

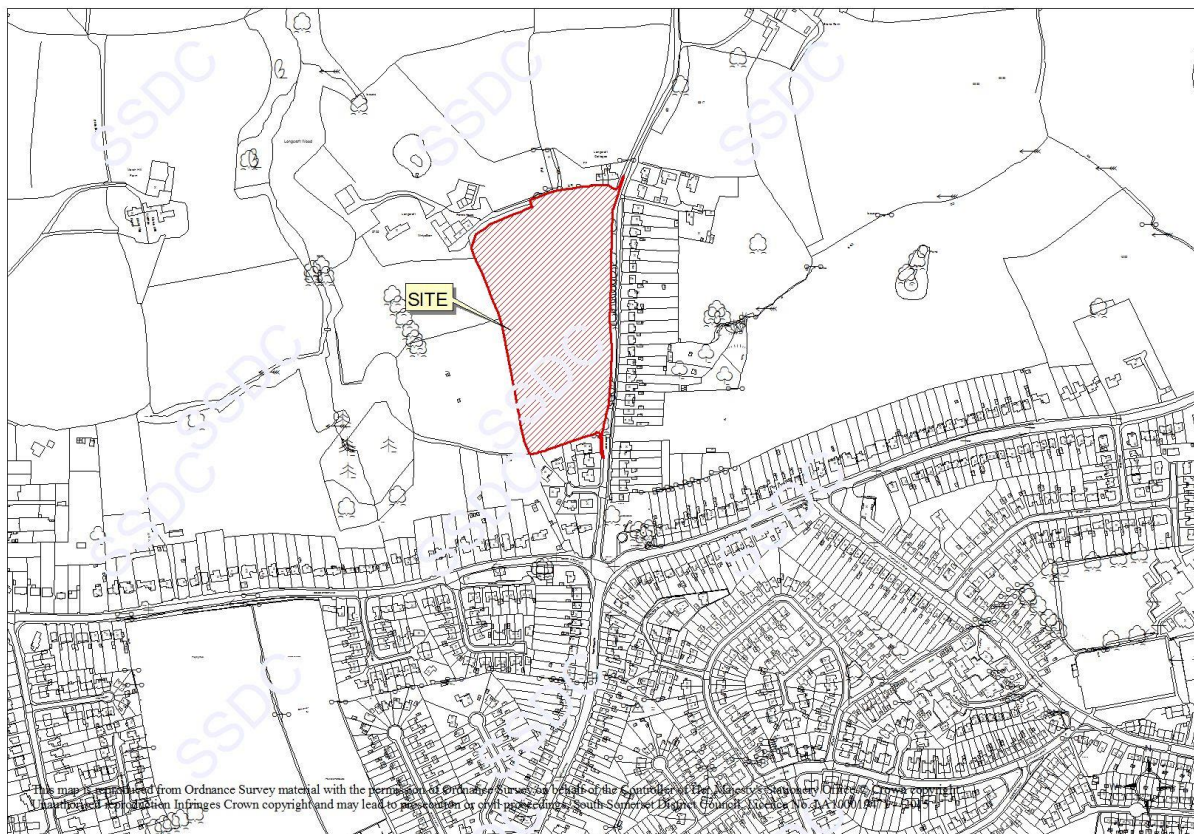
**Officer Report On Planning Application: 15/00763/FUL**

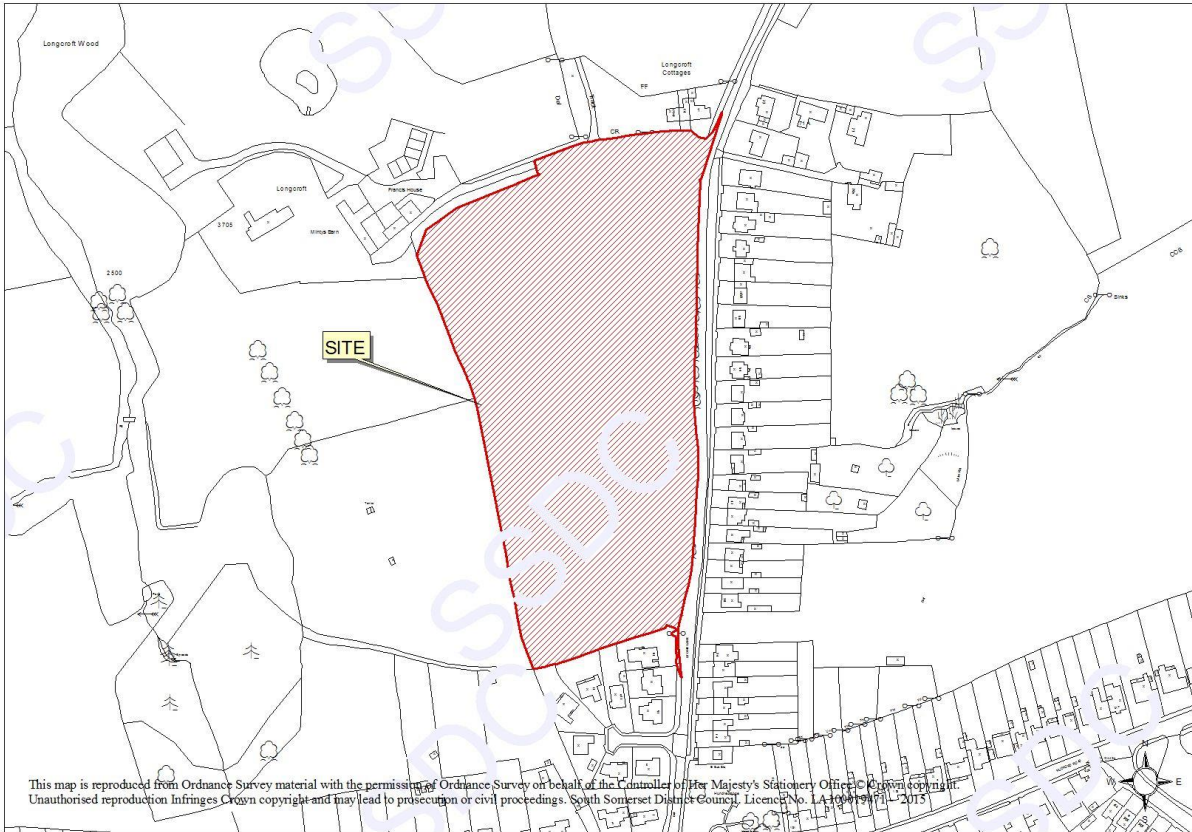
<b>Proposal :</b>	Residential retirement community of 29 No. independent living bungalows, residents building incorporating wardens office, communal open space, vehicular access, surface water attenuation pond, landscaping and associated works (GR 355454/117958)
<b>Site Address:</b>	Land Off Stone Lane Yeovil
<b>Parish:</b>	Yeovil Without
<b>WARDS OF YEOVIL WITHOUT Ward (SSDC Member)</b>	Cllr J Gleeson Cllr P A Lock Cllr G J Oakes
<b>Recommending Case Officer:</b>	Andrew Collins Tel: 01935 462276 Email: andrew.collins@southsomerset.gov.uk
<b>Target date :</b>	13th May 2015
<b>Applicant :</b>	Longcroft Retirement Village
<b>Agent: (no agent if blank)</b>	Boon Brown Architects Motivo Alvington Yeovil Somerset BA20 2FG
<b>Application Type :</b>	Major Dwlg's 10 or more or site 0.5ha+

**Reason for Referral to Committee**

This application is referred to the committee at the request of the Ward Members with the agreement of the Area Chairman due to public interest and to enable the comments of Yeovil Without and Mudford Parish Councils and neighbours to be fully debated.

**Site Description and Proposal**





The site is located on the Western side of Stone Lane on the Northern edge of Yeovil beyond Combe Street Lane. The site extends to 3.10 hectares and is currently a greenfield site used for agriculture. The site is located outside of the 'urban framework of Yeovil' as defined in the adopted South Somerset Local Plan (2006 -2028).

To the Northwest of the application site, Longcroft Farmhouse is Grade II listed.

The site slopes gently from South to the North with a 16m rise across the site. Along the Northern and Eastern boundaries are a number of important trees mainly oak and individual specimens on the Western boundary.

There is an existing vehicular access approximately 410m from the junction with Combe Street Lane. Access to the field is currently via an existing field gate on the Northern boundary. As part of this application it is proposed to remove an historic oak tree to widen the access.

This is a full application for the erection of 29 flat roof bungalows to cater for the over 55 market. A new access located 50m to the West of Stone Lane is proposed to serve the development. A private lane is proposed to snake along the Eastern boundary. In detail it is proposed to erect 4 dwellings in the North-eastern corner of the site, a further 4 towards the South-eastern corner and 3 lines of development across the site following the contours. The North-western corner of the site, being the steepest and most visually prominent is to be kept clear and an attenuation pond is proposed at the lowest point of the site in the far North-western corner.

At the South-eastern corner of the site a new pedestrian access and crossing point onto Stone Lane is proposed. Adjacent to the new pedestrian access an ornamental garden / resident's lawn and a residents building is proposed. The residents building comprises a rectangular flat roof building of 85m<sup>2</sup> and contains a wc, kitchen and visiting warden's office together with a flexible open space. This building would be constructed of ham stone and stained timber cladding.

In total there are proposed to be 15no 1 bed dwellings, 10no 2 bed dwellings and 4no 3 bed. The dwellings will be constructed of ham stone, render and a mix of untreated and treated timber cladding. Each dwelling includes an integral garage and will be fully wheelchair adaptable, and comply with Life Time Homes design standards.

The supporting 'Outline Management Statement' says that the proposals are for over 55's *who are able to live independently but enjoy support within a like-minded environment and benefit from the assistance of a visiting warden. The Village is not designed to provide full nursing care.*"

It is also detailed that subject to market demand the properties will be sold on a long leasehold basis. An annual service charge will fund the running of the development via a management company that maintains the grounds and infrastructure, cover communal rates and insurances, energy bills for communal areas, window cleaning, service contracts and the provision of a visiting warden service.

The application is supported by a Planning Statement, Design & Access Statement, Statement of Community Involvement, Landscape and Visual Impact Assessment, Landscape Concept Design, Elderly Care Housing Needs Assessment, Outline Management Statement, Transport Statement, Travel Plan, Flood Risk Assessment / Drainage Strategy, Ecological Appraisal and Arboricultural Report.

During the course of the application a provisional Tree Preservation Order was served on the trees on the site.

## **RELEVANT HISTORY**

Historic applications in the 60's and 70's for the erection of 4 dwellings all refused.

On the adjacent site;

13/01186/CPO - Importation of waste soils etc, ground modelling and landscaping, including the construction of a fishing lake (retrospective) - County Council Granted permission with conditions - 15/10/13

13/01185/CPO - Re-registered application (previously 12/04745/FUL) importation of waste soils etc, ground modelling and landscaping including the construction of two fishing lakes and erection of holiday lodge - County Council Granted permission with conditions - 15/10/13

09/01425/FUL - The erection of a farm shop and tea room with ancillary car parking - Application permitted with conditions - 13/11/09

08/05359/FUL - The erection of a building comprising farm shop and ancillary tea room with car parking and building to form animal interpretation area - Application withdrawn - 9/3/09

07/01310/FUL - Erection of a single storey block of 5 no holiday / business stay apartments - Application permitted with conditions - 24/4/07 (Revised application to 06/04397/FUL)

06/04397/FUL - Erection of a single storey block of five holiday / business stay apartments - Application permitted with conditions - 3/1/07

## **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.

On 5th March 2015 the South Somerset Local Plan (2006 - 2028) was adopted. Therefore it is considered that the development plan comprises this plan

On this basis the following policies are considered relevant:-

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

Policy SD1 - Sustainable Development  
Policy SS1 - Settlement Strategy  
Policy SS4 - District Wide Housing Provision  
Policy SS5 - Delivering New Housing Growth

*"Housing requirement will make provision for at least 15,950 dwellings in the plan period 2006 - 2028. At least 7,441 will be located within the Urban Framework of Yeovil and via two Sustainable Urban Extensions.*

*This provision will include development and redevelopment within development areas, greenfield development identified within this Plan or to come forward through conversions of existing buildings, residential mobile homes and buildings elsewhere in accordance with the policy on development in rural settlements."*

Policy SS6 - Infrastructure Delivery  
Policy YV1 - Urban Framework and Greenfield Housing for Yeovil

*"Within the overall provision of at least 7,441 dwellings at Yeovil, 5,876 dwellings are anticipated in the Urban Framework of the town, and 1,565 dwellings at the Sustainable Urban Extensions."*

Policy HG3 - Provision of Affordable Housing  
Policy HG5 - Achieving a Mix of Market Housing  
Policy HG6 - Care Homes and Specialist Accommodation

*"Proposals for care homes or similar specialist accommodation that meets an identified local need will be supported where it is consistent with the Settlement Strategy. In exceptional circumstances, where development is proposed in a countryside location, the Council will require clear justification for its location. This will take into account the nature of specialist care required and demonstration that alternative sites are unsuitable and/or unavailable and the economic benefit of the proposal to the locality.*

*Where the District Council seek to negotiate affordable housing in respect of development that already meets a specified housing need, such as sheltered housing or Care Homes, the Council will take into account that such sites may be inappropriate for a mix of affordable housing and general market housing or that such sites have met, by their nature, affordable housing requirements."*

Policy TA1 - Low Carbon Travel  
Policy TA3 - Sustainable Travel at Chard and Yeovil  
Policy TA4 - Travel Plans  
Policy TA5 - Transport Impact of New Development  
Policy TA6 - Parking Standards  
Policy HW1 - Provision of Open Space, Outdoor Playing Space, Sports, Cultural and Community Facilities in New Development  
Policy EQ1 - Addressing Climate Change in South Somerset  
Policy EQ2 - General Development  
Policy EQ3 - Historic Environment

Policy EQ4 - Biodiversity  
Policy EQ5 - Green Infrastructure

National Planning Policy Framework

Paragraph 7 - Achieving Sustainable Development  
Chapter 4 - Promoting Sustainable Transport  
Chapter 6 - Delivering a Wide Choice of High Quality Homes  
Chapter 7 - Requiring Good Design  
Chapter 11 - Conserving and Enhancing the Natural Environment

112. *"Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality."*

Chapter 12 - Conserving and Enhancing the Historic Environment

Other Relevant Documents  
Somerset Parking Strategy

## CONSULTATIONS

Yeovil Without Parish Council - *"Recommend Approval - We appreciate the quality and design of the development and the fact that it caters for the type of housing for which there is a genuine need within the parish and the town."*

Mudford Parish Council (neighbouring PC) - *"Councillors wished to endorse the comments made by Yeovil Without Parish Council; the quality and design of the development was appreciated together with the fact that it would provide the type of housing for which there is a genuine need within the parish and the town. It was unanimously agreed to recommend approval."*

Highway Authority - No comments received. Members will be updated when comments have been received.

Area Engineer - Does not disagree with the theory for the surface water disposal but notes that the applicants are not submitting a detailed design until the application has been determined. The detailed design should be submitted for approval as part of the overall initial application rather than condition for approval at a later date.

Planning Policy Officer - *"The development plan for South Somerset comprises the recently adopted Local Plan 2006 - 28, along with the saved policies and proposals from the Local Plan 1991 - 2011. The National Planning Policy Framework (NPPF) is an important material consideration."*

*The proposal is located outside but adjacent to the development area of Yeovil, which is the strategically significant town in South Somerset with by far the greatest range of jobs, services and facilities. Yeovil is the prime focus for new development in the district (Local Plan Policy SS1), accommodating at least 7,441 dwellings, 5,876 of which are anticipated in the urban framework and 1,565 dwellings via two sustainable urban extensions (Policy SS5, YV1). The proposal is located outside the urban framework, and is not within the two sustainable urban extensions, and therefore is not in accordance with strategy in the Local*

*Plan as outlined in policies SS5, YV1 and YV2. The Council considers that it currently has a five year housing land supply (plus the appropriate buffer), as recently confirmed by the Inspector in the appeal at Gold Well Farm, Crewkerne; and the Local Plan Inspector.*

*The proposal is described as a retirement community, and it is stated that a condition of acquiring a lease to live there is that resident occupants are over 55 years of age. However, 'older people' are defined in the NPPF as people over retirement age, at odds with the description that the proposal is a retirement community. It is recognised that there is an ageing population, and there are benefits in the intention to build to Lifetime Homes standards.*

*The applicant has sought to justify the proposal in relation to Local Plan Policy HG6. However, this policy applies to care homes or similar specialist accommodation (care homes, extra care housing and Continuing Care Retirement Communities are given as examples in the supporting text para 10.41), whereas the proposal comprises independent living bungalows, so I do not consider that this policy would apply. In applying this policy, the applicant has sought to justify nil affordable housing provision, however it is noted that the applicants' Planning Statement implies some flexibility on this issue.*

*Overall, the benefits of providing residential units to meet the ageing population are recognised, but the location of the proposal is not fully in accordance with the strategy of the Local Plan, which directs new housing to the urban framework of Yeovil and via two sustainable urban extensions. In my opinion the provisions of Policy HG6 do not apply as the proposal is not for a care home or similar specialist accommodation. In determining the application, it should be considered whether there are material considerations that would outweigh this conflict with the Local Plan."*

Landscape Architect - Objects. The Peripheral Landscape Study (PLS) indicates that the field that is subject of this application is evaluated as having a moderate-low capacity to accommodate built development. The field currently lays outside the development footprint of the town, and is contained by hedging, to all sides, reinforced by specimen tree lines along the north and east boundaries. The site also has some prominence in the locality.

Notes that whilst the PLS was a strategic study, it is a helpful indicative of the sensitivity of the Yeovil's north edge, and I has previously advised at pre-application stage that there would be a landscape objection, due to the visual impact of development on this outward facing slope; and the erosion of the small field pattern that currently characterises the town's edge, and enables a transition to the wider countryside.

Further notes that the application and is accompanied by a landscape and visual assessment (LVA) which indicates the site to be low-profile in its design; well-screened from most quarters, and the visual envelope of the site to be restrained. Whilst agrees in part with this assessment, it also remains clear that;

(i) Stone Lane is currently characterised by a singular line of individual dwellings, otherwise Yeovil's edge is primarily drawn back to the south, to correspond with the head of the scarp, following the east-west alignment of Combe Street Lane and Mudford Road;

(ii) The application field is currently separated from Stone Lane's properties by a continuous tree belt, which helps to play down development presence as viewed from the west and north-west, and thus present a rural prospect;

(iii) Development within the application field would be contrary to the singular arrangement of Stone Lane's housing; would erode the open-field separation of Yeovil's edge from Longcroft Farm; and would create an incongruous estate layout beyond the urban edge that obtrudes into the rural setting to the north of its current edge, and;

(iv) Along with the vantage points illustrated by the LVA, there are clear views toward the site from the well-used public footpath that runs parallel with the site to the west, as well as longer views from Hook Drove and other rights of way in the vicinity of Broadmead Farm and Green Moor, that will have view of development expression, which will be seen as standing to the fore of Stone Lane's tree belt, and obtruding into agricultural land, projecting out from Yeovil's edge in incongruous form.

Given the general sensitivity of this prominent north edge of Yeovil, and the negative effects of development impact noted above, considers that the proposal to be at variance with local landscape character and the distinctiveness of the town's rural edge, to thus provide landscape grounds for refusal, policy EQ2.

On the basis of additional information from the agent states;

*"I wouldn't disagree that the scheme is sensitively evolved, but that doesn't overcome the in-principle landscape concerns."*

District Arborist - Objects - *"The most valuable trees within and adjoining the site are now the subject of a provisional Tree Preservation Order [Ref: SSDC (Yeovil Without No1) TPO 2015]. The Order protects a total of 34 trees (the majority of which are Oaks) as individuals and groups. The effect of the Order lasts for 6 months, during which the Council must decide to:*

- o Confirm the Order without modifications*
- o Confirm the Order with modifications*
- o Choose not confirm the Order*

*I have carefully studied both the Tree Report and the Tree Plan. In my opinion, the Tree Report provides a fair & objective assessment of the trees within and adjoining the proposal, but it does exclude categorising 7 trees of the 34. The only tree proposed to be removed is a protected Oak - a centrally located component within a group of 5 Oaks (known as 'G1' of the Order) upon the Northern boundary.*

*Whilst the Oak within G1 does have some fungal fruiting brackets upon the basal flare, this may or may not prove significant in regards to the overall health and structure. The same applies to an Oak with similar fruiting bodies within 'G2' of the Order. It is proposed that the felling of the Oak within G1 would facilitate the construction of a main site-access. I believe that the Oak is a valuable component of an aero-dynamic group and that it is deserving of further consideration.*

*I have concerns that Unit Nos. 1, 2, 3, 4, 10 & 23 are located rather too close to the adjoining Oaks. Computer-software programs attempting to represent shade patterns can be rather unreliable. The future occupants of the dwellings would be elderly - a demographic not always tolerant or capable of living with the everyday nuisances of mature trees. Issues relating to fears of structural failure, falling leaves, blocked gutters, shading, obstruction of views, insects, twigs etc may well cause resentment, leaving the Council with repeated demands for pruning and felling.*

*I also have concerns about the attenuation pond. The Tree Report states that the Root Protection Area requirement of an adjoining Oak will be compromised. The construction of the pond is likely to involve the construction of earth bunds, heavy machinery and possible alteration of the soil hydrology, which can be rather harmful to the long term health of the nearby trees. This appears to be an avoidable scenario, given the availability of space in that area of the site.*

*The mid-section of the site access road also appears to run rather too close to the Eastern boundary trees adjoining Stone Lane.*

*I believe that the Tree Plan shows the Root Protection Area requirements plotted on an 'indicative' basis.*

*In my opinion, the layout of the site could be significantly improved in relation to maintaining the health of the trees. A more sustainable relationship between the trees and future residents ought to be secured. I believe the current proposal to be contrary to the stated objectives within The South Somerset Local Plan, in particular; Policies EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure."*

District Ecologist - The submitted Ecological Appraisal has been assessed and generally agrees with its conclusions and recommendations. Also notes the objection from the Somerset Wildlife Trust.

Mature trees on site are noted and could be features for wildlife. Supports any measures for their retention and protection.

Informs that dormice haven't been recorded at other development sites on this side of Yeovil, so considers the likelihood of them being present to be low. Dormice could theoretically be present in Longcroft Wood, a short distance to the west. However, there isn't any direct continuous woody vegetation link suitable for dormice between this woodland and the application site. The hedge/tree boundaries are proposed to be retained (except for access to the site) which means there wouldn't be any significant loss of habitat if dormice are present. The site is adjacent to the urban environment of Yeovil which isn't suitable habitat for dormice. Therefore the hedge/tree boundaries are very unlikely to be important as corridors that could be used by dormice to link to areas of suitable habitat further afield. Therefore concludes that the development is unlikely to give rise to significant impacts upon dormice.

There are recent records (SERC) of slow worm and grass snake close to the application site. Although the majority of the pasture field doesn't currently offer suitable habitat for reptiles, they could be present on adjoining land and in or close to the field boundaries. There is a risk of small numbers of reptiles being harmed during construction, unless precautionary measures are undertaken.

A fishing lake is near the site but unlikely be great crested newts present as a fishing lake.

There is potential for improvements to biodiversity and this can be conditioned. A Construction Ecological Management Plan in order to deal with habitat protection and precautionary measures is suggested and this should be subject of a condition.

In conclusion has no objection subject to the imposition of a condition regarding a plan and mitigation / compensation measures.

Climate Change Officer - Notes that only a brief mention of renewable energy in the Planning Statement and no explanation on how this will be achieved. Questions the accuracy of the plans in relation to solar panels and raises a concern over the proposed orientation of the dwellings. Concludes that the site layout and positioning of some main rooms results in an objection.

Environment Agency - Has no objection subject to the imposition of conditions or legal agreement regarding surface water drainage, the maintenance of the surface water drainage



scheme and the imposition of informatives regarding any drainage scheme, water efficiency, pollution prevention during construction and waste management.

County Archaeologist - Initially raised concerns over the application and stated. *"The site lies within an area known to contain archaeological potential. A very significant find was recently made to the south of the application area; the context of the find suggests that the extensive Prehistoric and Romano-British landscapes identified during the recent housing development at Lyde Road continue westwards. It is clear therefore that this area north of Yeovil was intensively exploited and settled from the early prehistoric period onwards.*

*The development proposal therefore has the potential to impact upon a heritage asset(s). However, there is currently insufficient information contained within the application on the nature of any archaeological remains to properly assess their interest.*

*For this reason I recommend that the applicant be asked to provide further information on any archaeological remains on the site prior to the determination of this application. This is likely to require a desk-based assessment and a field evaluation as indicated in the National Planning Policy Framework (Paragraph 128)."*

However due to the further discussions with the agent the archaeologist commented;

*"I understand that it is intended to put this proposal to the April committee and if this is the case there is no realistic chance of the applicants being able to carry out an archaeological evaluation. So because of this reality if this application is determined in April (and members are minded to permit) then a condition should be attached which ensures archaeological issues are dealt with prior to any development taking place."*

Wessex Water - Notes that a public foul sewer crosses the site. A 3m easement is required from the centre of this pipe and there must be no planting within 6m. There is adequate current spare capacity within the existing foul sewer network to accommodate predicted foul flows. It is proposed to use SUDS but there must be no surface water connections to the public foul sewer.

There is limited available capacity within the existing water supply to serve the proposed development. The applicant is advised to contact Wessex Water to discuss network modelling to determine if any off site reinforcement is required. Further works may need to be carried out under Section 141 of the Water Industry Act 1991.

MoD Safeguarding - Do not have any objections on the bungalows but have concerns over the attenuation basin being attractive to birds that could cause a risk to air traffic. Confirms that the MoD has no safeguarding objection subject to a condition requiring the design of the attenuation pond being modified to reduce the attractiveness of the basin to birds.

Strategic Housing Manager - *"Regarding the affordable housing element on the scheme current policy requires 35% affordable split 67:33 in favour of social rent, I would expect 10 affordable units (based on 29 in total) 7 social rent and 3 shared ownership or other intermediate solutions.*

*Whilst I acknowledge the intent of the applicant for a residential retirement community for the over 55's Strategic Housing would propose that the affordable housing be available for any age, with an appropriate disability to be housed in a bungalow.*

*I would like to propose the following property mix based on the current housing need data;*

3 x 1 bed bungalow  
4 x 2 bed bungalow  
3 x 3 bed bungalow

*These numbers may vary proportionally based on the housing need for disabled bungalows. I would expect the affordable units to be pepper potted throughout the site and that the units are developed to blend in with the proposed bungalow 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."*

Sports, Arts and Leisure - It is noted that the comments are based on the fact that it is not a traditional sheltered housing scheme. This means that they have sought contributions for off-site playing pitches, changing rooms, sports hall, swimming pools, indoor tennis facilities and the Octagon. We have viewed the provision of the community space within the development as meeting the requirement for community hall contributions so have not sought this off site. I have also factored in the 15 x 1 bed dwellings.

It is also noted that depending on when this application is determined there may need to be a review of some of the strategic contributions under the CIL regulations on the pooling of contributions.

The following contributions have been sought;

#### Capital Contributions - Local Facilities

Playing Pitches for off site contribution towards the enhancement of existing pitches or new pitches in Yeovil - £9,530

Changing Rooms for off site contribution towards the enhancement of existing changing rooms or the provision of new changing rooms in Yeovil - £19,350

This gives a total of £28,880 for capital local facilities.

#### Capital Contributions - Strategic Facilities

Theatres and Art Centres for the contribution towards expanding and enhancing the Octagon Theatre in Yeovil - £7,519

Swimming Pools for the contribution towards the development of a centrally based 8 lane district wide competition pool in Yeovil - £8,882

Indoor Tennis centres for contribution towards the provision of a new indoor tennis centre in Yeovil, likely to within Yeovil Sports Zone - £5,693

Sports Halls (District Wide) for contribution towards the development of a centrally based 8 court district wide competition sports hall in Yeovil or the enhancement of existing sports halls in Yeovil - £14,560

This gives a total of £36,653 for capital strategic facilities.

The total for strategic facilities is £65,653

#### Commutated Sums

Playing Pitches for off-site contribution towards the enhancement of existing pitches or new pitches in Yeovil - £6,800

Changing Rooms for off-site contribution towards the enhancement of existing changing rooms or the provision of new changing rooms in Yeovil - £1,557

The total commuted sum sought is £8,357.

The overall contribution sought is £73,890 plus an administration fee of £739 results in £74,629 or £2,573 per dwelling.

## REPRESENTATIONS

3 letters have been received from neighbours raising the following areas of concern:-

- o Drainage of Stone Lane and the proposed development site. There are already problems during heavy rain in Stone Lane and further hardstanding and surface roads will result in further run off.
- o Highways concerns at the junction of Stone Lane and Combe Street Lane. One writer suggests the provision of a box junction on Combe Street Lane.
- o Questions the justification for building on greenfield land and this could set an undesirable precedent.
- o Vehicle movements during construction should be limited to 8 - 5 Monday - Friday.
- o Street lighting within the development should not affect neighbours.
- o Management of trees within the site.
- o Damage to the highway of Stone Lane during construction.
- o Questions if a sewer survey has been undertaken and that capacity is adequate to accommodate the development.
- o Questions if utilities are adequate to serve the development.
- o Loss of outlook from existing dwelling.
- o Highway concerns of using Stone Lane.
- o Impact upon wildlife / flora on the site.

In addition a letter of objection has been received from the Somerset Wildlife Trust who considers that the submitted appraisal is significantly deficient. Reference is made to dormice and bats no surveys have been carried out as to clarify the extent that they may or may not use the site. Considers that surveys be carried out before consideration of the application. Any lighting scheme should minimise light pollution. Considers that there needs to be an increased site enhancement as part of any scheme with bird and bat boxes and native species planting. Also considers that all grassed areas, particularly around the attenuation pond to be planted with a wild flower mix and that all these matters should be resolved before any further consideration of the application.

Also 5 letters of support from residents in Stone Lane have been received. The following areas have been raised;

- o Have been kept well informed of the proposals and considers that the actual layout and density is appropriate. The above shows that time and thought has gone into the proposal.
- o With the access at the bottom of the lane, shared with the proposed farm shop this will result in having little or no impact upon the current residents.
- o The proposals make a change to the dense developments being constructed over Yeovil that make no provision for retirement dwellings.
- o The proposals blend into the topography of the site and the low number of buildings reflects the rural nature of the existing street scene.
- o The scheme proposed is imaginative and meets a growing need for the older generation.
- o The proposed pedestrian link into Stone Lane will enable easy access to local buses in Mudford Road, Combe Street Lane or the Nippy Bus that runs along Stone Lane.
- o Trees on site are to be retained.
- o The proposal makes a small step to meet this important need.
- o Site management and amenities would appeal to the target market.
- o Believes that this proposal meets a need and offers the opportunity of older residents to downsize, live independently and remain in the local area.
- o Single storey properties will minimise the impact upon existing properties.

- o The properties meet the Lifetime Homes standards which will enable them to be adapted in the future.
- o The provision of an undeveloped open area in the Northwest corner will provide a natural habitat.
- o Previous development on site has been undertaken with due care and minimal disruption and to an excellent standard.
- o The proposed buildings will be constructed to a high eco-friendly standard and blend into the site with little effect on the countryside and neighbouring homes.

## **APPLICANTS CASE**

The planning agent has provided the following comments;

### **Landscape Impact:**

The views of the Council's Landscape Architect are noted and have been responded to directly by the additional representations from SEED Landscape Design dated 13.03.15. In response we note that the Council's Landscape Architect agrees that the scheme has been 'sensitively evolved' but that an objection in principle is maintained.

The LVIA submitted with the application concludes that ... "The overall visual impact of the completed development would have an overall Slight visual impact on the public accessible visual receptors identified in this report." The Council's Peripheral Landscape Study identifies the site as having a 'moderate - low capacity' to accommodate built development. This assessment has informed the design of the proposal in terms of its layout, density, scale and massing, which in our opinion results in an overall slight landscape impact.

A similar approach has been taken by the Council in justifying the North East Yeovil Sustainable Urban Extension, and mitigating its landscape impact in a setting of similar landscape sensitivity when assessed against the Peripheral Landscape Study.

On an associated matter, my client has no objection to the provisional TPO. The retention of the boundary trees is key to the success of the scheme. We have proposed the felling of 1No. tree to facilitate the access and are discussing this issue directly with the Council's Tree Officer.

### **Planning Policy:**

We disagree most strongly that the proposed development does not comprise 'specialist accommodation' simply because the proposal consists of independent living bungalows and that Policy HG6 of the recently adopted local plan is not applicable on this basis.

The supporting text to Policy HG6 refers to 'Extra Care housing' and 'Continuing Care Retirement Communities'. These are clearly given as examples of specialist housing, rather than being an exhaustive or prescriptive list.

You will be aware that there are many different models of specialist elderly housing designed to meet a range of needs. These include inter alia 'sheltered housing', 'very sheltered housing', 'retirement housing', 'housing with care', 'extra care housing' and 'assisted living'. Many of these models are very similar, however, they all include individual dwellings with their own front door (regardless of tenure), communal facilities, scheme manager (or other types of support service) and varying levels of care and support.

Indeed the definition of 'extra care housing' given within the recently adopted Local Plan is: housing designed with the needs of frailer older people in mind and with varying levels of care and support available on site. People who live in Extra Care Housing have their own self-contained homes, their own front doors (my emphasis) and a legal right to occupy the property. Extra Care Housing is also known as very sheltered housing, assisted living, or simply as 'housing with care'.

As such the planning policy response demonstrates a misunderstanding of specialist elderly housing, and suggests that this policy relates only to care homes (C2 use), which is clearly not intended to be the case. Interpretation of this policy in this manner will do nothing to address the housing issues facing an increasingly elderly population, and is contrary to all research and central government recommendations that independent living for the elderly should be maximised, and care home entry seen as a last resort.

Paragraphs 7.15 - 7.21 of our Planning Statement demonstrates compliance with Policy HG6 in terms of site location outside of the Development Area, the availability of other sites and the economic benefits of the proposal.

In terms of control over future occupancy we concur that the NPPF defines 'older people' as those being over retirement age (i.e. over 60). As such there would be objection to suitably worded controls on this basis, either via planning condition or legal agreement (as paragraph 5.2 of our Planning Statement suggests).

## CONSIDERATIONS

### Principle

The site is located outside of the 'urban framework of Yeovil' as defined in the recently adopted South Somerset Local Plan (2006 - 2028). Reference in this respect is made in both Policies SS5 and YV1 and there is a presumption against development outside of the urban framework.

Therefore unless any other Policies or material considerations indicate otherwise and justify a different opinion the Policy position is clear in that this proposal raises a principle objection.

In the submitted Planning Statement reference is heavily made to Policy HG6. This refers to care homes and or similar specialist accommodation. As detailed in the Planning Policy response this proposal is for the development of dwellinghouses (Use Class C3 of the Use Classes Order 1987) with a proposed restriction on their occupation. Care Homes are classified as being a C2 use of the Use Classes Order. They are therefore in a different class and this proposal is therefore not considered to be for 'specialist accommodation' as detailed by the Policy and interpreted by the Planning Policy Officer. In addition save for the over 55 age restriction, being fully disabled compliant, a communal building and the provision of a visiting warden there is little difference from open market housing.

Notwithstanding the interpretation of the policy and the definition of 'specialist accommodation' there are further requirements that give support to a development contrary to the settlement strategy. The policy requires that a clear justification for the location is provided. In this case a report entitled 'Elderly Housing Needs Assessment' has been provided. This concludes that there would appear to be a shortfall in age related housing in terms of both residential care and sheltered housing and this is likely to increase. However, as detailed above it is not considered that this proposal meets the definition of either residential care or sheltered housing.

The policy also requires that the justification demonstrates that alternative sites are unsuitable and/or unavailable and an assessment is made of any economic benefits the proposal brings to the locality. The submitted report does not demonstrate that any other site has been considered let alone deemed unsuitable or unavailable. Save for the construction of the dwellings it is not considered that this proposal would bring about any economic benefits. In considering all the above the proposal is contrary to adopted Policy HG6 of the South Somerset Local Plan (2006 - 2028).

Policy SD1 reiterates the definition of sustainable development in Paragraph 7 of the NPPF. This refers to the presumption in favour of sustainable development. Sustainable development is defined at paragraph 7 and this states the 3 dimensions - economic role, social role and environmental role.

The economic aspect is to some extent addressed by the construction of the dwellings and a national recognition that the building of new houses is very beneficial to the local economy. However there would not be any other economic benefits of this proposal.

The second role is a social role. This refers to providing a supply of housing that meets present and future generations with accessible local services. It is clear that the site is on a steep hill to the North and Northwest. Whilst it is noted a farm shop has planning permission and has been commenced this has not been implemented. There are therefore currently limited facilities at the bottom of the hill. Whilst the new footpath link is proposed due to the potential age of the occupiers suggested, people are likely to use their car to gain access to local facilities.

The social role could be enhanced with the provision of affordable housing and community sports, arts and leisure contributions. However the agent has not confirmed whether these aspects would be agreed to.

The third role is an environmental role. This refers to protecting and enhancing our natural and built environment. It is considered that developing a greenfield hillside does not achieve this aim.

It is clear from this summary that the proposal does not constitute sustainable development as detailed in the NPPF. These key aspects however will be picked up again in the other main issues.

The provision of residential units for an ageing population is recognised by this does not override other concerns considered. In assessing all the above aspects it is considered that the proposals are contrary to Policies SS5, YV1 and HG6 of the adopted South Somerset Local Plan (2006 - 2028) and that there are no material considerations that justify otherwise.

#### Loss of Agricultural Land

Limited information has been supplied regarding the agricultural land classification. However in the submitted 'Landscape Concept Design' it states that the land classification is 3A. Therefore under the NPPF an assessment is required regarding the significant use of the best and most versatile agricultural land. The site extends to 3.10 hectares but in considering limited benefits this is not considered to be significant in interpreting the guidance.

#### Landscape Impact

A Landscape and Visual Impact Assessment has been submitted with the proposal. This has been carefully assessed by the Landscape Architect and the receptors identified plus additional sites have been visited. It is noted that the landscape impact has been minimised with development not proposed in the steepest area in the Northwest of the site. In addition, it is proposed to retain the majority of the trees on the site.

However, it is considered that the cumulative impact of 4 issues results in an adverse landscape impact. In detail save from Stone Lane's single line of individual dwellings, Yeovil's Northern edge is primarily drawn back to the south, to correspond with the head of the scarp, following the east-west alignment of Combe Street Lane and Mudford Road. The application field is currently separated from Stone Lane's properties by a continuous tree belt, which helps to play down development presence as viewed from the west and north-west, and thus present a rural prospect. Development within the application field would be

contrary to the singular arrangement of Stone Lane's housing; would erode the open-field separation of Yeovil's edge from Longcroft Farm; and would create an incongruous estate layout beyond the urban edge that obtrudes into the rural setting to the north of its current edge, and in addition to the point receptors in the Landscape and Visual Impact Assessment, there are clear views toward the site from the well-used public footpath that runs parallel with the site to the west, as well as longer views from Hook Drove and other rights of way in the vicinity of Broadmead Farm and Green Moor, that will have view of development expression, which will be seen as standing to the fore of Stone Lane's tree belt, and obtruding into agricultural land, projecting out from Yeovil's edge in incongruous form.

It is also noted that as a background to the consideration of the South Somerset Local Plan a report was published in October 2013 regarding Strategic Growth Options for Yeovil. This concluded that due to low or moderate - low capacity to accommodate development, as detailed in the Peripheral Landscape Study development to the North over the scarp was discounted. In addition the direction of the sustainable urban extensions was heavily debated at the inquiry to the Local Plan and the direction to the North was discounted by the Planning Inspector.

In considering the above it is considered that the proposed development would lead to adverse landscape harm when considering all the above concerns. On this basis the proposal would be contrary to Policy EQ2 of the adopted South Somerset Local Plan (2006 - 2028).

### Trees

The Council's Arborist, on the basis of the submitted Tree Report and Plan and the importance of the trees on site has confirmed that the most valuable within and adjoining the site are protected by a provisional Tree Preservation Order (TPO). It is proposed to remove an existing oak tree on the Northern boundary to form a wider access. This tree is included within the provisional Tree Preservation Order and the fungal fruiting brackets are noted. It has not however been demonstrated whether this fungal growth would have any effect upon the overall health and structure of the tree.

Also concern is raised over the siting of plots 1- 4, 10 and 23 and the Eastern most part of the access road. These plots and access road are all close to the established trees that are to be retained and covered by the provisional TPO. Due to the proximity of important trees to the proposed dwellings are likely to result in concerns in the future from future occupants. Due to these pressures there may be resentment leaving to repeated demands for pruning or felling.

A further concern results in the formation of the attenuation pond. The submitted tree report states that the root protection area of an adjoining oak would be compromised. Given the availability of space in this location this could be repositioned to avoid any conflict with the trees.

Also the submitted root protection areas are indicative only. The trees have not been measured and the actual root area worked out in relation to the girth and height of the trees.

In considering all the above concerns, the proposals would result in an unacceptable impact upon important trees to the detriment of visual and residential amenity and policies regarding biodiversity and green infrastructure. (EQ2, EQ4 and EQ5 of the adopted South Somerset Local Plan 2006 - 2028)

### Amenity

The dwellings proposed have been carefully designed to keep the roof height low and minimise impact upon the dwelling's further down the slope. A cross section has been

provided showing the centre of the site and this indicates that there would not be any undue overlooking resulting in harm to residential amenity.

The design and materials of the proposals have been discussed with the Conservation Manager. Whilst not of a traditional design, the form and materials proposed are considered to be high quality and are not considered to be a reason for refusal.

### Archaeology

The site is a greenfield site and the County Archaeologist, due to a very significant find nearby considers that the extensive Prehistoric or Romano-British landscapes could extend to this site. No archaeological assessment has been submitted. However due to the inability of a survey being undertaken due to the committee deadline, a condition is considered reasonable in this specific unique case.

### Ecology

Whilst noting the concerns expressed by the Somerset Wildlife Trust, the District Ecologist considers the submitted Ecological Appraisal is sufficient to make a determination of the application on ecological grounds. It is considered that there would be unlikely to give rise to significant impacts upon dormice. Presence of reptiles may be possible but can reduce any risks if precautionary measures are taken. Enhancements for biodiversity can be provided. In assessing all the above comments it is not considered that protected or priority species would be adversely affected by the protected or priority species in accordance with adopted Policy EQ4 of the South Somerset Local Plan 2006 - 2028.

### Highways

The access into the site can obtain a visibility splay of 2.4m by 33m in either direction. This is a private access track and is located opposite the approved farm shop. This arrangement is considered to be appropriate.

A splay of 2.4m by 43m can be achieved onto Stone Lane. In considering that the site is within the 30mph area this splay is appropriate.

Notwithstanding any comments made by the highways authority the proposed occupants of the dwellings are proposed to be restricted to 55 years of age. This is proposed via a condition and / or legal agreement. Due to changes in working practices people are working for longer with retirement ages being later and later. Therefore whilst being able to comply with any restrictions on the occupation of the property, residents could still be working for at least a further 10 years. As such there could still be additional movements in the morning and evening and result in a traditional 'rush hour' movements.

Within the submitted Transport Statement a Local Services and Facilities Plan has been provided. This shows neighbouring facilities to the site within 400m, 800m and 1.2km. In addition in Section 3 of the report distances to local services are detailed. However this plan and these distances are measured from the middle of the site, do not consider the topography across the site and to the facilities detailed and the measurements to the facilities are in straight lines - 'as the crow flies'.

The slopes towards the North with a 16m increase from the North-eastern corner to the South-eastern corner. In addition there is a further 7m rise from the South-eastern corner of the site to Combe Street Lane. Therefore in considering these changes in levels on the site, the prospect of people walking to facilities may not be as attractive as portrayed in the submitted information.

It is noted in the letters of representation that access off-site is a concern. There are



concerns over the Mudford Road / Combe Street Lane junction especially being so close to the Stone Lane junction. Under application 09/01425/FUL for the farm shop and tea room a legal agreement was secured for a traffic monitoring contribution of a total of £21,000 over 6 years.

Reference is made in the submitted Transport Statement that the Mudford Road / Combe Street Lane junction is to be upgraded to a roundabout as a S106 planning obligation on the Wyndham Park development. This is programmed to occur on the occupation of the 700th dwelling. At current build and occupation rates this could be at least 3 years in the future and this development could be implemented in the meantime, if permission is granted. A contribution from this developer may result in this road improvement being delivered earlier.

### Section 106 Contributions

Comments have been received from the Sports, Arts and Leisure Department on this application. In addition as the proposed development is over 10 dwellings and the proposal is for the development of C3 dwellings, affordable housing provision is requested. In the submitted Planning Statement it is acknowledged that the proposals are in excess of the affordable housing thresholds and discussions are invited for off-site provision. But no mention is made of leisure contributions.

No agreement has been come to in relation to the provision of any Section 106 contributions. Therefore as things stand it is not considered that the proposal complies with Policies HW1 and SS6 of the adopted South Somerset Local Plan 2006 - 2028.

### Other Issues

#### Listed Building

Longcroft Farmhouse is a Grade II listed property. Therefore any development should safeguard the setting of the building. The application is supported with a Landscape and Visual Impact Assessment whereby the setting of Longcroft House was considered. Due to the topography of the site and existing trees (that are now the subject of a provisional TPO), the site is screened from the proposed development. In addition the dwellings hereby proposed are single storey and there are limited locations whereby the listed building and the new proposed dwellings can be seen. In assessing all this it is not considered that the proposals would result in an adverse impact upon the setting of the listed building in accordance with adopted Policy EQ3 and the NPPF.

#### Flooding / Drainage

A detailed Flood Risk Assessment has been provided and this details that the lower part of the site to the North will be directed to the attenuation pond. The higher part of the site to the South will form a separate catchment with surface water being attenuated to storage trenches in the watercourse to the West of the site. It is concluded that flow controls from both catchments would be limited to greenfield run-off rates and that a detailed drainage design will be prepared following determination of the application.

The District Engineer has no objection to the theory put forward but has requested that a full drainage strategy be submitted prior to any determination of the application. Due to the other concerns from the District Council and the principle agreement to the proposal, it is not considered reasonable for the applicant be put to unnecessary expense. This aspect can be conditioned if a resolution to grant is made.

### Conclusion

The site is located outside of the 'urban framework of Yeovil' as defined in the newly adopted

Local Plan. Policy HG6 allows for the erection of care home and other similar specialist accommodation outside the urban framework in exceptional circumstances where there is clear justification. However it is not considered that this proposal meets the specialist accommodation requirement of the policy. In addition an objection is raised regarding landscape impact and the adverse effect upon trees on the site. Therefore it is not considered that there are material considerations that outweigh the conflict with the adopted Local Plan.

**RECOMMENDATION:**

Refuse permission for the following reasons:-

**SUBJECT TO THE FOLLOWING:**

01. The proposal would represent new dwellings outside the urban framework of Yeovil for which a special need has not been justified and fails to meet the definition of sustainable development. The proposal does not comply with the definition of specialist accommodation. The application site is remote from services, facilities, education, employment opportunities and sufficient public transport links, and will therefore increase the need for journeys to be made by private vehicles. The proposal would, in addition, represent an unjustified and undesirable intrusion into an attractive area of open countryside to the detriment of the visual appearance and character of the landscape. As such the proposal is contrary to Policies SD1, SS5, YV1, HG6 and EQ2 of the adopted South Somerset Local Plan 2006 - 2028 and the aims and objectives of The National Planning Policy Framework especially Paragraphs 7.
02. The proposals by reason of the new access, location of attenuation pond and location of Plots 1, 2, 3, 4, 10 and 23 the proposals would have an adverse impact upon protected trees detrimental to their longevity contrary to Policies EQ2, EQ4 and EQ5 of the adopted South Somerset Local Plan 2006- 2028.
03. No detail of a mechanism for the provision of the necessary planning obligations to address the impact of the development on the provision of affordable housing and sports, arts and leisure facilities has been provided. Without a commitment to address these impacts the proposal is contrary to Policies SS6 and HW1 of the adopted South Somerset Local Plan 2006 - 2028.