

Area North Committee – 25 September 2013

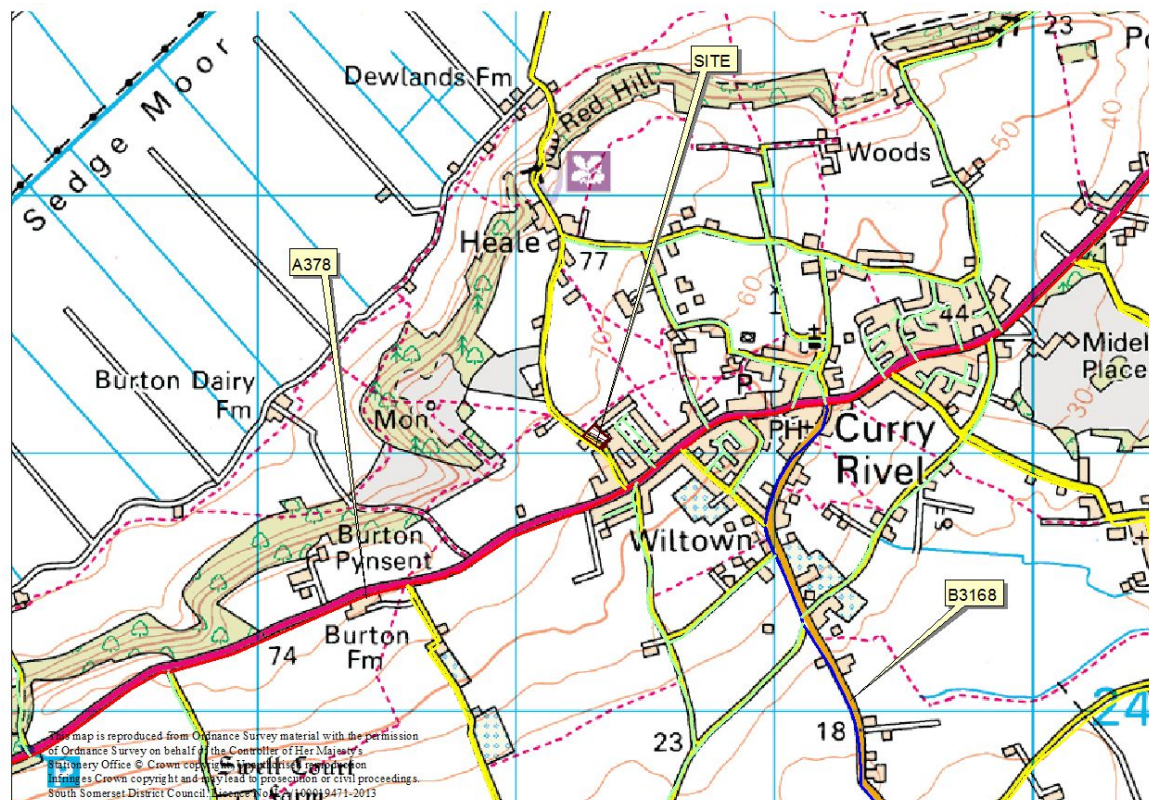
Officer Report On Planning Application: 13/02709/OUT

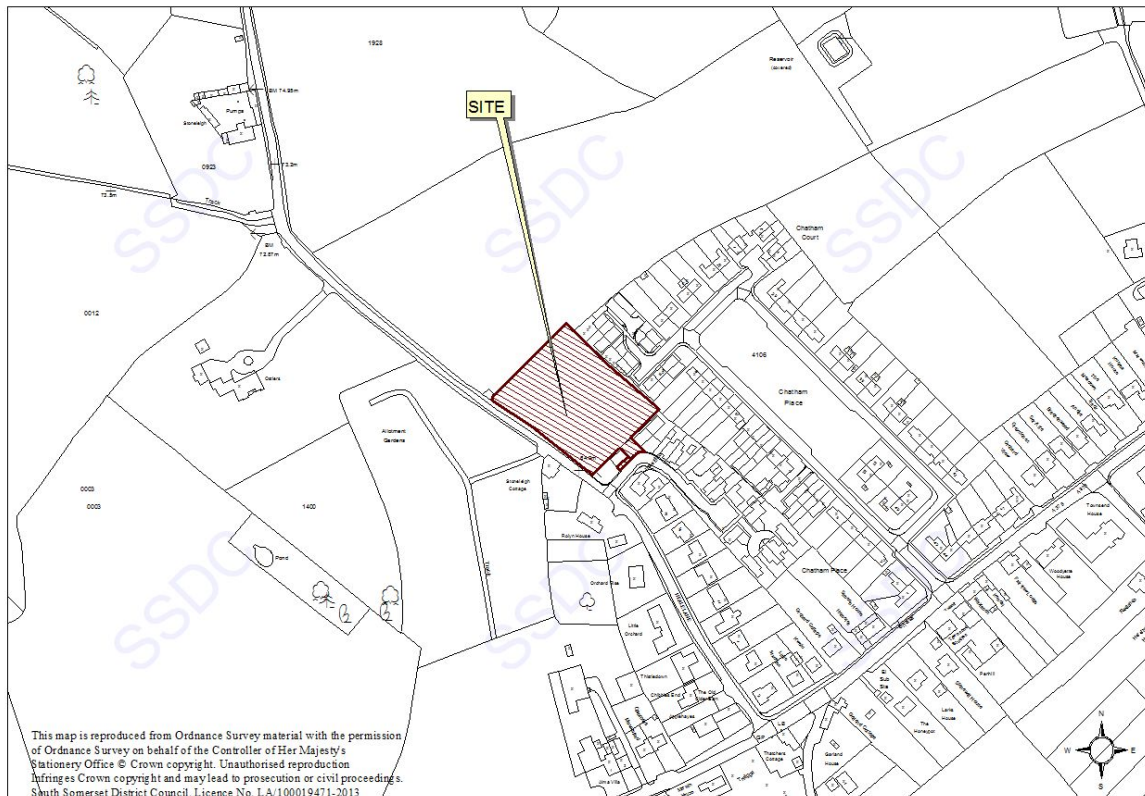
Proposal:	Outline application for up to 16 dwellings (GR 338314/125060)
Site Address:	Land Off Heale Lane Curry Rivel
Parish:	Curry Rivel
CURRY RIVEL Ward (SSDC Member)	Cllr Terry Mounter
Recommending Case Officer:	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
Target date:	3rd October 2013
Applicant:	WOE Heale Lane C Rivel
Agent: (no agent if blank)	Peter Smith Hollyfield, Hewish Crewkerne, Somerset TA18 8QR
Application Type:	Major Dwlg's 10 or more or site 0.5ha+

REASON FOR REFERRAL

This application is referred to committee as the recommendation for approval is a departure from the saved policies of the South Somerset Local Plan which, given the Council's current lack of a demonstrable 5 year housing land supply, conflict with the National Planning Policy Framework.

SITE DESCRIPTION AND PROPOSAL





The application site is located adjacent to development limits with residential development to the north-east and south-east boundaries. A public footpath crosses the north western boundary of the site with agricultural fields extending beyond this, and Heale lane aligned with the site's south western boundary. The applicant proposes re-routing the water mains that crosses the site from East to West.

The proposal seeks outline planning permission for up to 16 dwellings on 0.49 hectares. Vehicular access is taken off Little Elms with a pedestrian access created from Chatham Rise. This application considers the principle of development, with all matters reserved. Access, appearance, landscaping, layout and scale are to be considered under a subsequent application for reserved matters.

The application is supported by a Planning Statement incorporating a Design and Access Statement, Ecology Survey and vegetation Appraisal.

RELEVANT HISTORY

801787 Outline: The erection of six dwellings on land adjoining Little Elms, Refused 16.10.1980.

78554 Development of land for residential purposes and formation of access, Refused.

POLICY

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

For the purposes of determining current applications the local planning authority accords significant weight to the saved policies of the South Somerset Local Plan. The policies of

most relevance to the proposal are:

ST3 Development Area

ST2 - Towns

ST5 - General Principles of Development

ST6 - The Quality of Development

ST7 - Public Space

ST9 - Crime Prevention

ST10 - Planning Obligations

EC3 - Landscape Character

EC8 - Protected Species

EU4 - Drainage

HG4 - Housing Densities

HG7 - Targets and Thresholds

TP1 - New Development and Pedestrian Movement

TP4 - Road Design

CR2 - Provision for Outdoor Playing Space and Amenity Space in New Development

CR4 - Amenity Open Space

National Planning Policy Framework (March 2012):

Chapter 3 Supporting a Prosperous Rural Economy

Chapter 4 - Promoting sustainable transport

Chapter 7 - Requiring Good Design

South Somerset Sustainable Community Strategy

Goal 8 - High Quality Homes

Goal 9 - A Balanced housing Market

Other Relevant Documents

Somerset County Council Parking Standards

Verrington Hospital Appeal Decision 11/02835/OUT – this established that the Council does not currently have a demonstrably deliverable 5-year housing land supply as required by the NPPF (para. 47).

The Council currently only has a housing land supply of 4 years 10 months (as at March 2012). In such circumstances, the National Planning Policy Framework (NPPF) advises that relevant policies for the supply of housing should not be considered up to date (NPPF para 49). Housing applications should be considered in the context of the presumption in favour of development. In this Council's case, the principal effect is that saved policy ST3 Development Limits no longer applies in relation to housing or mixed proposals.

CONSULTATIONS:

Curry Rivel Parish Council – recommend refusal of the application on grounds of over-development, sustainability, traffic issues and the fact that a footpath would be encompassed within the proposed development without due provision, as shown on the current plan. The Parish Council also wish to draw attention to local plan policy ST3 (inappropriate high density urban development within a rural community).

County Highway Authority - No objections subject to conditions.

Area Engineer - No flood risk to this site. Details of drainage proposals (SUDS) to be submitted for approval - condition required.

Environmental Protection Unit - No observations.

Somerset Wildlife Trust - condition ecological survey recommendations.

Ecologist - I'm satisfied with the scope of the 'Ecology Survey Report' (Michael Woods Associates, Jan 2013) and I generally agree with its conclusions. This didn't identify any particularly significant issues although the report recommends some precautionary measures to minimise risk of harm to legally protected species which could be endorsed by an informative. I also support measures for enhancement, detailed in the report and raised by Somerset Wildlife Trust in their response, which is encouraged by NPPF (para. 118).

Wessex Water - General comments made including that mains water crosses the site.

County Rights Of Way - General comments made.

District Rights of Way Officer reports verbally that the public right of way skirts the northern boundary and should be accommodated as part of the development.

Housing Officer - I see that the applicant is offering 50% affordable - I would still expect the tenure split 67:33, social rent: intermediate. I would require 8 units, 5 for social rent and 3 units for shared ownership/other intermediate products. This can include the new 'affordable' rent. I would expect the affordable units to be pepper potted throughout the site. I would suggest that the units are developed to blend in with the proposed house styles and would prefer the 1 beds to either be houses or to have the appearance of houses.

Sports, Arts and Leisure - requires a total contribution of £83,962 with an overall contribution per dwelling of £5,247, towards local and strategic facilities, including: equipped play space, youth facilities, changing room provision at Westfield Recreation Ground, contribution towards the provision of a new community hall in Curry Rivel; and Octagon Theatre, artificial grass pitches and sports hall at Huish Episcopi Academy, contributions towards development of an in-door swimming pool in Langport/ Huish area, and indoor tennis provision at Yeovil.

Open Spaces Officer - This development is too small to support its own open space and there is no existing open space in the vicinity I will not be seeking any contributions.

Landscape Architect - I note also that the site is well-enclosed by existing hedges to north and west, which adds to the enclosure of the site. An indicative layout is offered that appears logical. However, there are elements of the arrangement that cause a degree of concern:

- (a) The majority of the housing backs onto the visually important hedges bounding the site, which renders them vulnerable to the varying maintenance approaches, and possible removal, by future individual house owners. This needs to be remedied. A relocation of the open space into the northwest (west) corner is one option of reducing this possibility, and if landownership allows, keeping the hedge to the north in the adjoining field curtilage (and maintenance) will also assist meaningful retention.
- (b) There is a potential for housing mass to be obtrusive, as viewed from the north, and Heale Lane, a re-arrangement of layout, and attention to layout detail, heights relative to adjacent housing etc. can remedy this.

Consequently, if you are minded to approve, it may be advisable to divorce any consent from the current indicative layout.

Planning Policy - The proposal is located outside the development area set out in 'saved' policy ST3 of the Local Plan (adopted 2006). However, the Council currently only has a housing land supply of 4 years 10 months (as at March 2012). The National Planning Policy Framework (para 49) states that "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 housing land," thereby invoking the presumption in favour of sustainable development in the NPPF, para 14. An appeal decision (APP/R3325/A/12/2176355) at Chard in November 2012 held that policy ST3 should be afforded some weight as it is in line with the general thrust of the NPPF, but noted that due to the age of the local plan and lack of five year housing land supply, para 14 of the NPPF is a material consideration of substantial weight.

Para 14 of the NPPF states that where relevant policies in the development plan are out of date, permission should be granted unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or
- specific policies in the NPPF indicate development should be restricted.

It will need to be considered whether the adverse impacts would significantly and demonstrably outweigh the benefits of the additional housing that the proposal will deliver. A judgement on this, and the potential restriction of specific NPPF policies, should be made in light of the responses of consultees.

The proposal is located on the edge of Curry Rivel, which is identified as a village in saved policy ST2 of the adopted Local Plan. There are a reasonable range of services and facilities in the village, including a primary school, shops, post office, petrol station and pub, although these are located beyond a desirable walking distance from the proposal. There is a relatively regular bus service nearby (bus stop is 200m away as stated in the Design and Access statement), providing access to larger settlements with a wide range of jobs, shops, and services/facilities such as Yeovil, Street and Taunton.

The emerging Local Plan is at an advanced stage having recently (May-June) had the hearing sessions. The NPPF (para 216) states that, the more advanced the stage of preparation the greater the weight that may be given to emerging plans. Policy SS2: 'Development in Rural Settlements' in the emerging plan would apply to Curry Rivel, and strictly controls development in such settlements. The provision for 8 affordable dwellings (50% of total provision) is a key local benefit from the proposal. The Council is currently securing a suspension in the Examination to enable work to be carried out to address the Inspector's preliminary findings - although this extra work does not relate to Policy SS2, this policy can only be given limited weight at this stage given the current uncertainty as to the potential adoption date and content of the Local Plan.

Overall, the proposal is contrary to 'saved' policy ST3 of the adopted Local Plan but the current lack of a 5 year housing land supply means that there must be significant reasons to object to the scheme. Therefore, I do not raise a planning policy objection against the principle of development, subject to there being no significant adverse impacts raised by other consultees that would significantly and demonstrably outweigh the benefits of additional housing provision.

County Education Authority - verbal response to effect no contributions are sought.

REPRESENTATIONS

23 objections have been received concerned with:

- Site lies outside the settlement limits, precedent for the loss of many more such

fields.

- Policy ST3 is a true policy whose relevance is not diminished by passage of time and the fact that the adopted Local Plan ran only to 2011. In respect of its objectives, the proposed development will not necessarily benefit economic activity, is unlikely to maintain or enhance the environment, and may well foster an increase in the need to travel.
- Over development, small plot size, cramped and poor quality homes, out of keeping, too many houses, too high a density and new development is not needed.
- the total number of dwellings within the area referred to by the applicant's case would only be 50 dwellings, comprising - Hartland Court 14, Chatham Place 6, Chatham Rise 10, Burton Close 14 and Heale Lane 6. I do not believe, contrary to Mr Smith's view, this comparison had to be the defining influence on density.
- the Burton Close development was primarily within the curtilage of Orchard Cottage, Townsend and Little Elms, Heale Lane
- Surrounding properties are at a much lower density
- Royal Institute of British Architects guidance encouraging a case for space.
- No proven need for any large new housing developments in Curry Rivel
- The proposal appears to be driven by numbers
- The SHLAA estimated no more than 12 houses should be allowed
- The infrastructure is inadequate: sewerage and road drains, parking and lack of employment;
- Schools are struggling and more housing will add to the strain.
- Pressures on use of Langport surgery, and local drains
- Will negatively influence and diminish the quality of life and impinge on the space of existing residents.
- Curry Rivel is classed a rural settlement and should not be targeted for large scale developments
- The extra traffic will add to the already stressed country lane
- Access point uses the existing parking area
- Increase in residential users by just under 50% via Burton Close
- Entrance is dangerous and restricted by parked cars in the road
- Highway safety
- Increased traffic using Heale Lane to access Bridgewater; the land is very narrow, with numerous bends; used by numerous agricultural traffic, and as a rat run for commuting.
- Such ecological value as the site may have lies in its hedgerows, the reduction or removal of which (in the light of the proposed layout) would probably not only diminish any remaining ecological value but also increase the landscape impact of the development.
- The plan submitted for approval will have a negative impact on the Police and Crime Commissioner's ambitions.
- Loss of privacy
- A public footpath will be affected and should be kept in place
- There are already two large developments in Langport with unsold houses

APPLICANT'S CASE

“What is appropriate in this location? The area encompassing 1- 10 Chatham Rise, 1-22 Hartland Court, 1-15 Burton Close and 10-20 Heale Lane which surrounds the application site on the eastern and southern boundaries including the larger detached dwellings fronting Heale Lane has an area of 1.604ha. Even when the number of dwellings is reduced by the lack of number 13s in Hartland Court and Burton Place the density is still 32.2 dwellings per hectare if 21 & 22 Hartland Court

are taken out of the calculation. If Heale Lane frontage is excluded, which one might contend is reasonable, you will see that the adjacent density is over 36 dwellings per hectare. 16 dwellings on the application site, which is 0.49ha delivers a density of 32.65 dwellings per hectare. All that said I feel bound to observe that all this is all somewhat academic and surely one is bound to accept that there is no wide or significant difference in the density of the existing and proposed development, and the difference will be visually indiscernible.”

CONSIDERATIONS

Principle of Development

It is accepted that the site is located outside the defined development area of Curry Rivel, where residential development is normally strictly controlled by local and national planning policies. However in a recent appeal decision in relation to a residential development at Verrington Hospital in Wincanton (11/02835/OUT) a planning inspector concluded that SSDC cannot demonstrate a deliverable 5-year land supply as required by paragraph 47 of the National Planning Policy Framework (NPPF).

In such circumstances, the NPPF advises that policies for the supply of housing should not be considered up to date (para 49). Housing applications must therefore be considered in the context of the presumption in favour of development. Accordingly, policy ST3, which seeks to limit development outside settlement limits, can no longer be regarded as a constraint on residential development simply because it is outside development areas.

The Council's position in light of this decision is that sites outside, but adjacent to current settlement boundaries, may be acceptable in principle for residential development subject to there being no other significant objections on other grounds. This stance reflects two considerations. Firstly the development areas were drawn around the larger villages and settlements that were considered to be sustainable locations where development was seen as acceptable in principle.

Secondly it acknowledges that the emerging local plan designates Curry Rivel as a Rural Settlement where modest development maybe acceptable (policy SS2, Proposed Submission of Local plan, June 2112). It is not proposed to allocate sites at this stage; rather it would be a case of responding to each proposal on its merits. In this instance Curry Rivel is a larger village containing a variety of shops, services, facilities, and employment opportunities and is a sustainable location for appropriate residential development, commensurate with the status of Curry Rivel as a 'Rural Statement'.

It is considered that this position is consistent with the advice of the NPPF, which advises that where relevant policies are out of date, permission should be granted unless any adverse impacts of so doing would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or where specific policies in the Framework indicate development should be restricted. (NPPF para 37). This means that normal development management criteria will continue to apply in terms of landscape, historic environment, access, flooding, environmental damage, amenity etc. There is no automatic assumption that sites will be approved.

In this case it is considered that the development of up to 16 dwellings on this 0.5ha site would commensurate with the nature and status of Curry Rivel. Accordingly the principle of the residential development of this site should be accepted and the application therefore falls to be determined on the basis of its impacts.

Visual Amenity

The Planning Officer concurs with the applicant's description that the proposal represents a logical extension in as much as there is residential development at two boundaries, with Heale Lane providing a 'break point' thus containing development along the south western boundary. The proposal is considered 'rounds off' residential development at this point on the development boundary.

The objectors consider the proposal to be over development with a higher density than the adjacent sites. They refer to guidance issued by the British Architectural Institute, and the recent SHLAA figure(s) for the site that encourages a lower density. Both offer guidance rather than hard and fast rules when considering the planning concerns. Local Plan Policy HG4 is applicable in that it requires net densities of at least 30 dwellings per hectare. The agent in their emails dated 30 August and 8 September describes the densities in the locality to the effect that 32 dwellings per hectare is an acceptable figure without causing detriment to existing character. A visual appreciation of the densities within the locality tends to confirm that up to 16 dwellings within the application site may be possible without this having any significant impact on local character, however the final density would be considered at the reserved matters stage.

The illustrative layout although rejected as the basis for an eventual site layout indicates the possibility that an acceptable layout can be achieved with the need to accommodate the landscape, wildlife and public footpath issues identified by the current application for outline planning permission. It is always possible that a lesser figure will result having taken care to address the detailed finishes as part of an application for reserved matters.

Residential Amenity

There are two storey dwellings in Chatham Rise and single storey to the southeast boundary. While the illustrative layout suggests an acceptable scheme that would resolve any amenity issues it is anticipated that such details can be considered more fully when an application is received for reserved matters.

Highway Safety

Vehicular access is indicated to be taken from Burton Close, with an alternative pedestrian route via Chatham Rise. There is a sharp change in levels from Burton Close with the need for engineering works to provide a suitable incline. The outline application reserves access for future consideration.

Neighbour objections include concerns about the additional traffic added to an already stressed country lane and make the point that commuter traffic towards Bridgewater contributes to this. Whether or not the current site adds to this, the fact remains that every household in the locality has the potential to contribute to changes in local usage. Little weight can be attached to this particular concern without the matter becoming an issue for the Highway Authority. The Highway Authority raise no objection to the proposal.

Other Matters

All neighbour responses have been considered fully, mostly under the relevant sub-headings of the officer report. A number of concerns are not directly relevant to the planning considerations; namely, effect on house prices and the number of unsold properties within the locality. With regard to other issues the following observations are offered:-

- The public right of way remains and does not require to be re-directed with its detailed alignment provided for as part of the application for reserved matters.

- Other infrastructure concerns; namely, pressures on school places can be dealt with by contributions towards enlarged facilities. In this case the Education department does not request contributions for additional places. In the case of Langport Surgery their services would need to reflect local demand as pressures build.
- Curry Rivel is recognised to be a sustainable location and the lack of employment opportunity is not a reason to argue against the provision of additional housing. Likewise, there is no strict requirement for a proven need for the housing when we have to consider also the lack of a 5 year district wider housing land supply.
- A condition is proposed that seeks to address the need for further details of drainage in accordance with the requirement of the council's Area Engineer.
- There is no requirement for an EIA as the site area does not exceed 0.5 hectares (10(b) of schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011).

Planning Obligations

Should the application be approved a Section 106 agreement will be necessary to secure the following:-

- Contributions towards local and strategic outdoor playing space, sport and recreation facilities at a rate of £5,247per dwelling as requested by SSDC Leisure and Recreation;
- 50% of the dwellings as affordable homes with a tenure split of 67: 33 in favour of rented accommodation over other intermediate forms of housing;
- A monitoring fee based on 20% of the application fee.

Conclusion

The application site's location is beyond development limits although adjacent to the boundary of what is recognised to be a sustainable settlement. While the site may be some distance from the centre there are footpaths and the opportunity of accessing services within the community on foot. With no significant adverse impacts considered to arise from the proposal that would significantly and demonstrably outweigh the benefits of the additional housing the result is for there to be a presumption in favour of sustainable development to accord with the NPPF.

RECOMMENDATION

That application reference 13/02709/OUT be approved subject to:-

- a) The prior completion of a section 106 agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to ensure:-
 - Leisure and recreation contributions as follow, as requested by the Community, Health and Leisure Service:
 - Local facilities £54,031.38
 - Commuted sums in relation to the local facilities £9,986.17
 - Strategic facilities £19,113.30

To the satisfaction of the Assistant Director (Wellbeing)

- 50% of the proposed houses are delivered as affordable homes with a tenure split of 67: 33 in favour of rented accommodation over other intermediate forms of housing to the satisfaction of the Strategic Housing Manager.
- Provide for a S106 monitoring fee based on 20% of the application fee.

and

b) the following conditions:

Justification

The proposed development is of an appropriate density which can be developed in such a way as to safeguard the character and appearance of the locality without detriment to residential amenity or highways safety. Provision can be made for the appropriate drainage of the site and contributions have been secured towards the provision of sports, arts and leisure facilities to meet the extra demand that would be generated by the development. As such the proposal complies with saved policies ST5, ST6, TP1, TP4, HG4, CR2, CR4, ST10 and EU4 of the South Somerset Local Plan 2006 and the provisions of the NPPF.

SUBJECT TO THE FOLLOWING:

01. Approval of the details of the layout, scale, appearance, access and landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the provisions of S92 (2) Town and Country Planning Act 1990 (as amended by S51 (2) Planning and Compulsory Purchase Act 2004).

02. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (1:1250) received 4 July 2013

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

03. No development requisite for the development hereby permitted shall commence, before plans and particulars showing precise details of a satisfactory means of foul water and surface water drainage for this site, have been submitted to and agreed in writing by the Local Planning Authority. Any scheme as may be agreed in writing by the Local Planning Authority, shall be implemented commensurate with the development hereby permitted and made available for use prior to the occupation of the the first dwelling.

Reason: To enable the Local Planning Authority to secure a satisfactory means of foul and surface water drainage, in the interests of neighbour amenity, further to policy EU4 and ST5 of the South Somerset Local Plan and the NPPF.

04. The development hereby permitted shall comprise no more than 16 dwellings.

Reason: To ensure that the mitigation measures negotiated as part of the scheme hereby approved are commensurate with the development to be built in accordance with Policies CR3, ST5 and ST10 of the South Somerset Local Plan, 2006.

Informatives:

01. You are reminded of the concerns raised by the council's Landscape Architect with regard to the illustrative layout.
 02. Reserved matters should incorporate the recommendations made in section 7 of the Michael Woods Associates 'Ecology Survey Report', as well as other Sections in the report, particularly with regard to the landscaping.
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