

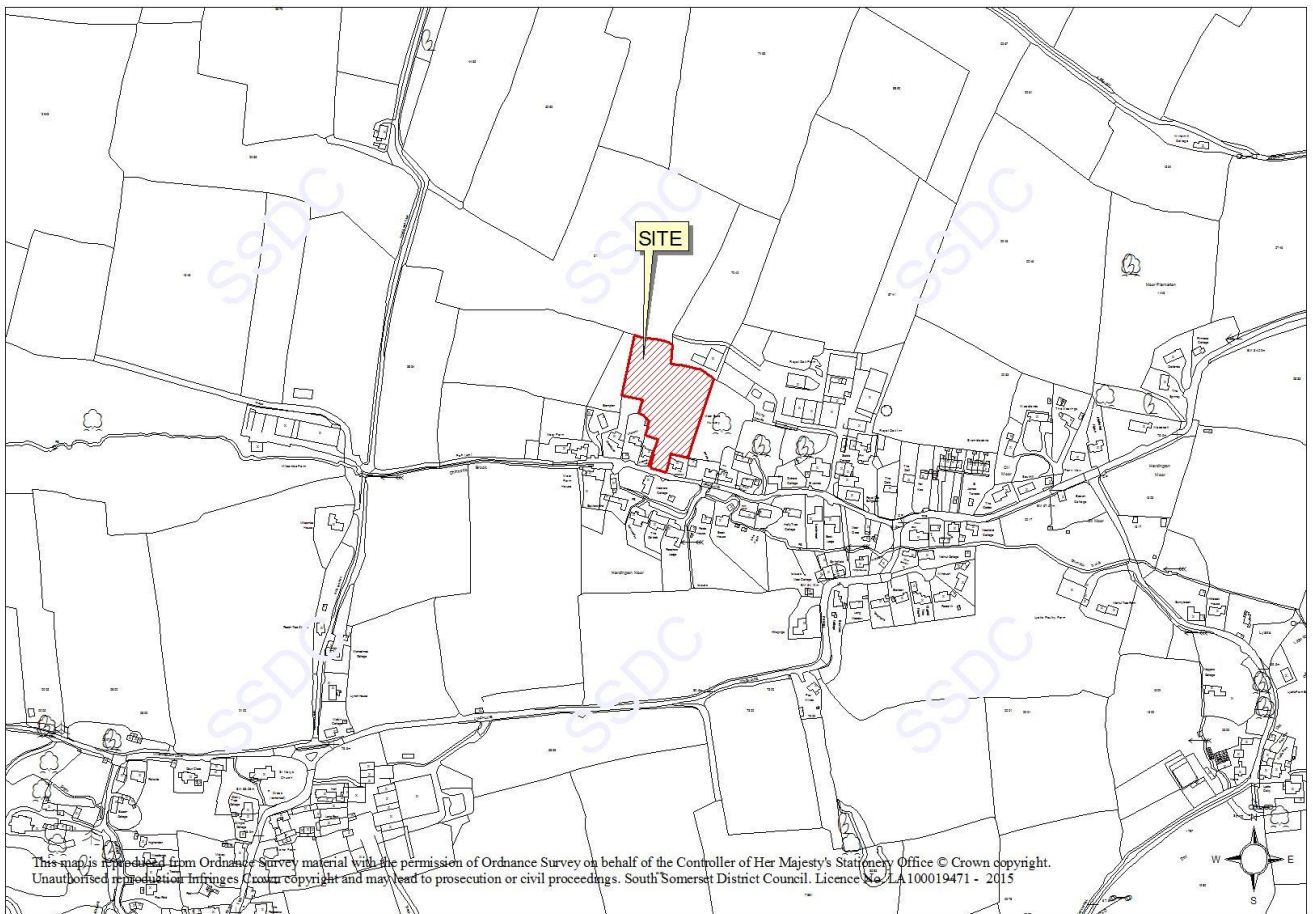
Officer Report On Planning Application: 14/05063/FUL

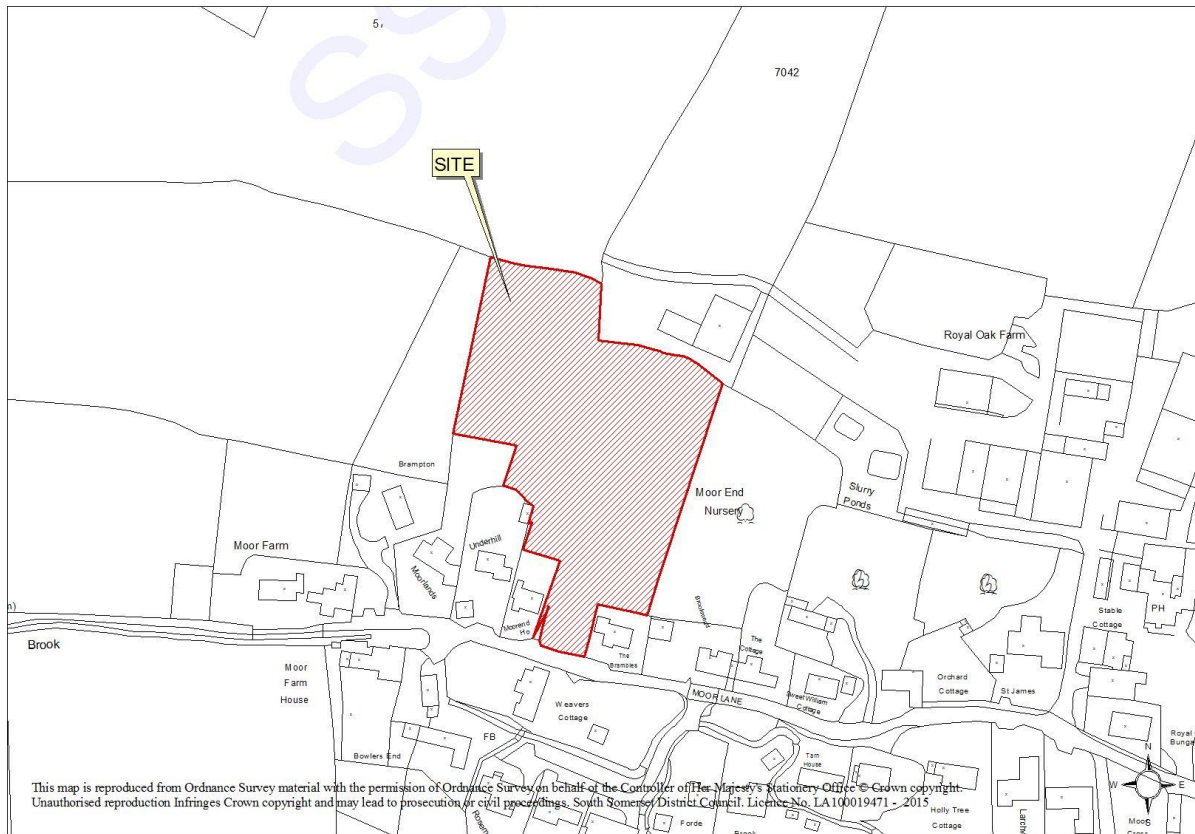
Site Address:	Moor End Nursery Moor Lane Hardington Moor
Ward :	COKER
Proposal :	Demolition of existing bungalow, erection of 14 dwellings, together with associated landscaping, access and infrastructure (GR 351633/112251)
Recommending Case Officer:	Simon Fox Tel: 01935 462509 Email: simon.fox@southsomerset.gov.uk
Target date :	13th February 2015
Applicant :	Halsall Homes
Type : 01	Major Dwlg's 10 or more or site 0.5ha+

Reason for Referral to Committee

This application has been referred for Committee consideration at the request of the Development Manager in accordance with the scheme of delegation and with the agreement of the Chairman due to the fact the application constitutes a major development.

Site Description and Proposal





The application site lies within Hardington Mandeville parish and comprises a vacant horticultural nursery which ceased trading in 2013. The site is located within Hardington Moor a small hamlet where development adjoins the highway in a linear fashion. Within Hardington Moor there is a shop and a pub. There are three main sections of highway in the settlement one of which is Moor Lane. Approximately 30 dwellings are accessed off Moor Lane, which is a dead-end. Moor Lane accesses onto Pig Hill/Primrose Lane for onward journeys to Hardington Mandeville to the south and Holywell to the north.

The nursery site comprises disused glasshouses and polytunnels; plus the operator's chalet bungalow to the south which sits between other dwellings within the linear form of development on Moor Lane. The site is irregular in shape extending to 0.72 hectares in area and protrudes northwards beyond the residential built envelope. It slopes from north to south (6m over 120m site dimension). To the north of the site is an outlying agricultural building to a farm complex located further east along Moor Lane, to the west are agricultural fields and to the east is a well treed paddock. To the south beyond Moor Lane are other residential properties including Weavers Cottage (Grade 2) which is located gable-end on directly opposite the nursery bungalow. Next door but one to the nursery bungalow to the east are two further listed buildings, both Grade 2. There is no Conservation Area designation. A right of way runs westwards along the remainder of Moor Lane and alongside the Chinnock Brook from a point in the highway in front of the site which additionally provides access to a recreation ground beyond. Another right of way runs from the same point southwards towards Hardington Mandeville. The site and the prevailing area is registered as Grade 3 agricultural land.

The site is currently located within a rural settlement as defined by the newly adopted Local Plan.

This full application seeks to develop the nursery site for 14 dwellings (2x 2beds, 6x 3beds,

5x 4beds and 1x 5bed). All the glasshouses and polytunnels would be removed and the nursery bungalow demolished.

In detail the scheme seeks:

- to provide 35.7% affordable housing (5 units = 2x 2 beds and 3x 3 beds),
- to form a vehicular access into the site from Moor Lane with a change in priority so the route into the development become the through route and the end of Moor Lane becomes an offshoot (subject to HA clarification).
- The creation of open space along the eastern boundary (this area is subject to a private restrictive covenant preventing the development of housing).
- Surface water attenuation within drainage scheme.

The applicant has also submitted the following documentation in support of the application:

- Design and Access Statement
- Planning Statement
- Affordable Housing Statement
- Transport Statement
- Measures-only Travel Plan
- Statement of Community Involvement
- Arboricultural Constraints Report
- Ecological Appraisal Report
- Landscape and Visual Appraisal
- Flood Risk Assessment
- Phase 1 Desk Study and Phase 2 Preliminary Ground Investigation Report

HISTORY

10237: Retention of existing bungalow: Approved: 30.05.1950

12540: Alterations and additions and erection of private garage: Approved: 24.05.1951

12540/A: Alterations and extensions including provision of first floor accommodation: Approved: 24.06.1968

14/01902/EIASS: Request for screening opinion for proposed residential development: EIA not required: 23.05.2014

Moor End House, located adjacent to the operator's bungalow was originally built to serve the nursery following approval in 1972. The agricultural/horticultural tying clause was released in 1980.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decisions must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

The development plan comprises the policies of the South Somerset Local Plan (2006-2028).

The policies of most relevance to the proposal are:

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

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
EQ2 - General Development
EQ3 - Historic Environment
EQ4 - Biodiversity
EQ7 - Pollution Control

Other

The National Planning Framework (2012) forms a material planning consideration:

Core Planning Principles

Chapter 4 - Promoting Sustainable Transport

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

Chapter 10 - Meeting the Challenge of Climate Change, Flooding and Coastal Change

Chapter 11 - Conserving and Enhancing the Natural Environment

Chapter 12 - Conserving and Enhancing the Historic Environment

Annex 1 - Implementation

Also relevant:

Somerset County Council Parking Strategy (March 2012)

Hardington Mandeville - Parish Plan (2008-2012)

Village Design Statement (1999)

CONSULTATIONS

Hardington Mandeville PC:

Hardington PC met on 17th March 2015 to discuss the amended plans but as of 23rd March 2015 comments had not been received. An oral update will therefore be given.

Highways Authority (Somerset CC):

The formal comments of the Highway Authority received 20th January are attached as Appendix 1.

SSDC Planning Policy:

Comments on initial proposal;

Generally in accordance with policy SS2 but not policy HG5 in achieving a mix of market housing or HG3 in providing 35% affordable housing.

SSDC Conservation Officer:

"We do certainly need to consider the impact on the setting of the listed building as the new entrance is directly opposite. However the bungalow that currently occupies the site does not contribute positively to the setting of the designated building. The bungalow is surrounded by expansive areas of tarmac, as are other properties in the vicinity. The setting of the listed building has been vastly altered during the second half of the last century by surrounding modern development. I consider the removal of this bungalow and its replacement with a site entrance to have a neutral effect on the setting of the listed building opposite, and therefore do not object to the proposal.

SSDC Landscape Architect:

"whilst I consider the site to have a landscape capacity for development, the form and extent of development indicated by earlier layouts did not sympathetically correspond to context, particularly in the spread of development into the northwest corner of the site, and proximity to the west and north boundaries.

I have now reviewed the revised plans. These indicate a reduction in unit numbers, and a layout change in that part of the site identified as sensitive. I can confirm that this is an improved arrangement, such that the layout better corresponds to its setting, and to the findings of the LVIA accompanying the application, to thus satisfy LP policy EQ2".

Strategic Housing:

"Regarding the affordable housing element of the scheme current policy requires 35% affordable housing split 67:33 in favour of social rent. I would expect 5 affordable units (based on 14 in total) 3 social rent and 2 shared ownership or other intermediate solutions.

Strategic Housing welcome the proposed property mix of the affordable housing set out by Origin3 in their Affordable Housing Statement;

2 x 2 bed (4 persons) for social rent

1 x 3 bed (6 persons) for social rent and

2 x 3 bed (6 persons) for shared ownership

We recognise that the developer has taken into account the results of the survey undertaken by the Parish Council.

With regard to the proposed Section 106 agreement restricting the allocation of the affordable housing we would propose the following;

1. The target parish of Hardington Mandeville
2. Doughnut ring of adjacent parishes; South Perrott (Dorset), Halstock (Dorset), Haselbury Plucknett, Closworth, West Coker, East Coker and East Chinnock
3. Resident of South Somerset

I would expect the affordable units to be pepper potted throughout the site. I would suggest that the units are developed to blend in with the proposed house styles. I expect the units to meet our minimum space and design criteria and we would ordinarily expect them to be provided through one of our main approved Housing Associations".

SSDC Ecologist:

"I've noted the Ecological Appraisal Report (Acorn Ecology Ltd, November 2014) and broadly agree with its conclusions.

It's unlikely that the proposed development would give rise to any major detrimental impacts to protected species and biodiversity. However, there is potential for impact to low numbers of protected and 'priority species' of conservation importance. I don't consider these to be a significant constraint to the proposed development, but I strongly *recommend any consent includes a condition requiring submission of a biodiversity mitigation and enhancement strategy*".

Somerset Wildlife Trust

Mitigation and enhancement suggestions in Section 5.4 of the appraisal should be carried through if the application is approved.

Environmental Protection Officer:

"I do have some concerns regarding the proximity of some of the proposed dwelling to the slurry pits and agricultural buildings associated with Royal Oak Farm.

Having visited the site, these concerns have been alleviated somewhat. The slurry pits are normally not odorous, however periodic odours are to be expected. The closest agricultural barn is currently used for storage of feed and equipment and it is unlikely, although not impossible, to be used for the housing of animals.

Nevertheless occasions detrimental impacts due to noise, odour and insects are possible. I

do not consider the scale and intensity of these impacts to be sufficient enough to compel me to object to the application. In reaching this conclusion I have taken into account the presence of existing residential properties as close or closer to the farm than the proposed development and the fact that Environmental Health has no history of complaints associated with the farm.

However I recommend that the developer consider erecting a barrier, for example a 2 meter high acoustic fence, between the development and Royal Oak Farm. Such a barrier would help mitigate against any possible noise and odour impacts. I believe this recommendation could be the subject of a suitable condition.

In the event that complaints regarding noise, odour or insect from the farm do arise, this department will be obliged to investigate under the provisions of the Environmental Protection Act 1990 in order to determine whether a Statutory Nuisance exists or not. Should a nuisance be proven to exist then the farm may have to demonstrate that they are implementing Best Practicable Means to minimise the impact of the nuisance in order to avoid formal enforcement action".

SSDC Community, Health and Leisure Service:

The plan does not show any on-site provision and therefore to mitigate the impact of the development financial sums for various categories of off-site provision have been sought:

- youth facilities contribution of £2,206 towards enhancement at Hardington Mandeville Recreation Ground with a commuted sum of £815; Trigger Point for contribution = Occupation of 3 dwellings,

In the case of other categories of provision financial sums to cater for off-site provision (new provisions or enhancements of existing facilities) are sought.

Categories of provision and levels of contribution include:

- playing pitches contribution of £5,181 with a commuted sum of £3,697 (dedicated to the enhancement of existing pitches at West Coker Recreation Ground); Trigger Point for contribution = Occupation of 50% of total dwellings,
- changing room contribution of £10,520 with a commuted sum of £846 (dedicated to the provision of new changing rooms as part of a project to develop a new community hall/changing room facility at West Coker Recreation Ground); Trigger Point for contribution = Occupation of 50% of total dwellings,

No monies have been sought towards strategic facilities due to the new pooling regulations and no monies have been sought towards equipped play space or community halls.

Commuted sums relate to a 10-yr maintenance period for the facility.

Should the corresponding infrastructure not be provided within:

- a 5 year period (equipped play space, youth facilities and community halls provision);
- or

- a 10 year period (all other categories of provision),

the individual contribution may be reclaimed.

The overall contribution would total £23,498 (or £1,808 per dwelling). This will be index linked. This total also includes a 1% Community, Health and Leisure Service Administration fee (£233). An additional Legal Services fee and separate S106 Monitoring fee may also be applicable.

SCC Education:

Limited capacity at West and East Coker primary schools by 2017/2018, but due to the low number of places created by this development there will be no contribution sought (verbal consultation).

Environment Agency:

"We consider that planning permission could be granted to the proposed development as submitted if the following planning conditions are included as set out below. Without these

conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application".

Conditions proposed concerning contaminated land and remediation in the interest of protecting controlled waters.

Wessex Water:

New water supply and waste water connections will be required from Wessex Water to serve this development.

Separate systems of drainage will be required to serve the proposed development.

No surface water connections will be permitted to the foul sewer system.

A public water main and a foul sewer runs along Moor Lane.

SDDC Technical Services:

No objections raised.

REPRESENTATIONS

Neighbouring properties to the site have been notified in writing. A press advert has been placed and a site notice has also been displayed (major development and departure from local plan).

Prior to the submission of amended plans 1 letter of support were received, it states:

- "I am very concerned to hear that a few residents are trying hard to stop the whole scheme as they are against any more housing - especially affordable housing. This would be a tragedy. Hardington must have affordable housing or the village will die of old age. It is a lovely village to live in, with a good spirit and most facilities like church, shop and pubs, but unfortunately very few children".

Prior to the submission of amended plans 35 letters of objection were received. Many include multiple letters from the same individuals.

A summary of comments:

- The development is too large and too high a density for the area. It is not sympathetic with the existing properties and the paved roads will have an urbanised appearance.
- Increase in traffic, greater than that as a nursery.
- Visibility from existing residential properties is poor and with extra traffic the risk of a collision is increased.
- Walking in the lane will be more dangerous with increased traffic.
- Drainage concerns have not been addressed. Residents expressed concerns at a meeting with Hydrock but the plans do not reflect those discussions.
- The lanes around Hardington are narrow and dangerous for walkers and cyclists.
- Access to the A30 is difficult.
- There is no free school transport.
- External lighting should be avoided.
- There is no need for affordable housing.
- The need is for bungalows for older people to downsize.
- The main residents of Moor Lane and its surrounds are retired, semi-retired or home workers and retirement homes or bungalows had been suggested to the Halsall Homes representatives as being more suitable. There are only a few children of school age.
- Construction traffic would be a problem on Moor Lane.
- No rumble strip and no markings at new junction.
- No additional passing places on Moor Lane are required.
- Impact on wildlife.
- Moor Lane is used to access the playing fields.
- There is a livery stable on Moor Lane.

- Headlamp glare to Moor End House from passing vehicles.
- The Nippy bus service has to be registered with and booked 24hrs in advance.
- Many more accidents and incidents have occurred in the vicinity than the Travel Statement refers.
- The Transport Statement and Travel Plan is not fit for purpose and should be rejected.
- Only lip service has been paid to the public consultation events by the applicant.

Since consultation has taken place on amended plans one further letter has been received, in summary:

- 15 units are out of scale and will create additional traffic movements.
- The transport statement fails to make credible conclusions.
- Concerns over mud and debris on roads during construction.

CONSIDERATIONS

The application raises numerous issues, each will be considered here in turn. This is a full application for 14 dwellings, 13 net as the existing bungalow will be demolished.

Principle of Development

The starting point for decision-making is that the LPA must carry out its decision-making functions in compliance with Section 38(6) of the Planning and Compulsory Purchase Act (2008) and Section 70(2) of the Town and Country Planning Act (1990), which require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 12 of the National Planning Policy Framework (NPPF) confirms that the NPPF does not change the statutory status of the development plan as the starting point for decision-making. It also confirms that proposed development which 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.

The development plan constitutes the newly adopted South Somerset Local Plan (2006-2028). Paragraph 14 of the NPPF establishes the "*presumption in favour of sustainable development*" running through both plan-making and decision-taking. For the purposes of decision-taking this means:

- *"Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - o *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole; or*
 - o *Specific policies in this Framework indicate development should be restricted".*

In considering sustainable development, Paragraph 49 of the NPPF sets out how applications for housing should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The LPA can demonstrate a five-year supply of deliverable housing land incorporating a 20% buffer, as shown by the Gold Well Farm, Crewkerne appeal decision dated 4th November 2014 (APP/R3325/A/13/2210545). Given the LPA can demonstrate a five-year housing land supply the relevant policies for the supply of housing should be considered up-to-date and the implication of Paragraph 49 of the NPPF is not engaged.

Policy SS1 of the adopted plan sets out the settlement strategy for development in South Somerset. It states that Rural Settlements will be considered as part of the countryside to which national countryside protection policies apply. This is notwithstanding the exceptions in Policy SS2.

Policy SS2 builds on the recognition in the NPPF (paras 54-55) that some housing in rural areas should be provided to meet identified need to enhance or maintain their sustainability. The Local Plan Policy SS5 target is 911 dwellings in rural settlements up to 2028. Policy SS2 then sets out that in order to enable people to live as sustainably as possible new housing should only be located in those Rural Settlements that offer a range (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
- Primary school.

In the case of Hardington Moor itself it is evident that it has a shop with post office, pub and play area/sport field. If you cluster with Hardington Mandeville then you add a village hall, a further pub and a faith facility to that mix. A health centre is available in West Coker with primary schools in West and East Coker. Policy SS2 does not encourage small infill development of the odd house or two but schemes that provide affordable housing are deemed more sustainable.

As such 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".

In response the following assessment is made.

Affordable Housing

Fundamentally the proposal meets identified housing need because of the provision of affordable housing which is a long held objective of the Parish Council. This entire project has been somewhat instigated and encouraged by the proactive role the Parish Council has taken in seeking to deliver affordable housing. In its Parish Plan 2008-2012 housing, particularly for young people, was highlighted. Although not explicit the reference to young people suggests that the PC were/are conscious about rising houses prices (due to limited supply) driving local young people to have to move to the nearest large village or town to seek more affordable housing and that was meaning the resultant age of the population in the village was rising (certainly census statistic seems to bear this out - 62% of residents in

Hardington were 45 or older, 38% were 60 or older in 2011).

The desire to provide affordable housing manifested in the PC working with Area Development colleagues to produce an affordable housing survey. This was conducted in October 2013, around the time the nursery closed. It is considered this survey is not particularly robust and does not contain the critical analysis that would have historically been found in surveys undertaken by the Community Council for Somerset in the context of Rural Exception Sites, but it has been useful to the PC in seemingly validating their observed need for affordable housing in their parish. The issue of the survey has been complicated by a non-existent need expressed via the housing register. This may be seen to act to undermine the view of the PC but it is often the case that people in housing need will not express an interest in a parish or village where the opportunities to gain access to social rented or shared ownership properties have been severely limited in the past. Hardington Mandeville currently contains just 3 properties managed by a Housing Association and local people will have been aware of past thwarted efforts by the PC to instigate an affordable housing scheme. However, history has shown that when a project to deliver affordable housing is approved and work commences, people do register as the realisation of actually achieving a home is enhanced. Whilst people may not have registered for Hardington Mandeville they might have shown interest in East and West Coker where access to affordable housing may be perceived as easier as larger settlements. Current housing register figures show 18 in West Coker and 7 in East Coker. Until the Broadacres, East Coker appeal result is known the only new affordable housing in either parish currently being provided is at Font Villas, West Coker.

The applicant is proposing the provision of 5 affordable units within the nursery site in a composition of 2 x 2 bed for social rent, 1 x 3 bed for social rent and 2 x 3 bed for shared ownership. This represents the 35% required by Local Plan Policy HG7. The three other properties in Hardington Mandeville parish are also 2 and 3 bed units. In terms of occupation it would be suggested that should consent be granted, a Section 106 agreement restricts the allocation of the affordable housing in perpetuity via a ripple effect. First, the target parish of Hardington Mandeville, then in the event nobody comes forward, the neighbouring parishes of West Coker, East Coker, East Chinnock, Haselbury Plucknett, South Perrott (Dorset) and Halstock (Dorset). Failing that any resident of South Somerset. Those with a local connection would be prioritised; this includes those working in the parish and having close relatives in the parish.

The provision of affordable housing meets the Parish Council's aims of providing affordable housing in the parish, integrating it within a new development within an established residential area and sets to restrict allocation in the favour of the parish to enhance the sustainability and social fabric of the parish.

Scale and Character

The second main plank of SS2 is to ensure the development is consistent with the scale and character of the settlement. This therefore is a matter of assessing whether 14 units unbalances the rural feel and appearance of Hardington Moor. This can be looked at in several ways. Although Hardington Moor is a separate entity from Hardington Mandeville and comprises three main arms, the road in from Holywell, the road out to Hardington Mandeville and Moor Lane. A net increase of 13 dwellings represents approx. a 20% increase in households. In terms of land-take the application site at 0.72ha is only as large as the farm located in the middle of Hardington Moor, and is adjacent to the site. In addition although technically the site comprises a greenfield site (horticultural) it does house a number of now redundant and decaying greenhouses and polytunnels and so the site presents, visually, as part of the built envelope of Hardington Moor, when viewed from the ridge to the south for example.

The other way of assessing character is by the design of the intended properties. The parish Plan states that new housing should reflect the character of the village and be of high quality. This broadly is the same objective as Local Plan Policy EQ2. Moor Lane has grown organically to what we see today over many decades. When you assess the property types there have been fits and starts with infill development primarily between the 1960s and 1990s. At least 15 properties were built during the 60s and 70s with a further 3 in the 1980s and 1990s. Whilst Moor Lane is a very attractive lane in itself it would be wrong to assess this application against a misconception that Moor Lane contains only characterful stone cottages with thatched roofs. It contains a few of those, including the listed Weavers Cottage, Brookmead and Poachers Pocket, but the predominance of large detached reconstructed stone houses/bungalows is evident.

The pattern of development is predominately linear with limited off-shoots; the form of development that surrounded the southern side of Weavers Cottage being the exception. The layout of the scheme is somewhat predetermined by the existence of the covenanted no built land along the western boundary. Whilst proposed as valuable open space it does have the effect of extending development further north than would be ideal. However, through amendment the applicant has overcome an initial landscape objection and the design reflects a softer approach to the road design echoing that of Moor Lane. The provision of walled enclosures, water tabling, lintels, chimneys and porches reflect local character and a silver grey blockwork meandering road without footways seeks a less engineered approach to the scheme so it is not felt that the layout of the development is a sufficiently in keeping to support.

The individually designed dwellings reflect the simple but varied character of the area with detached and semi-detached properties under slate and pantile roofs. In detail, against this context, whilst there were initial concerns about the use of render only on the fronts of the affordable properties whilst the rest were brick and stone, thereby highlighting the fact they were different, that has now been remedied by a change to the material palette.

Although the affordable property frontages remain rendered some of the open market units are now also rendered. Ashlar stone and course rubble stone are the other frontage choices, with render used on less visible elevations such as the rear. Whilst crisp white render is evident in the parish, here the approach will be more likely to employ a darker render colour palette.

So, in terms of design, land take and percentage increase in properties, it is considered the proposal is commensurate with the scale and character of Hardington Moor.

Public Consultation

It is considered the applicant has undertaken significant public consultation and engagement with the Parish Council. This has led to an evolved design and affordable housing composition/market housing balance. This has perhaps not lead exactly to the scheme the Parish Council would want but like the LPA the PC have to take into account a wide spectrum of opinion plus the objectives of the developer and of course planning policy. One has to applaud the PC for the role they have taken in this proposal. The result may be that the PC feel there are a few too many houses in the scheme. That may be the case but importantly there is no strong planning reason, it is considered, to say that 8 houses (net) are fine but 14 houses (net) are not. As such, and with the absence of a strong and overriding reason, the provision of a few more open market units than may be desired locally has to be balanced against the benefits of the scheme overall; namely the provision of more housing in the district, the provision of affordable housing in the parish for those with a local connection, the use of a derelict and untidy site, and contributions (circa £24k) towards local play and

sporting facilities. In addition Hardington Mandeville parish has a variety of facilities and whilst additional housing will not guarantee the on-going viability of these facilities, it will certainly assist.

Overall Housing Mix

Local Plan Policy HG5 expects a range of market housing types to be provided on large sites (10 or more dwellings).

The scheme proposes 3 x 3 bed, 5 x 4 bed and 1 x 5 bed open market dwellings. The Council's Strategic Housing Market Assessment, 2009 (SHMA) identifies a requirement for 43% of homes to have 3 bedrooms, 32% to have 2 bedrooms and 20% to have 4 plus bedrooms. Whilst 5 x 4 bed units may appear too many this comes down to whether a room labelled bedroom is used as a bedroom or alternatively as a study to facilitate home working.

Paragraph 4.48 of the emerging Local Plan (2006 - 2028) expects proposals to consider the current variety of housing in the settlement. By way of example, it refers to where a Rural Settlement has a concentration of larger housing units it may benefit from a proposal for social rented, smaller family houses and low cost market housing, which would help to provide a better overall variety of housing which would then result in a more balanced community. No evidence has been provided by the applicant regarding the current housing mix. Whilst this may be the aim in this case when viewed overall there is a broad range from 8 x 2 and 3 beds and 6 x 4 and 5 beds, so a fairly even split. It is not felt the market housing breakdown is sufficiently top heavy to warrant refusal, again taking into account that under Local Plan Policy SS2 the principle planning gain from this scheme is the affordable housing.

It remains therefore an assessment as to whether the proposal before us represents sustainable development and whether any harm is outweighed by the benefits of the scheme. What follows is an assessment of potential other impacts within this application.

Highway Implications

Significant concerns locally have been expressed regarding highway, both in terms of Moor Lane and the surrounding network, including that from Yeovil.

The application is supported by a Transport Assessment and Measures-Only Travel Plan as required by Local Plan Policy TA4.

The Highway Authority responded fully on the application on 20th January 2015. The response examines Moor Lane, the former nursery use, the access arrangements, traffic generation, parking provision, the internal layout and the travel plan. As a result the Highway Authority does not raise an objection. From observations when visiting site traffic flows in Moor Lane are low and slow.

The other main concern for residents of Moor Lane is construction traffic. Whilst discussions have taken place between the applicant and the owner of the neighbouring farm to take construction of the majority of Moor Lane and route it through the farm no formal agreement has been reached at the time of writing this report. The situation is therefore, as far as this recommendation is concerned, that construction traffic will use Moor Lane and the main entrance during construction. If an agreement can be reached that avoids this, then clearly that is a benefit.

Local Plan Policy TA5 requires the traffic impacts of developments to be assessed. Whilst the Travel Plan may be described as aspirational, the fact is that Policy SS2 gives weight to the fact there are a range of existing facilities in the parish, split between Hardington Moor and Hardington Mandeville, and those facilities can be accessed by foot or cycle. There is a

bus service but this is limited, but again SS2 seeks to promote development in rural areas where bus services are generally underprovided and so this should not, in itself be a reason to withhold consent given the benefits. The 2011 census showed 10% of residents worked from home, 46% travelled by car, 36% were not in employment at all.

The NPPF (para 32) requires decisions to take into account whether improvements can be undertaken within the transport network that cost effectively limit the significant impact of the development, also that a "safe and suitable access to the site can be achieved for all people". "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe". Passing places were offered within Moor Lane, but the local feeling was that they were not needed, and so have been removed from the scheme. It would be difficult to argue that the residual impacts of development (query what development?) would be severe.

Members will be aware that the lack of an objection from the Highway Authority does make it difficult to substantiate a recommendation for refusal however Members can take into account the views of local people and their own knowledge of this area to reach a different conclusion. It is asked though that transport concerns are balanced against the tangible benefits of the scheme.

It is considered sufficient on-site car parking will be afforded to each dwelling compliant with Local Plan Policy TA6 and the Parking Strategy.

Discussions have also taken place with Somerset Waste Partnership regarding refuse and recycling collections.

Trees

There are no individually significant trees but the boundaries are an important feature of the site. Due to a lack of management they require an overhaul including removals and replanting. The submitted plans show commitment to planting but without access to all the boundaries to assess properly due to the presence of existing structures it is felt a planning condition to approve all planting and the natural hedgerows post demolition is considered the best way forward. Local concerns have been raised concerning specific proposed trees and this approach will allow those issues to be more roundly assessed. The Council's Tree Officer has suggested amendments to the currently proposed planting.

Wildlife

An Ecological Appraisal Report, including specific bat and reptile surveys has been submitted, this follows a Phase 1 Habitat Survey. Whilst there was some evidence of bat droppings in the bungalow and in outbuildings this can be mitigated by the inclusion of a night roost and other roosting opportunities on site. Lighting may be an issue for bats and dormouse foraging. Foraging areas and commuting routes for bats aren't specifically protected by legislation (unlike their roosts), but there is a general view locally that street lighting should not be installed. Slow worms have been sighted and so translocation will be required.

The Council's Ecologist has stated that it is unlikely that the proposed development would give rise to any major detrimental impacts to protected species and biodiversity but there is potential for impact to low numbers of protected and 'priority species' of conservation importance. He does not consider these to be a significant constraint to the proposed development, and recommends a condition requiring submission of a biodiversity mitigation and enhancement strategy.

It is considered the proposal complies with the NPPF and Local Plan Policy EQ4.

Setting of Listed Buildings

As previously stated Weavers Cottage, Brookmead and Poachers Pocket are all listed (Grade 2). They are therefore Heritage Assets.

Chapter 12 of the National Planning Policy Framework (NPPF) reinforces the obligation established under the Planning (Listed Buildings and Conservation Areas) Act 1990. Paragraph 132 of the NPPF requires the LPA to give great weight to the asset's conservation when considering the impact of a proposed development on the 'significance' of a designated heritage asset, the more important the asset, the greater the weight should be.

Local Plan Policy EQ3 requires development proposals to conserve Heritage Assets and where appropriate enhance their historic significance and important contribution to local distinctiveness, character and sense of place. It is considered the Conservation Officer, with particular reference to Weaver's Cottage, has assessed the proposal and concluded that the demolition of the existing bungalow and the creation of a gap where vehicular access to the scheme would be gained would have a neutral impact on its setting. It is not considered the setting of the other listed buildings is unduly impacted on due to proximity.

The proposal is therefore considered to comply with the NPPF and Local Plan Policy EQ3.

Drainage

Even though the site and surrounding area is shown in Flood Zone 1 and so not at risk from fluvial flooding, the application has been supported by a Flood Risk Assessment and drainage strategy.

No objections have been raised by the Council's Technical Engineer or the EA, but concerns persist locally regarding overland flow and the impact of this development. A meeting between the local population and the applicant's consultant took place prior to the application being submitted but it is felt locally that the concerns raised have not been ameliorated.

The FRA states that infiltration techniques are not suitable for use and it is recommended for the proposed surface water drainage system to include attenuation (SUDs) that provides storage for the 1 in 100 year storm plus 30% allowance for climate change. Flows would be restricted to mimic pre-development conditions.

In addition to the proposed surface water drainage strategy the applicant has also put forward proposals for improvements to the local land drainage system.

Due to the concerns of the local residents but mindful of the lack of technical objection from the Council's Engineer and the EA it is proposed to impose a planning condition to agree the drainage scheme at a later point. This would allow the LPA to facilitate a meeting between the PC and the developer to come to a suitable conclusion.

Play, Sport and Open Space Provision

No on-site provision is proposed. As such financial sums for off-site provision have been sought, in line with Local Plan Policies HW1 and SS6, as detailed in the consultation response from SSDC Community, Health and Leisure.

Residential Amenity

In terms of overlooking and the physical relationship of proposed properties to new properties it is considered that the amenity of existing residents is protected in accordance with Local Plan Policy EQ2.

A construction management plan will ensure the construction phase is as ordered as possible with the possibility of working hours being imposed.

The Environmental Protection Officer has highlighted a potential issue with regards to the proximity to the farm. A condition is sought to secure a barrier fence that will ensure amenity is maintained.

Planning Obligations and Viability

If the application is approved planning obligations would be sought for the affordable housing, and play, community and sporting facilities. These will be secured by a planning obligation under Local Plan Policy SS6 and Section 106 of the Planning Act.

At the time of writing this report no indication had been made regarding the viability of the development given the levels of contribution sought.

Environmental Impact Assessment

The proposal falls within the scope of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. Accordingly, the Local Planning Authority was asked to make a formal screening decision as to the requirement for Environmental Impact Assessment because of the nature of the proposed development and the fact that the site area exceeds 0.5 hectares.

The basic test of the need for Environmental Impact Assessment in a particular case is the likelihood of significant environmental effects on the environment.

In response to the request from the agent the Local Planning Authority has not required the applicant to submit an Environmental Impact Assessment in support of this application. The application is however supported by a host of professional assessments, reports and surveys covering key environmental matters.

Public Consultation and Engagement

As well as Local Plan Policy SS2 necessitating it the NPPF encourages early engagement to improve the efficiency and effectiveness of the planning application system. It states 'good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community'. This application was submitted following pre-application engagement.

Other

There has been a claim of assumed private rights of way over the land from an adjacent householder. These claims have been passed to the agent but are not matters that would affect the determination of an outline application, as it would be possible to accommodate such rights in any application for reserved matters. This legal issue remains a civil matter.

CONCLUSION

There are no outstanding issues that cannot be adequately controlled by planning condition or planning obligation.

RECOMMENDATION:

Grant planning permission for the following reason, subject to:

- (a) 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, the said planning obligation to cover the following:

- (i) the provision of Affordable Housing comprising 2 x 2bed (social rent) 1 x 3bed (social rent) and 2 x 2bed (shared ownership):
 - (ii) Community, Heath Service and Leisure contributions towards outdoor playing space, sport and recreation facilities (as detailed in the consultations section of this report);
 - (iii) satisfactory completion of a Travel Plan
 - (iv) management arrangements for the SUDs; and
 - (v) index linking of all financial payments.
- (b) the imposition of the planning conditions set out below on the grant of planning permission.

The proposal seeks to provide housing in a rural settlement inclusive of affordable housing, in a manner that is commensurate to the scale and character of the area and increases the sustainability of the settlement generally.

The proposal maintains landscape character, safeguards the setting of adjacent listed buildings, includes ecological mitigation and achieves a safe means of highway access, in accordance with the aims of objectives of the National Planning Policy Framework, policies SD1, SS1, SS2, SS4, SS5, SS6, HG3, HG5, TA4, TA5, TA6, HW1, EQ2, EQ3, EQ4 and EQ7 of the South Somerset Local Plan (adopted April 2006) and with reference to the Somerset County Council Parking Strategy (March 2012), the Hardington Mandeville - Parish Plan (2008-2012) and the Hardington Mandeville Village Design Statement (1999).

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:
- a) Location Plan, Drawing No. 1563-A-P-X-01
 - b) Proposed Site Layout, Drawing No. 1563-A-P-X-02 RevA
 - c) Landscape Masterplan, Drawing No. NT-656-C-3-100 RevB
 - d) Plot 1 - Drawing No. 1563-A-PE-X-08 RevB
 - e) Plots 2, 3 and 8 - Drawing No. 1563-A-PE-X-06 RevB
 - f) Plot 4 - Drawing No.1563-A-PE-X-09 RevC
 - g) Plots 5 and 6 - Drawing No. 1563-A-PE-X-01 RevC
 - h) Plot 7 - Drawing No. 1563-A-PE-X-07 RevB
 - i) Plot 9 - Drawing No. 1563-A-PE-X-04 RevC
 - j) Plot 10 - Drawing No. 1563-A-PE-X-10 RevB
 - k) Plot 11 - Drawing No. 1563-A-PE-X-05 RevC
 - l) Plots 12 and 13 - Drawing No. 1563-A-PE-X-02 RevD
 - m) Plot 14 - Drawing No. 1563-A-PE-X-03 RevD
 - n) Typical Garages - Drawing No. 1563-A-PE-X-11 RevC
 - o) Materials Plan, Drawing No. C-3-101 RevB
 - p) Boundaries Plan, Drawing No. C-3-102 RevB
 - q) Details Location, C-3-103 RevB
 - r) Typical Stone Wall Detail, Drawing No. C_3_400 RevA
 - s) Permeable Block Paving Detail, drawing No. C_3_402 RevB
 - t) Gravel Surface Detail, Drawing No. C_3_403 RevA
 - u) Entrance Path Detail, Drawing No. C_3_404 RevA
 - v) Close-Board Fence Detail, Drawing No. C_3_405
 - w) Rendered Wall Detail, Drawing No. C-3_406
- Reason: For the avoidance of doubt and in the interests of proper planning.

03. Save for demolition, no works shall be carried out unless the following details have been submitted to and approved in writing by the Local Planning Authority:
- a) specific materials to be used for the external walls and roofs;
 - b) materials to be used for rainwater goods and window dressings (lintels, cills);
 - c) the design (including joinery details where appropriate), type of material, plus proposed colour and finish of all windows and doors plus recesses;
 - d) details of eaves/verges;
 - e) location and design details of all vents, flues and meter boxes;
 - f) details of all internal and external boundary treatments; and
 - g) the surfacing materials (and drainage details thereof) of all areas of hardstanding incl. driveways.
- Once agreed the scheme shall be carried out in accordance with those details unless further agreement is reached with the Local Planning Authority.
- Reason: To maintain the character and appearance of the area to accord with policy EQ2 of the South Somerset Local Plan (2006-2028).
04. Save for demolition, no work shall be carried out on site unless full details the new natural stonework walls, including the materials, coursing, bonding, mortar profile, colour, and texture along with a written detail of the mortar mix, have been provided in writing; this can be supported with detailed photographs. Prior to the commencement of any walling within the works hereby approved sample panels (based on the written description) shall be made available on site and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the agreed details, and the sample panels shall remain available for inspection throughout the duration of the work.
- Reason: To maintain the character and appearance of the area to accord with policy EQ2 of the South Somerset Local Plan (2006-2028).
05. Save for demolition, no works shall be carried out until details of the internal ground floor levels of the buildings to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority.
- Reason: To maintain the character and appearance of the area to accord with policy EQ2 of the South Somerset Local Plan (2006-2028).
06. Save for demolition, no works shall be carried out until a scheme for the foul and land/surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.
- Reason: To afford the site proper drainage.
07. Save for demolition, no development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
- a) A preliminary risk assessment which has identified:
 - i. all previous uses
 - ii. potential contaminants associated with those uses
 - iii. a conceptual model of the site indicating sources, pathways and receptors

potentially unacceptable risks arising from contamination at the site.
 - b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - c) The results of the site investigation and detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving

full details of the remediation measures required and how they are to be undertaken.

- d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: The National Planning Policy Framework paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

08. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: The National Planning Policy Framework paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

09. The development (particularly including any site clearance) shall not commence until a 'Biodiversity Mitigation and Enhancement Plan' has been submitted to, and approved in writing by the local planning authority. The plan shall include details of provisions for further wildlife surveys, and avoidance, mitigation and compensation measures for badgers, reptiles, bats, dormice and nesting birds, measures for ecological supervision of sensitive stages of development, and measures for the enhancement of biodiversity. The Biodiversity Mitigation and Enhancement Plan shall be implemented in full, unless otherwise agreed in writing by the local planning authority.

Reason: For the protection and conservation of protected and 'priority species' in accordance policy EQ4 of the South Somerset Local Plan (2006-2028), NPPF, and to ensure compliance with the Wildlife and Countryside Act 1981 and the Habitats Regulations 2010, and for the enhancement of biodiversity in accordance with NPPF.

10. Prior to the first occupation of any unit an acoustic barrier shall be installed along the northern boundary. The exact location, specification, and finished height of the barrier shall have been previously submitted to and approved in writing by the Local Planning Authority.

Reason: To maintain residential amenity from potential odour and noise from the adjoining farm complex to accord with policy EQ2 of the South Somerset Local Plan (2006-2028).

11. Save for demolition, no works shall be carried out until a scheme has been submitted detailing the following tree protection and planting details:

- a) a comprehensive tree and hedge planting scheme
- b) a layout plan of the below-ground drainage & services to be installed;
- c) a Tree Survey, Tree Protection Plan and Arboricultural Method Statement relating to all retained trees and hedges on or adjoining the site, so as to conform to British Standard 5837: 2005 - Trees in relation to construction; which shall include:
 - i. a layout and specification of tree and hedge protection fencing

- ii. special protection and engineering measures for required access, installation of built structures, below-ground services, drainage and hard-surfacing within the Root Protection Areas of retained trees
- iii. a schedule of compliance-monitoring for the duration of the construction phases of the development (inclusive of landscaping & dismantling of tree protection fencing)

All planting comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first use of the facility or the completion of the development, whichever is the sooner; and any trees or plants which within a period of twenty years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Upon approval by the Local Planning Authority, the tree protection scheme shall be implemented in its entirety for both the duration of the construction of the development.

Reason: To integrate the development into its environs, build on local character and preserve the health, structure and amenity value of retained trees to comply with the National Planning Policy Framework.

12. There shall be no public streetlighting installed, unless the Local Planning Authority agrees to any variation.

Reason: to protect bat foraging routes and to maintain the rural distinctiveness of Hardington Moor in accordance with policies SS2, EQ2 and EQ4 of the South Somerset Local Plan (2006-2028).

13. Construction works (including the operation of any machinery) and the delivery or dispatching of any construction materials, shall not take place outside 0830 hours to 1800 hours Mondays to Fridays, and 0830 hours to 1300 hours on Saturdays but not at any time on Sundays, Bank or Public Holidays.

Reason: In the interests of residential amenity to accord with policy EQ2 of the South Somerset Local Plan (2006-2028).

14. No part of the development hereby permitted shall be occupied until the access arrangements/carriageway realignment have been carried out in accordance with a design and specification to be approved in writing by the Local Planning Authority and to be 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 to accord with policy TA5 of the South Somerset Local Plan (2006-2028).

15. The areas allocated for parking and turning on the submitted plan, Drawing No. 1563-A-P-X-02 RevA, shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety and to maintain on-site parking and turning provision to accord with policy TA5 of the South Somerset Local Plan (2006-2028).

16. Prior to the commencement of development, including demolition, a Construction Traffic Management Plan providing details on the delivery of the materials and equipment to the site; compound parking area; shall be submitted to and approved in writing by the Local Planning Authority (and Local Highway Authority) and fully implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and residential amenity to accord with policy EQ2 of the South Somerset Local Plan (2006-2028).

Informatives:

01. In respect of Condition 09, the Biodiversity Mitigation and Enhancement Plan should include detailed proposals that are likely to be based upon the outline

recommendations given in the 'Conservation Action Statement' in Appendix 7 of the 'Ecological Appraisal Report' (Acorn Ecology Ltd, November 2014).

02. The applicant is advised to contact the Highway Authority well in advance of commencement of development to progress a suitable legal agreement to secure the construction of the highways works necessary as part of this development.
03. The applicant is advised that Section 59 of the Highways Act 1980 allows the Highway Authority to recover certain expenses incurred in maintaining highways, where the average cost of maintenance has increased by excessive use. This is stated with specific reference to Moor Lane during the construction period.