

**AREA EAST COMMITTEE**  
**Officer Report On Planning Application: 15/01500/FUL**

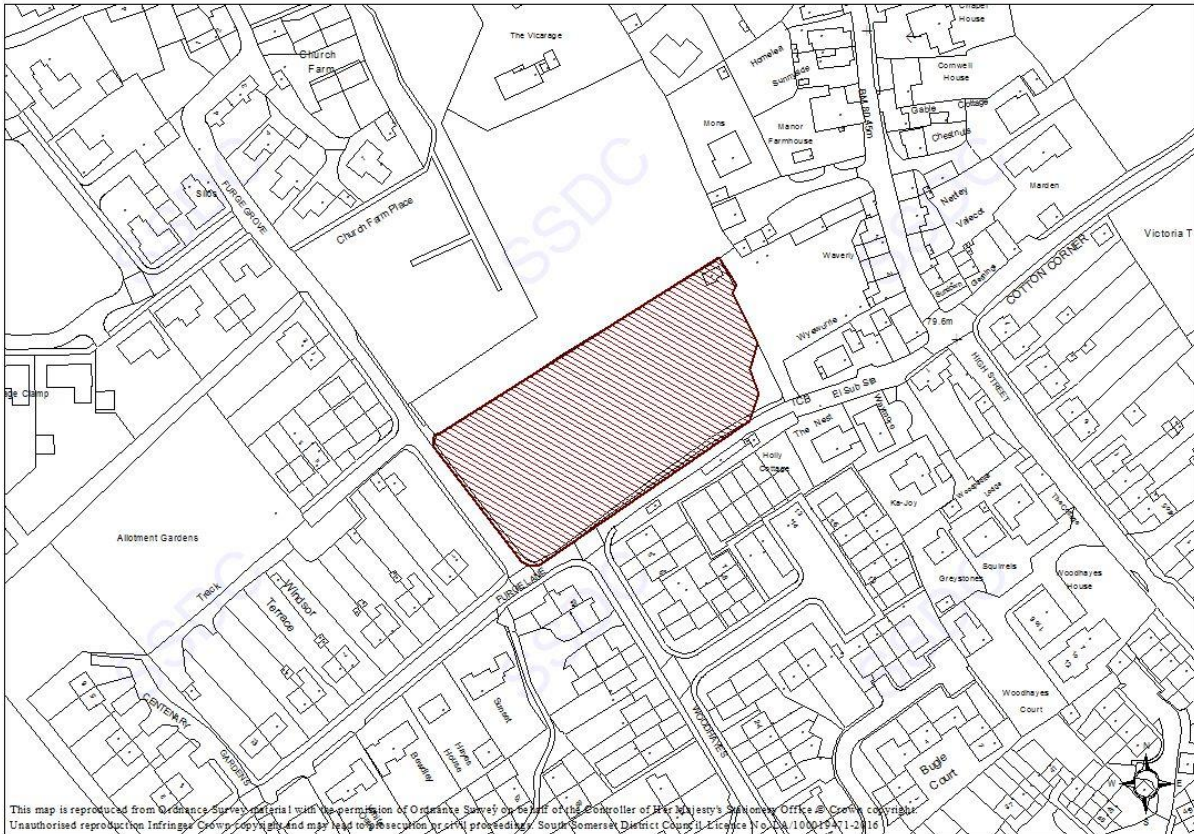
<b>Proposal :</b>	Residential development, erection of 20 dwellinghouses with associated roads and parking (GR 372366/119606)
<b>Site Address:</b>	Land At Furge Lane Henstridge
<b>Parish:</b>	Henstridge
<b>BLACKMOOR VALE Ward (SSDC Member)</b>	Cllr Tim Inglefield Cllr William Wallace
<b>Recommending Case Officer:</b>	Adrian Noon Tel: 01935 462370 Email: adrian.noon@southsomerset.gov.uk
<b>Target date :</b>	20th July 2015
<b>Applicant :</b>	Mr David Matthews
<b>Agent: (no agent if blank)</b>	Miss Christine Skaar 9 Lower Compton Road Plymouth PL3 5DH United Kingdom
<b>Application Type :</b>	Major Dwlg's 10 or more or site 0.5ha+

**REASON FOR REFERRAL**

This application is referred to Committee at the request of the ward members with the agreement of the Chairman, to enable the concerns of the Parish Council and local residents to be debated.

**SITE DESCRIPTION AND PROPOSAL**





This level 0.56 hectare site is located to the south of the church, bounded to the south and west by Furge Lane/Furge Grove and to the east by the conservation area. Whilst it is surrounded by residential properties to the east, south and west and a further area of open space to the north, it is not within the defined settlement boundary of Henstridge. The site is currently grassed with hedgerows to the south, west and north boundaries. There is a protected walnut tree (TPO SSDC (HENS 01) 2015) in the north east corner of the site

The application is supported by a design and access statement, an ecology statement, flood risk and drainage statement, a tree report, a travel statement, an archaeological evaluation and a protected species survey. An access statement has been provided during the application (21/09/15) and the flood risk and drainage statement has been updated and a first set of revised plan provided (19/10/15). Further amended plans have been received (19/11/15) to address the comments made. Subsequently additional revisions have been made (10/12/15) to address concerns about the level of parking.

This is a full application, originally for 21 dwellings but now reduced to 20 (including 7 affordable homes). As amended proposes a mix of properties comprising:-

- 4 one-bedroom flats
- 12 two-bedroom houses
- 4 three-bedroom houses
- 42 parking spaces + 2 motor cycle spaces
- Access from Furge Lane and associated works
- An area of public open space
- Provision of a pavement/footpath to the road side perimeter of the site

The materials would be render and tile with brick detailing and uPVC windows.

## HISTORY

12/01887/OUT Outline permission for 17 dwellings refused. Appeal allowed 06/06/13.  
The Inspector observed:-

*“With development of the site much of the existing hedge would be lost and the appearance of this part of Furge Lane would change, but with careful design of housing and landscaping I consider its rural village character would be retained.”*

## POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF indicate it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006-2028 (adopted March 2015).

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

SS1 – Settlement Strategy

SS2 – Development in Rural Settlements

SS4 – District Wide Housing Provision – sets the overall target for the delivery of at least 15,950 houses over the plan period

SS5 – Delivering New Housing Growth – sets out a figure of at least 2,242 dwellings to be delivered over the plan period in Rural Settlements

SD1 – Sustainable Development

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, cultural and community facilities in new development

EQ1 – Addressing Climate Change in South Somerset

EQ2 – General development

EQ3 – Historic Environment

EQ4 – Biodiversity

EQ5 – Green Infrastructure

### **National Planning Policy Framework**

Part 1 - Building a strong, competitive economy

Part 4 - Promoting sustainable transport

Part 6 - Delivering a wide choice of high quality homes

Part 7 - Requiring good design

Part 8 - Promoting Healthy Communities

Part 10 - Meeting the challenge of climate change, flooding and coastal change

Part 11 - Conserving and enhancing the natural environment  
Part 12 - Conserving and enhancing the historic environment

## **Other Material Considerations**

On 3 September 2015 a report was accepted by the District Executive that confirmed that the Council is currently unable to demonstrate that it has a 5 year supply of deliverable housing land as required by paragraph 47 of the NPF. In such circumstances paragraph 49 is engaged, this states:-

*“Housing applications 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.”*

## **CONSULTATIONS**

**Henstridge Parish Council** – initially objected:-

- 1. Whilst acknowledging that outline planning permission for 17 dwellings already exists, the Council sees no justification for an increase to 21 units as this represents an unacceptable level of overdevelopment on the site;*
- 2. The level of development means that a number of properties are unacceptably close to the adjacent existing properties in Waverley Farm Court and the walnut tree (which the Council pleased to note is now the subject of a TPO);*
- 3. The development is contrary to the Local Plan, in particular Policy SS2;*
- 4. Para 5.41 of the Local Plan states that occupiers of new homes in rural areas have access to a number of local facilities; given that there is no GP practice in Henstridge and that the local primary school is full, the Council believes that this development fails the test of this paragraph;*
- 5. Similarly it is difficult to see how the proposed development satisfies para 5.43 of the Local Plan;*
- 6. Paras 5.44 and 5.45 of the Local Plan would presumably require some guarantee that the development would target local people in need of affordable housing (see also (7) below);*
- 7. Whilst there is some evidence of unmet need for affordable housing in Henstridge, past experience suggests that there will be no priority for Henstridge residents for the housing and that the area will be used to relocate problem families from other areas of South Somerset;*
- 8. Any development on the site will increase the risk of surface water flooding along Furge Lane, which is already a substantial reality whenever there is heavy rain. Whilst the developer is proposing underground storage of water run-off (though their proposals are worryingly vague), the Council does not believe that this will be sufficient to deal with run-off from surrounding areas and that their measures will be overwhelmed, being designed solely to take surface water generated within the proposed development.*
- 9. Experience of foul water drainage in Henstridge suggests that without a local pumping facility on site the disposal of sewage will be insufficient to meet the demands of the proposed development;*
- 10. The local sewage treatment works, serving Henstridge, Stalbridge and part of Marnhull, is currently operating at full capacity and there are no immediate plans to expand this facility;*

11. *The development will generate significant additional traffic; given the one-way nature of that part of Furge Lane there is great concern that, without changes to traffic management in the area, considerable additional traffic would exit from the Furge Lane area via Church Street, which is a narrow road through a conservation area and unsuitable for additional traffic;*
12. *There are already concerns from local residents that the one-way nature of Furge Lane is ignored by some motorists and the increase in traffic due to the proposed development will only increase the likelihood of further potentially dangerous infractions;*
13. *Given the lack of primary school places in Henstridge and the increase in families that the proposed development would bring into Henstridge, any development should be subject to a s106 agreement aimed at securing additional educational resources and community recreational amenities in the local area.*

Objection maintained in relation to subsequent revisions:-

- *The **density of the dwellings** is too great. No more than 17 dwellings should be allowed on the site, as per the outline planning application (12/01887/OUT). It should also be noted that point 14 of the Planning Inspectorate's appeal report in relation to the outline permission, states that the development should not exceed 17 dwellings.*
- *Although the applicant has performed some inspection of the **surface water drainage** system in Furge Lane, it was felt that an independent report should be sought from Wessex Water to ensure that the condition of the drains can be verified impartially. Any remedial works should be checked before, during and after completion to ensure they are of a suitable standard.*
- *Plans for **foul drainage** have not been seen by the Parish Council. It is suspected that the foul drainage system is currently running at capacity. Input from Wessex Water would be needed to determine how these additional dwellings could be catered for in terms of foul drainage.*
- *The proposed development is adjacent to the boundary of the **Conservation Area**. It was agreed by everyone that the overall design of the site and the individual units should still be responsive to the character of the traditional part of the village, rather than the character of modern day housing estates.*
- *It was felt that the **Village Design Statement** had not been taken into account by the developer, in terms of the design of the dwellings, the materials used and the layout of the site. The design of the whole site was felt to be generic and did not reflect the traditional design aspects found in Henstridge.*
- *Although the Parish Council was pleased to see that much of the current native hedging was to be retained in order to preserve the character of the lane, it was disappointing to note that dwellings 19 and 20 were located far too close to the **walnut tree** on site. This walnut tree is subject to a Tree Preservation Order (Hens 237) and SSDC's own Tree Officer has stated in his report of 12<sup>th</sup> May 2015, that the proximity of the dwellings to the tree is not acceptable in terms of maintaining the health of the tree. It would also cause an unreasonable reduction in light to the closest dwellings. In addition, the boundary fences are located too close to the tree.*
- ***Pedestrian and highway safety** need to be addressed as the roads surrounding the proposed development are already dangerous. Vehicles routinely mis-use the one way system at the bottom of Furge Lane where it joins the A357. The Parish Council regularly receives information about near-misses on the roads surrounding the site (i.e. Furge Lane, Furge Grove and Church Street), which is used intensively by pedestrians taking children to and from school. All residents must*

use these narrow, un-paved roads to access the Church, school, shop, bus stops and other amenities. Consideration must be given to the addition of a 2m footway along the edge of the site, as per the SSDC's Highway Consultant's comments of 28<sup>th</sup> October 2015. It seems unreasonable to argue that this development should go ahead based on the amenities available in Henstridge only to omit to make these amenities accessible.

- The Parish Council felt that an independently produced **road safety plan** was essential and that the application should not be approved without this.
- The Parish Council would also like to see a guarantee that any **social housing on the site is offered to residents of Henstridge or their families** in the first instance and would like to see some input from SSDC's Housing Policy Officer to determine the level of need for social housing in the village.
- Aspects of the **site layout** were felt to be lacking. These included the
  - island block of one bedroom units;
  - sea of parked cars dominating one end of site;
  - four cul de sacs now plus one main road in – previously three;
  - gap between units 6 & 7 and 9 & 10 to allow for access to rear gardens – children can climb up between gable ends. Suggest building over at first floor level with doors at ground level each end.
  - 14 no. unallocated parking spaces may create 'free for all' and disputes.
  - Car parking to one side of public open space adversely affects the access and enclosure of the public open space.
  - Large opening in hedgerow in entrance location.
  - The fencing at units 19 and 20 will cause a significant reduction in light and privacy for the residents of Waverly Farm Court
- Some **layout improvements** were:
  - Remove unit 20 and extend public open space to walnut tree and place lean to garage on end of unit 19. Also improves badger route.
  - Reconsider position of one bed unit block to avoid road both sides. Could existing entrance road be eliminated so that this unit then helps to enclose the public open space.
  - Provide additional pedestrian access out of site crossing Furge Grove in vicinity of existing lamp post
  - Plant hedgerow to enclose boundary nearest Wyewurrie
  - Maybe able to introduce a minimum 900mm wide footpath if road width narrowed on one way section, subject to SCC Highways input.
  - Use natural stone walling at site entrance to create traditional entrance to site. Also appropriate at a few key locations to create traditional feel.
- Some negative aspects to the **design of the dwellings** were highlighted:
  - Two storey boxes all the same with extremely bland rear elevations.
  - GRP canopies not acceptable for either look or longevity
  - Horizontal brick soldier course and plain one, two and three light casement windows.
  - White upvc and render used throughout
  - Clay effect interlocking roof tiles used throughout
  - No chimneys.
  - No single storey elements eg. Lean to or pitched roof open garage structures.

The Parish Council's comments in relation to the final set of amended plans:-

*It was proposed and agreed to recommend refusal of this application because the new information provided does not address the problems identified by the Parish Council and local residents.*

*The Parish Council also agreed to re-submit their previous report (attached) detailing how the development could be improved to meet the needs of the parish and current and new residents, and also to ensure that the design is in keeping with the historic style of the village, as described in the Village Design Statement.*

*The Clerk was further instructed to relay the deep disappointment felt by the Parish Council and local residents, who have worked extremely hard to find means to improve the development and to make it acceptable. The Parish Council feels that the developer has failed to engage with the community despite the production of many pages of useful pointers for improvement.*

**County Highway Authority** – no objection to access arrangement subject to conditions. Initially raised a concerns about the level of parking which should include 44 spaces for residents, 4 motorcycle spaces and 20% visitor spaces to optimal for the mix of dwellings proposed. In relation to the final revisions:-

*The SCC Parking Strategy highlights that for a development of this size the parking requirements would be either;*

- *On the basis of allocated parking - 46 spaces (42 allocated spaces for the houses plus 4 visitor spaces)together with suitable motorcycle parking and bicycle storage facilities*
- *On the basis of unallocated parking - 42 car parking spaces (if 50% of the spaces are unallocated), together with suitable motorcycle parking and bicycle storage facilities*

*Whilst the proposal illustrates provision of 42 car spaces for the site, this only allows for 17 visitor spaces for the site as opposed to the required 21.*

**LLFA** – in initially objected to proposal to discharge surface water to a foul sewer. Subsequently raises no objection to revised flood risk and drainage statement subject to securing the detail by condition.

**Wessex Water** – initially advised that the proposal to discharge surface water to their public foul sewer on Furge land was unacceptable.

**SSDC Tree Officer** – originally objected to the proximity of the proposed houses to protected walnut tree and potential impact on hedgerow to northern boundary of site.

Subsequently he has advised:-

*Matters still appear rather constrained within Plot 20, so some concerns regarding the poor availability of direct sunlight and ambient daylight still remain.*

*Perhaps increasing the size of windows, use of fully glazed French doors, avoidance of internal partition walls and installation of dual-aspect windows might improve daylight to the main rooms of Plot 20.*

*I have suggested that perhaps the tall hedgerow all along the Northern boundary could be subjected to some sympathetic traditional hedgerow management, e.g. laying & coppicing but promoting some of the better stems of well-spaced Field Maple as*

*'standards' (e.g. selected stems can be allowed to grow into modest-sized trees as they are relatively slow-growing and respond well to trimming).*

*In a minor way, this might help to improve the availability of light for all of the adjoining dwellings (incl. Plot 20) in the late afternoon and evenings.*

Following these comments the applicant's arboriculturalist provided a hedgerow management proposal for the northern hedge and a turfing plan within the area around the protected walnut tree. The tree officer as accepted that these would improve the availability of daylight to the adjoining gardens and main rooms and the ground conditions beneath the walnut tree.

**SSDC Landscape Architect** – originally advised that:-

*the site lies within the village envelope and is characterised by housing to three sides. Whilst the field to the north lays alongside the parish graveyard, and forms a frontage to the main face of the vicarage, to thus have value as an undeveloped area, I do not place any particular landscape value to the village on the retention of this open space, hence have no landscape objection to the principle of development should it be justified in planning policy terms.*

*Turning to the proposed site arrangement, the proposal before us is more urban in form than the previously submitted scheme, and in that respect says little of Henstridge. Relative to that scheme, there are a number of design elements within this proposal that I consider to be unsatisfactory;*

- 1) *Car parking arranged immediately alongside the site entrance road;*
- 2) *Car parking eroding the open space area, and;*
- 3) *The lack of enclosure between the face of plot 8 and side of plot 7:*

*Whilst I welcome the intention to utilise planting to enhance site amenity, there are elements of the landscape strategy (drawing 309/SK03) that I would suggest are revised;*

- (a) *Hedging is arranged to contain the site frontage to Furge lane – not only does this present a more uniform frontage, it also helps infill the level differential between the site and lane that is present in the east corner of the public open space (POS);*
- (b) *Remove the intended native hedging to the west side of the POS, to enable better surveillance of the space;*
- (c) *Consider use of hedging to assist enclosure of car parking court between plots 7 and 8, and;*
- (d) *I agree the suitability of hornbeam, pear and the hardier cherries for tree planting, but would advise against sorbus, which doesn't fulfill its growth potential on local soils.*

*Finally, the position of the existing walnut that is to be retained is indicated differently in this application from the previous submission, and the RPA is placed very close (within 0.5m) to the proposed rear face of the housing (plots 20 and 21). I suggest Phil provides you with a view of whether there is sufficient separation of the tree and its RPA, from the proposed housing edge.*

Subsequently it is commented that *"the amended plans address the majority of the earlier concerns that I had raised. Consequently, I have no further comments to make on the layout*



and landscape treatment, which is satisfactory.”

**SSDC Conservation Manager** – initially considered the layout poor in a number of aspects:-

1. *Parking - poor siting prominently on the access road and compromising the open space should be revised to more discrete locations.*
2. *Character in the locality is one of houses set back behind front gardens, repeated now on the site immediately to the south, so I consider that, although houses should address the road frontages, they would be best set back with at least small front gardens which should also be properly enclosed for the long term – knee rails inadequate. Fenced boundaries fronting any public spaces are not acceptable; they need walling or hedging.*
3. *Poor relationship with adjacent Waverley Farm Court – plot 21 needs to be moved well back off boundary to allow hedging to improve privacy.*
4. *Tree adjacent to plot 20 - check RPA necessary to retain this*
5. *There are a series of wasteful spaces of no defined use in the layout –eg adjacent plot 7, behind plots 12 -21*
6. *It is not that easy a site to layout. The difficulties evident are the result of too high a number of units.*

In relation to the final revisions comments:-

*In the context of the surroundings I do not feel that the shortfalls with the layout of the proposal are now sufficient to justify a recommendation for refusal on design grounds. Having said that there are matters of detail that it would be appropriate to identify and require change:-*

- *Materials – The block closing the view down Woodhayes, plots 1-7, would better integrate with its context built in recon stone as the existing in Woodhayes. Brick detailing to windows in rendered walls is not in the local character – render walls better without the brick arches and sills but with recon sills. Red brick is also a feature of Henstridge so is an alternative walling material.*
- *The proposed loss of the hedge on south and east boundary requires I suggest replacement with metal railing with domestic hedge planting contain the front gardens.*
- *Side and rear garden boundaries where they front public spaces should be walls not fences to ensure a sustainable good quality appearance. This applies to rear of plots 1-7, 8-11 and side of plot 12.*
- *Strengthened boundary treatment necessary on east, Furge Grove, adjacent to the parking area.*

**SSDC Leisure Policy Co-ordinator** – requests a total contribution of £54,055 (£2,703 per dwelling) as follows:-

- £13,581 towards the enhancement of the equipped play area at Ash Walk Recreation Ground
- £2,667 towards the enhancement of youth facilities at Ash Walk Recreation Ground
- £8,830 as a commuted sum towards the above
- £28,442 towards the enhancing community hall provision in Henstridge
- £535 as an administration fee

**Housing Development Officer** – requests 7 affordable units, 5 for ‘social’ rent and 2 shared ownership or other intermediate solutions. Suggests:-

- 2 x 1 bed
- 3 x 2 bed
- 2 x 3 bed

**SSDC Ecologist** – initially raised concerns about out of date bat surveys and insufficient badger mitigation measures. Subsequently accepts additional detail subject to safeguarding conditions in relation to hedgerow protection, badger and bat mitigation measures and biodiversity.

**Somerset Wildlife Trust** – initially objected to the lack of detail regarding planting, the provision of bird and bat boxes and external lighting.

**SCC Archaeologist** – conditional approval.

**Police Architectural Liaison Officer** – no objection subject the securing better natural surveillance of parking areas, repositioning rear accesses and amended boundary treatments to public open space. Subsequently confirms acceptance of amended scheme.

## REPRESENTATIONS

25 letters of objection received following the initial consultations:-

- Loss of greenspace
- Loss of hedges and trees
- Development outside boundary of Henstridge
- Lack of amenities/infrastructure in Henstridge
- Over development of site
- Impact on drainage
- Impact on wildlife (slow worms, birds, hedgehogs)
- Additional traffic in Furge Lane, Church street and other narrow routes to the High Street which are well used by pedestrians and cyclists, including children walking to school;
- Lack of pavements in Furge Lane
- Furge Lane one way system is ignored
- Lack of analysis of existing traffic
- Houses too small
- No bungalows
- Adverse impact on character of areas from cumulative developments
- Impact of further construction traffic
- Impact on Waverley Farm Court – loss of light and privacy
- Low mains pressure
- Additional strain of sewerage system
- Too many houses – densification of approved scheme
- Not enough parking
- Noise from green open space
- An Environmental Impact Assessment should be provided
- No benefit to Henstridge

One writer suggests that the one way system should be extended and improvements made to footpaths and the road. There should be a play area with the proposal. It is accepted that Henstridge will grow by the loss of this green site is questioned.

A further 9 letters were received to the second round of consultations, generally the re-iterate comments previously made, however the following new observations are provided:-

- more affordable housing is not needed in Henstridge which is already over provided.
- The school is full and would have to build on the playing fields
- Impact on protected tree
- Houses not needed
- Reduction by one dwelling does not overcome proviso objections.
- Lack of public transport

## **CONSIDERATIONS**

### **Principle**

The extant permission and the fact that Henstridge is a Rural Settlement where SS2 applies are considered to firmly establish the principle of development on the site. It is not therefore considered reasonable to dispute that this site is appropriate for some form of development or that it is in an unsustainable location.

The current lack of a 5 year housing land supply means that policies that seek to constrain housing development should be considered out of date and a recent inspector's decision has highlighted the simple fact that residential development coming forward "*in the right place at the right time in line with the economic role of sustainable development and the Government's aim of boosting significantly the supply of housing*" should be supported.

Accordingly the application should be determined in the context of striking the appropriate balances between the significant benefits stemming from the delivery of much need housing, in a sustainable location, that would contribute toward the Council's current shortfall and any harm that might arise from the proposal.

### **Highways Safety**

Clearly there are strongly local concerns, however these are not supported by the highways officer and the access point remains as approved at the outline stage. It is not considered that there are any new circumstances that could now justify rejecting an access arrangement considered acceptable less than 3 years ago. In response to local concerns the applicant has agreed to include a modest build out to the east of the access to emphasise that this section of Furge Lane is one-way.

The proposal includes 3 more houses than originally envisaged; however the highways authority accepts that the associated increase in vehicle movements can be accommodated by the local road network. The provision of a footpath around the site is considered to be a benefit that has been consistently offered by the development of this site and accepted by the Inspector. The applicant has been requested to consider extending this to the east of the access to the entrance to Waverly Farm Court. Whilst this has not been requested by the highways officer it is considered that this would be a beneficial and an oral update will be made.

It is accepted that the proposal complies with policy TA5 and that, notwithstanding local concerns, it is not considered that a refusal on the grounds of highways safety could be sustained in this instance.

## **Parking Standards**

The Country parking standards require 40 car parking spaces to meet the needs of residents, plus 4 visitor spaces, 4 motorcycle spaces and 40 bicycle spaces. On this basis, the proposal does not comply with the County's standards being 2 visitor spaces, 2 motorcycle space and 40 bicycle spaces short. However given the possibility of parking 'on-street' within the development it's not considered that this minor deficiency in visitor and motorcycle parking spaces could justify withholding permission.

The applicant has agreed to provide indicative details of how secure bicycle storage could be provided (e.g. in a small garden shed) and a condition is suggested to agree the detail.

On this basis it is considered that any conflict with policy TA6 is minor and should only be attributed limited weight in the planning balance.

## **Visual Amenity**

The principle of the development of this site has been accepted, along with its capacity to accommodate development. In this respect the addition of 3 houses is not considered to materially affect the principle of the development of this site. The issue now is whether for not the scheme is designed and laid out appropriately. As the previous inspector observed "*with careful design of housing and landscaping... [the]... rural village character would be retained.*"

The landscape officer has long been of the view that the development of this field would not attract a landscape objection should the principle be accepted. He has advised on the detail of the current proposal and the applicant has now provided an amended scheme that addresses his concerns in terms of the parking arrangements, means of enclosure and the detail of the planted scheme. Whilst there are strong local concerns about the loss of the existing hedge, this needs to be balanced against the benefits, in the context of the accepted development of the site, of providing a footpath to the perimeter of the site.

It is considered that these benefits carry significant weight that off-sets the loss of the hedge and is further mitigated by the ability to provide a replacement hedge, albeit of most proportions. If this can be achieved in a manner suggested by the conservation manager, which can be conditioned, it is considered that this would satisfy the requirements of both policy TA5 and EQ2.

Turning to the design, again there are strong local concerns. The applicant has sought to address these with the inclusion of amended chimney and porch details along with revisions to the materials and detailing. Whilst there is a local concern that these are bland structures not reflective of traditional building materials and styles in Henstridge, it is considered that the proposed buildings would not sit uncomfortably in their context

It is accepted that there are more traditional properties at Waverley Farm Court and at the eastern end of Furge Lane, however, elsewhere there is a mix of property types ranging from the pre-war houses at Windsdor terrace and the 1950/60 houses and bungalows in Furge Lane to the west to the redevelopments at Woodhayes to the south and Furge Grove to the west carried out in the last 15 years.

As noted by the conservation manager, the scheme could benefit from some changes to the detail. It is considered that these can be agreed by condition and on this basis it is not considered that the design and detailing of the proposed could reasonably be rejected and as such complies with policy EQ2.

## **Residential Amenity**

It is considered that, subject to the agreement of cycle and bin stores by a condition, the proposed development would adequately meet the needs of future occupiers, with sufficient private and shared amenity space. It is considered that there is sufficient separation to avoid any due impact on the amenities of existing residents either over dominance or overlooking/loss of privacy. There is particular local concern about the relationship with properties at Waverley Farm Court. The gable end of proposed plot 20 would c. 15 from the rear elevation of 10 and 11 Waverley Farm Court, which sit on slightly lower ground.

Notwithstanding the levels difference, and allowing for normal boundary treatments (i.e. a 'permitted' fence of up to 2m), it is not considered that this relationship is objectionable. On this basis it is considered that the amenity impacts of the scheme as a whole are acceptable and in this respect the proposal complies with policy EQ2.

## **Drainage**

Whilst there are local concerns neither Wessex Water nor SCC as the Lead Local Flood Authority (LLFA) objects to proposed drainage measures. The original wholly objectionable proposal has been amended to meet the requirements of these bodies, and in doing so, blockages in the local drainage system have been identified that would be fixed as part of this proposal.

Accordingly on the basis that the as designed would not increase the risk of flooding, and would in fact resolve an existing problem, it is considered that the proposal complies with policy EQ1.

## **Ecology**

It is accepted that the proposal would result in the loss of a green field and some hedgerow boundary that has local wildlife value. Nevertheless the applicant proposed mitigation strategies that would minimise any impact on protected species (bats and badgers). The scheme includes provision for replacement and supplementary planting with suitable native species and bat and bird boxes.

In this respect the proposal is accepted by the Council's ecologist and is considered to comply with the biodiversity requirements policy EQ4.

## **Planning Obligations**

Whilst the applicant is agreeable to the requested/ planning obligations (35% affordable housing and leisure contributions) as requested as required by policies HG3 and HW1. The concerns about the impact on the school is noted, however it is not shared by the local education authority. The proposal is anticipated to generate the need for 4 additional primary school places, for which there is capacity locally.

## **Conclusion**

This is a site where development has been accepted and there is an extant permission for up to 17 houses. This proposal for 20 dwellings creates no fundamental objections in terms of design, layout, landscaping, drainage, ecology or highways impacts. Whilst it is marginally short on visitor and motorbike parking it is considered that this minor harm in terms on non-compliance with the strict requirements of policy TA6 should be considered against the

benefits in terms of the provision of housing to meet the District housing need, including 35 % affordable housing. The benefit of providing a footpath around the site is also considered significant and the economic benefits of activity in the construction sector must be acknowledged along with the future contribution occupiers of these houses would have locally.

It is considered that these benefits outweigh any harm that would arise as a result of the proposal and as such it is recommended for approval.

## **RECOMMENDATION**

That, application 15/01500/FUL be approved subject to the prior completion of a section 106 planning agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to secure:-

- (i) Contributions towards offsite recreational infrastructure, to the satisfaction of the Development Manager in consultation with the Assistant Director (Wellbeing) broken down as:
  - £13,581 towards the enhancement of the equipped play area at Ash Walk Recreation Ground
  - £2,667 towards the enhancement of youth facilities at Ash Walk Recreation Ground
  - £8,830 as a commuted sum towards the above
  - £28,442 towards the enhancing community hall provision in Henstridge
  - £535 as an administration fee
- (ii) At least 35% of the dwellings as affordable dwellings of a tenure and mix that is acceptable to the Development Manager in consultation with the Corporate Strategic Housing Manager.

and the following conditions.

## **Justification**

Notwithstanding local concerns, the proposed development is of an appropriate design and layout that would not adversely affect highways safety, residential amenity or the character and appearance of the locality. As such the proposal complies with the policies of the south Somerset Local Plan and the National Planning Policy Framework.

## **Conditions**

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. Unless agreed otherwise by other conditions of this permission the development hereby permitted shall be carried out in accordance with the following drawings:-
  - 887-310 Proposed Site Layout Rev F
  - 887-313 Proposed Site Sections Rev C

- 887-320 House type A Rev B (plots 1-4)
- 887-321 House type B Rev B (plots 8-16)
- 887-322 House type C Rev C (plots 6, 7, 19 & 20)
- 887-324 House type E Rev 0 (plots 5, 17 & 18)

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

03. Notwithstanding the details shown on the drawings hereby approved, no development hereby approved shall be carried out until particulars of following have been submitted to and approved in writing by the Local Planning Authority;

- details of materials (including the provision of samples where appropriate) to be used for the external walls and roofs;
- details of the recessing, materials and finish (including the provision of samples where appropriate) to be used for all new windows (including any rooflights) and doors;
- details of all hardstanding and boundaries
- details of the rainwater goods and eaves and fascia details and treatment.

Once approved such details shall be fully implemented unless agreed otherwise in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the area in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan 2006-2028.

04. Prior to commencement of this planning permission, site vegetation clearance, demolition of existing structures, ground-works, heavy-machinery entering site or the on-site storage of materials, the tree and hedgerow protection measures as detailed within the submitted Tree Protection Plan, Arboricultural Method Statement and Turf Management Plan as prepared by Hellis Trees & Landscapes shall be implemented and made ready for inspection. A site-meeting between the appointed Project Arboriculturist, the appointed Site Manager and the Council's Tree Officer shall then be arranged at a mutually convenient time. The locations and suitability of the tree and hedgerow protection measures (specifically the fencing & signage) shall be inspected by the Tree Officer and confirmed in-writing by the Council to be satisfactory prior to commencement of the development. The tree and hedgerow protection requirements as detailed within the submitted Tree Protection Plan and Arboricultural Method Statement as prepared by Hellis Trees & Landscapes shall remain implemented in their entirety for the duration of the construction of the development and the protective fencing & signage may only be moved or dismantled with the prior consent of the Council in-writing.

Reason: To preserve the health, structure and amenity value of existing landscape features (protected trees and hedgerows) in accordance with the following policies as stated within *The South Somerset Local Plan (2006 - 2028)*; EQ2: *General Development*, EQ4: *Bio-Diversity* & EQ5: *Green Infrastructure*.

05. Prior to the occupation of any dwelling, hereby approved, a 'Landscape Plant and Landscape Management Plan', including long term objectives and management responsibilities, together with maintenance and planting schedules for all landscaped areas (other than small privately owned domestic gardens), shall be submitted to and approved in writing by the Local Planning Authority. Such plan should include the

recommendations of Hedgerow Management Plan and Turfing Method Statement by Hellis Trees and Landscapes..

All planting, seeding or turfing comprised in the approved 'Landscape and Landscape Management Plan' shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 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 give written approval to any variation.

Reason: In the interests of visual amenity and to safeguard the ecological, interest and biodiversity of the site in accordance with policies EQ2 and EQ4 of the South Somerset Local Plan 2006-2028

06. No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of the programme of archaeological work according with the written scheme of investigation submitted by the applicant as part of the application documentation and approved by the local planning authority

Reason: To safeguard heritage assets in accordance with policy EQ3 of the South Somerset Local Plan 2006-2028.

07. No development hereby approved shall be carried out until such time as details of the proposed levels have been submitted to and agreed in writing by the local planning authority. Once approved such details shall be fully implemented unless agreed otherwise in writing by the local planning authority.

Reason: In the interests of visual and residential amenity in accordance with policy EQ2 of the South Somerset Local Plan 2006-2028.

08. No development hereby approved shall commence until a detailed surface water drainage scheme for the site, generally in accordance with the submitted Flood Risk Assessment by John Grimes Partnership has been submitted to and approved in writing by the local planning authority. Such scheme shall include measures to prevent the run-off of surface water from private plots onto the highways. The scheme shall subsequently be implemented in accordance with the approved details before the development is occupied.

Reason: To ensure the development is properly drained in accordance with policy EQ1 of the South Somerset Local Plan 2006-2028 and the provisions of the National Planning Policy Framework.

09. No development approved by this permission shall be occupied or brought into use until a scheme for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved by the Local Planning Authority. The approved drainage works shall be completed and maintained in accordance with the details agreed.

Reason: To ensure the development is properly drained in accordance with policy EQ1 of the South Somerset Local Plan 2006-2028 and the provisions of the National Planning Policy Framework.



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

Reason: In the interests of highways safety in accordance with Policy TA5 of the South Somerset Local Plan 2006-2028.

11. No dwelling hereby permitted hereby permitted shall be occupied until its parking space(s) and a properly consolidated and surfaced turning space for vehicles have been provided and constructed within the site in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such parking and turning spaces shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highways safety and to ensure adequate parking is provided in accordance with Policies TA5 and TA6 of the South Somerset Local Plan 2006-2028.

12. The development hereby permitted shall not commence unless a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include construction operation hours, construction vehicular routes to and from site, construction delivery hours, car parking for contractors and specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice. Once approved the development shall be carried out in accordance with the approved Construction Management Plan.

Reason: To safeguard the amenities of the locality in accordance with Policy EQ2 of the South Somerset Local Plan 2006-2028.

13. No development hereby approved shall take place until details of the proposed access to Furge Lane has been submitted to and approved in writing by the local planning authority. Such access must be at least 5m wide and shall include the appropriate visibility splays. Once approved such access shall be provided prior to the commencement of development and shall be maintained at all times thereafter.

Reason: In the interests of highways safety in accordance with Policy TA5 of the South Somerset Local Plan 2006-2028.

14. No dwelling hereby permitted hereby permitted shall be occupied until has been provided with secure cycle and bin store area(s) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate cycle and bin storage stage is provided in the interests of the amenities of future occupiers is provided in accordance with Policies EQ2 and TA6 of the South Somerset Local Plan 2006-2028.

15. Prior to the commencement of development, a 'lighting design strategy for biodiversity' shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) identify those areas/features on site that are particularly sensitive for legally protected species;
  - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent legally protected species using their territory or having access to their breeding sites and resting places.
  - c) include an impact assessment and supporting information for the lighting proposals from a licenced bat consultant.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy, unless otherwise agreed in writing with the local planning authority.

Reason: For the conservation and protection of legally protected species (bats, badgers) of recognised nature conservation importance in accordance with Policy EQ4 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 and The Habitats Regulations 2010.

16. The development shall be implemented in accordance with the 'Badger Mitigation Plan' (Encompass Ecology Ltd, April 2015), unless otherwise approved in writing by the local planning authority.

Reason: For the protection of legally protected species in accordance with the Wildlife and Countryside Act 1981, and Protection of Badgers Act 1992.

17. Prior to the commencement of the dwellings hereby approved details of measures for the enhancement of biodiversity, which shall include the provision of bat and bird boxes (including provision for swallows and swifts) and tree/shrub planting generally in accordance with drawing 887-310 rev. F, shall be submitted to and approved in writing by the Local Planning Authority. Once approved, such biodiversity enhancement measures shall be implemented as part of the development and maintained at all times thereafter in accordance with the approved details unless otherwise approved in writing by the local planning authority.

Reason: For the conservation and protection of species of biodiversity importance in accordance with policy EQ4 of the South Somerset local Plan 2006-2028.

### **Informative**

01. The applicant should be aware that it is likely that the internal layout of the site will result in the laying out of a private street, and as such under Sections 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code (APC). Given the constraints of the existing access, it will not be possible to construct an estate road to a standard suitable for adoption. Therefore in order to qualify for an exemption under the APC, the road should be built and maintained to a level that the Highway Authority considers will be of sufficient integrity to ensure that it does not deteriorate to such a condition as to warrant the use of the powers under the Private Streetworks Code.