
- Some traffic from the site will turn right for Bridgwater/Taunton etc. away from the village but that will be pushing the problem of greater traffic in Beer which is a tiny, twisting road with its own issues, through a National Trust Area.
- The sustainable transport mentioned is hardly thus. A bus on some days provides no more than a short trip to Langport. Cycling/walking to facilities: whilst they are close it will be more hazardous with the extra traffic. The desk assessment has stated that the footpath through the churchyard would benefit anyone wishing to access the school, pub, village hall etc. This would entail walking along and crossing the main road with no pavements. At school times, with the chaotic parking, the walk would be particularly hazardous.
- The site is adjacent to the conservation area on two sides. The visual impact will be considerable. These buildings will be high and dominating the site opposite and next to the conservation area, including the church. Churchcroft particularly will be adversely affected. Views of the conservation area would be obscured for any walkers coming from Turn Hill towards the village. Equally, looking out from the village going to Turn Hill the openness of the surrounding area will be affected detrimentally.
- Our rural environment will change substantially. The route up to the National Trust at Turn Hill and around Rushley Road is a popular village walk, there are many times when cyclists, horse riders and walkers enjoy it as a local asset. Removing age old hedging to create new splays will also spoil this environment.
- The county ecology report from the last application is still pertinent. As far as I know there has been no bat, dormouse or butterfly survey which were noted and are high on the list of scientific interest. Whilst no badger activity was reported, there are plenty which cross our land and the development area, in addition to slow worms, deer and owls. I think they all benefit from the lack of light pollution at this end of the village and proximity to the woods at the end of the road.
- The local housing survey identified a need for 5 affordable/low cost homes. This need is currently being addressed by the local Community Land Trust. The proposed Turn Hill development would extend the village to the West. I don't see how it benefits our community. That would be a very cynical claim. It appears the pasture attached to a historic, village house is now deemed to be development land because of the 5 yr. county plan loophole which is being exploited.
- Personally, our privacy will be compromised. There are windows which overlook our garden, patio and main living room window on the West. We need to ensure there is no building or structure within 30 ft. of our boundary as per our deeds.

#### Comment

- Whilst I would not object in principle to this reasonably small development it seems to me that access is the major problem. It would, in my view be much improved if the development site were moved to the west towards the centre of the existing field boundary and perhaps slightly north toward the northern boundary of the field enabling a significant widening of the roadway to facilitate access.
- I note the phase 1 ecological survey and respect the conclusions of that. However, I would point out that the verge at the edge of the site does support a small population of glow-worms and the road-side hedge is a slow-worm habitat. Therefore it would be desirable to ensure appropriate care is taken in dealing with any alterations to the verges and hedges.

## CONSIDERATIONS

### Principle of Development

The site is located at the heart of High Ham adjacent to the main conservation area. Policy SS1 (Settlement Strategy) of the Local Plan highlights the areas where new development is expected to be focused, grouping certain towns and villages into a hierarchy, of settlements including the Strategically Significant Town (Yeovil), Primary Market Towns, Local Market Towns and Rural Centres. All other settlements, including High Ham, are 'Rural Settlements', which policy SS1 states "will be considered as part of the countryside to which national countryside protection policies apply (subject to the exceptions identified in policy SS2. Policy SS2 states:

"Development in Rural Settlements (not Market Towns or Rural Centres) will be strictly controlled and limited to that which:

- Provides employment opportunities appropriate to the scale of the settlement; and/or
- Creates or enhances community facilities and services to serve the settlement; and/or
- Meets identified housing need, particularly for affordable housing.

Development will be permitted where it is commensurate with the scale and character of the settlement, provides for one or more of the types of development above, and increases the sustainability of a settlement in general. Proposals should be consistent with relevant community led plans, and should generally have the support of the local community following robust engagement and consultation. Proposals for housing development should only be permitted in Rural Settlements that have access to two or more key services listed at paragraph 5.41 (i.e. local convenience shop, post office, pub, children's play area/sports pitch, village hall/community centre, health centre, faith facility, primary school)."

Usually applications in locations such as this would be considered against the settlement strategy contained within Local Plan policies SS1 and SS2, however the Local Planning Authority are currently unable to demonstrate a five year supply of housing sites. In the context of the National Planning Policy Framework these policies should be considered out of date, as they are relevant to the supply of housing. In such circumstances, it is advised that 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.*

As a starting point, in the current policy context, High Ham is a settlement that does contain at least two of the key services listed in paragraph 5.41 of the Local Plan and therefore is considered to be a generally sustainable location, in terms of policy SS2. Specifically there is a public house, children's play area, village hall, church and a primary school. Taking this into account, and noting the lack of 5 year land supply, it is considered that the development of this site for residential purposes could be acceptable in principle, subject of course to the assessment of other appropriate local and national policy considerations, to determine whether there are any adverse impacts that would significantly and demonstrably outweigh the benefits. These are discussed below.

Policy EQ3 is relevant to this planning application and it reads as follows:

POLICY EQ3: HISTORIC ENVIRONMENT Heritage assets will be conserved and where appropriate enhanced for their historic significance and important contribution to local distinctiveness, character and sense of place. Their potential to contribute towards the economy, tourism, education and local identity will be exploited. All new development proposals relating to the historic environment will be expected to:

- o Safeguard or where appropriate enhance the significance, character, setting and local distinctiveness

of heritage assets; o Make a positive contribution to its character through high standards of design which reflect and complement it and through the use of appropriate materials and techniques; o Ensure alterations, including those for energy efficiency and renewable energy, are balanced alongside the need to retain the integrity of the historic environment and to respect the character and performance of buildings, adopting principles of minimum intervention and reversibility.

The site is to the west of the main conservation area and adjacent to the Grade II Listed Building known as 'The Grange' and the Grade I Listed Church is to the south of the site. Morganside itself is not a Listed building (but within the Conservation Area). Whilst the concerns of the CPRE (above) are duly noted it is considered that the impact on these important Listed Buildings and Conservation Area is not so great as to warrant withholding planning permission in this instance. This is a view which is shared by both the SSDC Specialist in Conservation and Historic England who both hold the view that intervisibility between the proposed dwellings and the Grade I Church and Grade II The Grange is not so great that the dwellings would cause undue harm to the Historic assets and in any case the design of the proposed dwellings is considered acceptable in a historic setting as a whole.

Historic England sums up the proposal well when they note "Whilst it pulls the development in closer to the church, we consider it to offer a more appropriate, natural extension to the village/conservation area. The building types also relate more contextually to the village than the previous iterations (i.e. the original barn complex and the subsequent row of three substantial detached dwellings). As stated previously, we do not consider a small degree of development within this general location to unduly harm the setting of the church, and therefore advise that this scheme sits more comfortably with us."

This is also noted in the submitted Heritage Statement which states:

'The completed assessment has identified no significant harm in respect of the significance or setting of any designated heritage assets due to the predicted effects of the proposed development. Whilst a minor impact has been assessed regarding the wider landscape setting of the Grade II Listed Grange, its setting is considered to offer only a minor contribution to its overall heritage significance which is derived largely from its historical and architectural value. Assessment of the contribution made by the Site in its current form to the setting of the Grade I Listed Church of St. Andrew concluded that the designated heritage asset will not be directly or indirectly affected by the proposed development area to the north, which comprises land assessed to make no major contribution to its setting or significance.

### **Scale and Appearance**

The proposed dwellings are of a suitable design to respect the historic character of this core of the village. The use of natural stone as a dominant building material is to be welcomed and will be in keeping with the conservation area as a whole which has some fine examples of natural stone properties. The appearance would be similar to both Morganside and the property across the road so the new dwellings would be in keeping with the street scene. This part of the Conservation Area is also characterised by fairly large properties set in big plots (as is the case with this proposal - so in terms of scale and appearance this is considered acceptable)

### **Residential Amenity**

There are no residential amenity issues raised by this proposal. The plots are set back from the road so that the new dwellings will not appear over dominant to the properties across the road and are far enough from Morganside so as not to cause any undue overlooking issues between the properties. It is noted that one of the objectors is concerned about overlooking but this is a residential area and whilst it may appear that one is being more overlooked there are no technical overlooking issues (i.e. the normal separation distances between overlooking windows are maintained throughout this application)

Environmental Health have suggested some conditions to ensure disruption is kept to a minimum during

the construction period, this is agreed and supported as the building work will be near to some residential properties and whilst there will be noise during construction if it could be restricted to daytime hours would minimise disturbance for these properties.

## **Highway Safety**

The County Highway Authority have raised no objections to the proposal subject to suitable conditions and informatics which are duly supported. In terms of parking - Plots 1 and 2 would be provided with a minimum of three car parking spaces including a garage. Plot 3 would have at least four car parking spaces including a double garage.

The garaging would have minimum dimensions as set out in the SPS (Somerset Parking Strategy), and the external spaces would measure at least 4.8m x 2.4m which is in accordance with the Strategy.

## **Ecology**

It is noted that this is an agricultural field which is currently being grazed by sheep - therefore the ecological value is perhaps lessened by the constant agricultural use. However an ecological appraisal has been submitted with this application which has the following recommendations:

'It is recommended that the following to be undertaken as part of the proposals;

- Sensitive removal of vegetation in relation to nesting birds.
- Retention and translocation of boundary hedgerows.
- New landscape planting.'

It is noted that an objector points out that badgers are around the site and the ecological report recognises this saying that it may be a territorial area for them - but there are no setts present on site that would be affected by this proposal. The report also states that there are no bats present nor any likely habitats for them on site. It says that dormice are unlikely to be present on site and points out that domestic cats act as a predator for them in any case.

An objector points out that slowworms may be present and whilst this is not confirmed by the ecologist it is noted that hedgerows on the site will be carefully managed to ensure that disruption is kept to a minimum as the objector requests.

Extensive negotiations over a protracted period have taken place between the agent and the County Ecologist the outcome being a list of proposed conditions which will make the development acceptable and these are reproduced and recommended as below. It is also noted the Parish Council had concerns about the translocation of the hedge and its impact on ecology which is covered by the suggested conditions.

## **Planning Obligations**

As of 3rd April 2017, the Council adopted CIL (Community Infrastructure Levy), which is payable on all new residential development (exceptions apply) should permission be granted, an appropriate informative will be added, advising the applicant of their obligations in this respect.

## **Conclusion**

The proposal by reason of size, scale and materials, is acceptable as it respects the character of the site and its surroundings, and has no detrimental impact on local ecology, residential amenity or highway safety. The Specialist Conservation raises no concerns relating to the impact on heritage assets and the provision of three extra dwellings will assist against the lack of the Council's five year housing land supply. As such, the proposed development is considered to accord with the aims and objectives of policies SD1, TA1, TA5, TA6, EQ2, EQ3 and EQ4 of the South Somerset Local Plan and the aims and

objectives of the NPPF.

## **RECOMMENDATION**

To grant permission subject to appropriate conditions.

01. The proposal by reason of size, scale and materials, is acceptable as it respects the character of the site and its surroundings, and has no detrimental impact on local ecology, residential amenity or highway safety. The Specialist Conservation raises no concerns relating to the impact on heritage assets and the provision of three extra dwellings will assist against the lack of the Council's five year housing land supply. As such, the proposed development is considered to accord with the aims and objectives of policies SD1, TA1, TA5, TA6, EQ2, EQ3 and EQ4 of the South Somerset Local Plan and the aims and objectives of the NPPF.

## **SUBJECT TO THE FOLLOWING:**

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan 1:1250 3863-PL-101

Proposed site plans and street scene 3863-PL-102A

Plots 1 and 2 Plans, Elevations and Sections 3863-PL-103

Plot 3 Plans, Elevations and Sections and Plot 3 Garage Plans, Elevations and Sections 3863-PL-104.

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

03. Before the dwellings hereby permitted are first occupied, properly consolidated and surfaced access shall be constructed (not loose stone or gravel) details of which shall have been submitted to and approved in writing by the Local Planning Authority. The access shall be constructed in accordance with the agreed design and shall be maintained in the agreed form thereafter at all times.

Reason: In the interests of highway safety and in accordance with Policies TA5 and TA6 of the South Somerset District Local Plan

04. 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 interests of highway safety and in accordance with Policies TA5 and TA6 of the South Somerset District Local Plan

05. The area allocated for parking on the submitted plan, drawing number 3863-PL-102, shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety and in accordance with Policies TA5 and TA6 of the South Somerset District Local Plan

06. At the proposed accesses there shall be no obstruction to visibility greater than 300 millimetres above adjoining road level within the visibility splays shown on the submitted plan. (Drawing number 3863-PL-102) Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.

Reason: In the interests of highway safety and in accordance with Policies TA5 and TA6 of the South Somerset District Local Plan

07. Any gates shall be hung so as to open inwards and not project onto the highway.

Reason: In the interests of highway safety and in accordance with Policies TA5 and TA6 of the South Somerset District Local Plan

08. No part of the development hereby permitted shall be occupied until the proposed highway works consisting of the widening of Turnhill Road along the site frontage as shown on the submitted plan, drawing number 3683-PL-02 has been carried out in accordance with a design and specification to be approved in writing by the Local Planning Authority and being fully implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with Policies TA5 and TA6 of the South Somerset District Local Plan

09. Noise emissions from the site during the development of the site i.e. the demolition, clearance and redevelopment of the site, shall be limited to the following hours where noise is audible at any point at the boundary of any noise sensitive dwelling:

Mon - Fri	08.00 - 18.00
Sat	08.00 - 13.00

All other times, including Sundays, Bank and Public Holidays there shall be no noisy activities.

Reason: In the interests of the amenity of nearby existing residential properties and in accordance with Policy EQ2 of the South Somerset District Local Plan.

10. There shall be no burning of materials arising on site during any phase of the demolition, site clearance and redevelopment.

Reason: In the interests of the amenity of nearby existing residential properties and in accordance with Policy EQ2 of the South Somerset District Local Plan.

11. Prior to the development commencing, the applicant shall submit a method statement for written approval by the Local Planning Authority which shall detail the working methods to be employed on site during the construction (and preparation associated with construction) of the site. Measures (including screening) to be taken to minimise emissions of dust, fumes, odour, noise, vibration etc. shall be included in the method statement. Details for the safe disposal of waste materials shall also be included.

Reason: In the interests of the amenity of nearby existing residential properties and in accordance with Policy EQ2 of the South Somerset District Local Plan.

12. Prior to occupation, a "lighting design for bats", following Guidance note 8 - bats and artificial lighting (ILP and BCT 2018), shall be submitted to and approved in writing by the local planning authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: In the interests of biodiversity and in accordance with Policy EQ4 of the South Somerset District Local Plan.

13. No vegetation removal works around the site shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the trees, shrubs and scrub and tall ruderal vegetation to be cleared for active birds' nests immediately before works proceed and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: In the interests of biodiversity and in accordance with Policy EQ4 of the South Somerset District Local Plan.

14. The translocation of the northern hedgerow shall not in any circumstances commence unless the Local Planning Authority has been provided with either:
- a) a copy of the licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead; or
  - b) a statement in writing from the licensed dormouse ecologist to the effect that he/she does not consider that the specified development will require a licence.

Reason: In the interests of biodiversity and in accordance with Policy EQ4 of the South Somerset District Local Plan.

15. Prior to any vegetative clearance or groundworks, any vegetation in the construction area should initially be reduced to a height of 10 centimetres above ground level by hand, brushings and cuttings removed and the remainder left for a minimum period of 48 hours of fine warm weather (limited rain and wind, with temperatures of 10°C or above) before clearing to minimise the risk of harming/killing any reptiles that may be present and to encourage their movement onto adjoining land. This work may only be undertaken during the period between March and October under the supervision of competent ecologist. Once cut vegetation should be maintained at a height of less than 10cm for the duration of the construction period. Any features such as the spoil heap on site which potentially afford resting places for reptiles will be dismantled by hand by a competent ecologist in April or August to October and any individuals found translocated to a location agreed with the Local Planning Authority prior to works commencing on site. A letter confirming these operations and any findings will be submitted to the Local Planning Authority by the ecologist responsible prior to works commencing on site.

Reason: In the interests of biodiversity and in accordance with Policy EQ4 of the South Somerset District Local Plan.

16. Retained hedgerows and trees shall be protected from mechanical damage, pollution incidents and compaction of roots in accordance with BS5837:2012 during site clearance works, groundworks and construction and to ensure materials are not stored at the base of trees,



hedgerows and other sensitive habitats. A 5m buffer around retained hedgerows will be established with Heras fencing.

Reason: In the interests of biodiversity and in accordance with Policy EQ4 of the South Somerset District Local Plan.

17. A Biodiversity Mitigation and Enhancement Plan (BMEP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior commencement or prior to commencement of construction works. Photographs of the installed features will also be submitted to the Local Planning Authority prior to occupation: The content of the BMEP shall include the following:
- a) Three Habitat 001 bat boxes or similar will be installed under the west-facing gable apex of each garage, so that the boxes face new hedgerow planting, which will provide commuting habitat and connectivity.
  - b) Three no. Schwegler 1SP or similar bird boxes will be installed under the eaves of the new dwellings.
  - c) Three bee bricks will be built into the wall about 1 metre above ground level on the south or southeast elevation of the dwelling as specified in the manufacturer's guidelines
  - d) Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site.
  - e) New hedgerows will be established between dwellings as outlined within section 4.29 of the Crossman Associates Ecological Appraisal (January 2020).
  - f) Where the landscaping scheme allows all new trees planted on site should ideally be from local native stock, such as field maple, ash, hornbeam, dogwood, spindle and beech.

Reason: In the interests of biodiversity and in accordance with Policy EQ4 of the South Somerset District Local Plan.

18. No building operations above damp proof course level of the dwellings and garages shall take place until details of the materials to be used in the construction of the external surfaces (doors/windows/stonework/render/brick/roof finish) of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity and to accord with policy EQ2 of the South Somerset Local Plan.

#### **Informatives:**

01. The County Highways Authority advises:

The provision of the highway works will require a legal agreement and contact should be made with the Highway Authority well in advance of commencing the works so that the agreement is complete prior to starting the highway works.

- Footnote: The proposal involves road widening, which should be dedicated to form part of the public highway. The applicant is therefore advised to contact the Transport Development Group at County Hall, Taunton, TA1 4DY, for details of the dedication procedure. The Highway Service Manager for the South Somerset Area at The Highways Depot, Mead Avenue, Houndstone Business park, Yeovil, Somerset, BA22 8RT, Tel No 0845 345 9155, must also be consulted regarding the specification and supervision of these works before they commence on site.
- Having regards to the powers of the Highway Authority under the Highways Act 1980the

applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager for the South Somerset Area at The Highways Depot, Mead Avenue, Houndstone Business park, Yeovil, Somerset, BA22 8RT Tel No 0845 345 9155. Application for such a permit should be made at least four weeks before access works are intended to commence.

02. 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](mailto:cil@southsomerset.gov.uk).

03. The SCC Ecologist advises:

The developers are reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers or signs of badgers are unexpectedly encountered during implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

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